

6:15

Cons. no 25294-G

ABO & FURUYA V. ROGERS

1957-1958

78/177

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TADAYASU ABO, et al., etc.,)	
Plaintiffs,)	
vs.)	
WILLIAM P. ROGERS, as Attorney General)	No. 25294
of the United States, etc., et al.,)	
Defendants,)	
and)	Cons. No. 25294-G
_____)	
MARY KANAME FURUYA, et al, etc.,)	
Plaintiffs,)	
vs.)	No. 25295
WILLIAM P. ROGERS, as Attorney General)	
of the United States, etc., et al.,)	
Defendants.)	

I, C. W. CALBREATH, Clerk of the United States District Court in and for the Northern District of California, do hereby certify that the annexed and foregoing is a true copy of excerpt of the original FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED PLAINTIFFS WHO HAVE BEEN DOCUMENTED OR RECOGNIZED AS UNITED STATES NATIONALS, made and filed in the above entitled cause on _____ and entered _____, with the name of _____, a plaintiff, remaining among the records of the said Court in my office.

By _____
Deputy Clerk.

1 Wayne M. Collins
2 Mills Tower
3 220 Bush Street
4 San Francisco 4, Calif.
5 Garfield 1-5827
6 Attorney for Plaintiffs.

ORIGINAL
FILED

Clerk, U.S. Dist. Court
San Francisco

7 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9
10 TADAYASU ABO, et al., etc., Plaintiffs, }
11 -vs- } No. 25294
12 WILLIAM P. ROGERS, as Attorney }
13 General of the United States, etc., et al., }
14 Defendants. }
15 and } Cons. No. 25294-G
16 MARY KANAME FURUYA, et al., etc., Plaintiffs, }
17 -vs- } No. 25295
18 WILLIAM P. ROGERS, as Attorney }
19 General of the United States, etc., et al., }
20 Defendants. }

21 FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED
22 PLAINTIFFS WHO HAVE SUBMITTED AFFIDAVITS IN LIEU OF ORAL TESTIMONY

23 This cause (originally consisting of companion suits Nos.
24 25294 and 25295 which had been consolidated under No. 25294-G)
25 being submitted to this Court, sitting without a jury, for decision
26 of the causes of certain individual parties-plaintiff hereinafter
27 named, pursuant to a written "Stipulation That Certain Plaintiffs
28 May Introduce Affidavits In Lieu Of Oral Testimony And That Entry
29 of Final Judgments Against Certain Defendants Will Not Be Opposed
30 In Such Cases" entered into between the parties hereto and filed
31 herein this date together with certain affidavits which are hereby
32 accepted in lieu of the oral testimony of affiants in accordance
with the provisions of such stipulation;

And it being conceded by counsel for certain defendants,
namely the Attorney General of the United States, and those under
his authority, that notwithstanding the proofs heretofore made
and offered in this cause, the representations set forth in such
affidavits, in the light of the decisions of the United States
Court of Appeals for the Ninth Circuit in the cases of Acheson v.
Murakami 176 F. 2d 953 and McGrath v. Abo 186 F 2d 766, among
others, remove any efficacious defense to the suits of such
parties-plaintiff, and such concession being consistent with the
Court's conclusion as to the effect of applicable law in the

1 Wayne M. Collins
2 Attorney at Law
3 Mills Tower, 220 Bush Street
4 San Francisco 4, California
5 Garfield 1-5827
6 Attorney for Plaintiffs

ORIGINAL
FILED
Clerk, U.S. Dist. Court
San Francisco

7 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9	TADAYASU ABO, et al., etc.,	} Plaintiffs,	} No. 25294
10	-vs-		
11	WILLIAM P. ROGERS, as Attorney General	} Defendants	} Cons. No. 25294-G
12	of the United States, etc., et al.,		
13	and		
14	MARY KANAME FURUYA, et al, etc.,	} Plaintiffs,	} No. 25295
15	-vs-		
16	WILLIAM P. ROGERS, as Attorney General	} Defendants	
17	of the United States, etc., et al.,		
18			

18
19 FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED
20 PARTIES-PLAINTIFF WHO HAVE BEEN DOCUMENTED OR RECOGNIZED AS
UNITED STATES NATIONALS

21 This cause (originally consisting of companion suits Nos.
22 25294-G and 25295-G, which have been consolidated under No. 25294-
23 G) being submitted to this Court, sitting without a jury, for
24 decision on the merits of the individual causes of certain parties-
25 plaintiff, hereinafter named, pursuant to a written "Stipulation Re
26 Judgment as to Certain Named Parties-Plaintiff Who Have Been Docu-
27 mented or Recognized as United States Nationals" entered into
28 between the parties hereto and filed herein this date; and it being
29 stipulated that, subsequent to their purported renunciations of
30 United States nationality pursuant to the provisions of Section
31 401(i) of the Nationality Act of 1940, as amended (former title
32 8 U.S.C., Section 801 (i)), during the calendar years 1944 and
1945, said plaintiffs have been documented or recognized as United
States nationals upon their applications duly made either to the
Department of State or to the United States Immigration and
Naturalization Service, and it being stipulated that such purported
acts of renunciation occurred while such parties-plaintiff were
resident at the Segregation Center of the War Relocation Authority
at Tule Lake, Newell, California; and the attorneys for the
defendant Attorney General and those acting under his authority
having withdrawn all offers of proof heretofore made herein with
respect to such parties-defendant and conceding that they have

1 made out a prima facie case for relief under the ruling of the
2 United States Court of Appeals for the Ninth Circuit in this cause
3 (McGrath v. Abo, 186 F 2d 766), such concession being consistent
4 with the Court's conclusions as to the effect of applicable law in
5 the circumstances; and formal findings of fact and conclusions of
6 law herein being waived; and the Court being advised that counsel
7 for such defendants will offer no objection to the entry of a final
8 order, judgment and decree on the merits of the causes herein, in
9 favor of the hereinafter specifically identified parties-plaintiff;
10 and there being no just reason for delay;

11
12 NOW, THEREFORE, pursuant to Section 503 of the Nationality
13 Act of 1940, as amended (former Title 8, U.S.C., Section 903)
14 which was, by Section 405 of the Act of June 27, 1952, 66 Stat.
15 280, effective December 24, 1952, continued in force and effect
16 for the purpose of this cause, and pursuant to the terms of such
17 stipulation,

18 IT IS ORDERED, ADJUDGED AND DECREED as and for a final order,
19 judgment and decree directed to be entered in this cause:

20 I.

21 That the plaintiffs hereinafter identified are and at all
22 times have been, natives, nationals and citizens of the United
23 States of America, and entitled to the rights and privileges of
24 such nationality and citizenship, notwithstanding their purported
25 applications for renunciation of United States nationality under
26 Section 401 (i) of the Nationality Act of 1940, as amended, their
27 purported renunciations of United States nationality pursuant
28 thereto and the approvals thereof given by the Attorney General,
29 all of which occurred during the calendar years 1944 and 1945,
30 A.D., and all of which are hereby declared to be, and at all times
31 to have been, null, void and without legal effect upon the status
32 and rights as nationals and citizens of the United States of any
such plaintiffs, whose names and birthdates are as follows:

NAME

BIRTHDATE

II.

That no costs shall be taxed by the Clerk to any party.

Done in open Court this _____ day of _____.

/s/ LOUIS E. GOODMAN

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

GEORGE COCHRAN DOUB, Assistant Attorney General
LLOYD H. BURKE, United States Attorney, and a Defendant
ENOCH E. ELLISON, Attorney, Department of Justice
PAUL J. GRUMBLY, Attorney, Department of Justice.

By: /s/ Charles Elmer Collett
Assistant United States Attorney
Attorneys for Defendants.