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Cons. no 25294-G

ABO & FURUYA V. ROGERS

1957-1958

78/177

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

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

CERTIFICATE OF CLERK

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.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at San Francisco, California this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_.

C.W. CALBREATH,  
Clerk,

By \_\_\_\_\_  
Deputy Clerk.

1 Wayne M. Collins  
Mills Tower  
2 220 Bush Street  
San Francisco 4, Calif.  
3 Garfield 1-5827  
Attorney for Plaintiffs.  
4  
5  
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ORIGINAL  
F I L E D

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,

-vs-

11 WILLIAM P. ROGERS, as Attorney  
12 General of the United States, etc., et al.,  
Defendants.

13 and

14 MARY KANAME FURUYA, et al., etc.,

Plaintiffs,

-vs-

15 WILLIAM P. ROGERS, as Attorney  
16 General of the United States, etc., et al.,  
Defendants.  
17

No. 25294

Cons. No. 25294-G

No. 25295

18 FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED

19 PLAINTIFFS WHO HAVE SUBMITTED AFFIDAVITS IN LIEU OF ORAL TESTIMONY  
20

21 This cause (originally consisting of companion suits Nos.  
22 25294 and 25295 which had been consolidated under No. 25294-G)  
being submitted to this Court, sitting without a jury, for decision  
23 of the causes of certain individual parties-plaintiff hereinafter  
named, pursuant to a written "Stipulation That Certain Plaintiffs  
24 May Introduce Affidavits In Lieu Of Oral Testimony And That Entry  
of Final Judgments Against Certain Defendants Will Not Be Opposed  
25 In Such Cases" entered into between the parties hereto and filed  
herein this date together with certain affidavits which are hereby  
26 accepted in lieu of the oral testimony of affiants in accordance  
with the provisions of such stipulation;

27 And it being conceded by counsel for certain defendants,  
28 namely the Attorney General of the United States, and those under  
his authority, that notwithstanding the proofs heretofore made  
29 and offered in this cause, the representations set forth in such  
affidavits, in the light of the decisions of the United States  
30 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  
31 others, remove any efficacious defense to the suits of such  
parties-plaintiff, and such concession being consistent with the  
32 Court's conclusion as to the effect of applicable law in the

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ORIGINAL  
FILED

Clerk, U.S. Dist. Court  
San Francisco

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

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

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