

25.15

NAKAMURA, TEX

NOTES

Ca. 1946

178/177

July 27, 1946.

Expense account - Trip to Los Angeles, California- July 20-July 26, 1946.

Transportation:

Gas & Oil--	\$ 9.46	
Bridge toll	.50	
Parking-Serv.	5.75	
Repair-car	4.47	
Airplane tic.	17.42	
Bus fare	2.30	
Tips to porter	<u>.50</u>	40.40

Meals	28.45
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Hotel rooms	25.25
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Miscellaneous	<u>8.54</u>
Total.....	<u>\$102.64</u>

Tex Nakamura

May 9, 1946.

Itemized lists of expenditures in connection with trip
to Los Angeles, California from period of April 26, 1946
till May 9, 1946--Re: Peruvians Japanese nationals.

April 26, 1946...Received from WMC cash.....\$150.00

Room rentals from 4/27 till 5/7.

11 days @ \$2.50 per nite.....\$27.50

Meals & tips for 13 days..... 52.50

Transportation Expense:

Taxis, car fare, auto exp.,

gas, oil, parking rentals to

& from Terminal Island--9 round trip 37.98

Long distance telephone calls 5.67

Western Union telegrams 2.90

Postages .64

Amusements 6.50

Miscellaneous, candies, etc 13.90

Train fare from L.A. to S.F. 24.58 \$172.17

Total advanced or paid by Tex Nakamura..... -22.17

Tex Nakamura

- | | | |
|---------------|------------------------------|--------|
| 1 | Zenyo Arakawa | — 1907 |
| 2 | Sakuro Arichi | 1921 |
| 3 | Isao Goto | |
| 3 | Eiji Furukawa | 1905 |
| 4 | Isao Goto | 1931 |
| 5 | Masaharu Hachimot | 1940 |
| 6 | Rikimatsu Hideshima | 1928 |
| 7 | Seisuke Kawashima | 1913 |
| 8 | Makio Kobayashi | 1919 |
| 9 | Toraichi Kono | 1905 |
| 9 | Genshiro Miyasaka | |
| 10 | Seiichiro Matsumoto | 1921 |
| 11 | Genshiro Miyasaka | 1917 |
| 12 | Kazuo Miyata | 1907 |
| 13 | Jenke Mitoma | 1907 |
| 14 | Yasutaro Miyazawa | 1908 |
| 15 | Hajiro Moriwami | 1904 |
| 16 | Seikitaro Nagai | 1910 |
| 17 | Dajun Ochi | 1941 |
| 18 | Hideo Oikawa | 1916 |
| 19 | Toshitake Toriye | |
| 19 | Takashi Sazame | 1907 |
| 20 | Toshitake Toriye | 1922 |
| 21 | Seichi Yokota | 1919 |

Hirai, Tom — visitor — 1928 —
married — U.S. children — 3 U.S. children
in S.F. at Inu

Marcus, Isao — illegal entrant — in transit
1931 — San Pedro — wife U.S. citizen — 2 child
— at Boston —

James — Hiroto Nabano — visitor — single
George — family visitor — en route to Canada

Shunichi Mierimi — seaman — married
U.S. citizen + child U.S.

Himi Yameda — visitor — 5 citizen children

Mr. O'Brien 788

D-3-B,

7/16/46

~~At the oral argument~~

During the oral argument on the motion to strike the Fortas letter Judge St. Sure indicated that he did not wish to have to try 1500 separate cases - that he thought that ~~Mr. Cooley and Mr. Collins~~ ^{would be able to} ~~agree on the facts of the cases and enter into a written agreement as to the facts and then submit the case to him.~~

Mr. Cooley was not willing to stipulate that the facts recited in the Fortas letter (admitting that all the renunciations were caused by the duress existing in the camp) were true. He was not willing to stipulate that the government or its agency, the WRA, was in anywise responsible for the duress that ~~was~~ was practiced in Tule. Mr. Collins argued that if the Fortas letter remained in the pleadings, as was proper, the government would have to admit the truth of the facts stated therein and that the case could then be determined on motions for summary judgment and on the ~~pleadings~~ pleadings - and in favor of the renunciations.

The position of the Government is that it would prefer ~~that only questions of law should be decided and that the questions of facts of duress should be sidetracked so that the facts of duress~~

^{the renunciations} that the facts of duress should be waived by us or that they should be sidetracked so that ~~the~~ the court would have to ~~pass only upon questions of law.~~ pass only upon questions of law. Mr. Collins refuses to waive the question of duress because if he did so and the questions of law were resolved against ^{you your citizenship} ~~the~~ ^{then} would be lost without the chance ~~of a person~~ being given to each person to prove that he or she renounced because of the duress. ~~if the facts of duress~~ If the duress issue were to be waived in this manner and the courts decided that

[Handwritten signatures and initials]

the renunciation statute was unconstitutional you would win both the ~~equity~~ habeas corpus and equity suits, that is to say, you would be ordered released from detention and your citizenship would be ~~restored~~ restored. If, however, the court held the renunciation statute was valid you would lose the equity suit, that is to say, you would lose your citizenship. But the court could still hold in the habeas corpus suit that even though the renunciation statute was valid your renunciations did not convert you into alien enemies but into ~~resident~~ resident noncitizens or resident stateless ~~persons~~ persons or into resident aliens *who were not* ~~and, therefore, not~~ subject to detention or to deportation. The court could hold, however, that ~~even~~ a renunciation converted a renunciant into a subject of Japan, that is, into an alien enemy, and that the Alien Enemy Act is still in force and that under its provisions a renunciant would be subject to deportation.

You will note that in the case of the Germans confined to Crystal City entitled "Citizens Protective League versus Clark" that the Court of Appeals for the District of Columbia held that the Alien Enemy Act is still in full force and effect and that it will remain so until a peace treaty is signed or Congress declares the war is at an end or until the President issues a proclamation to that effect.

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On July 10th Mr. Cooley who had just returned to Washington wrote Mr. Collins that the Attorney General could not agree to release all the renunciants at the present time. This does not mean that he will not release them, however. It is expected that an increasing number will be released by him.

The judge has stricken out the Fortas letter as an exhibit attached to the petitions and complaints and other allegations contained therein as well. By this method he evidently hopes to compel Mr. Cooley and Mr. Collins to

~~enter into some written agreement whereby the cases can be submitted to him for decision without the necessity of~~

~~either~~ ^{if a} mass trial or 1500 separate trials or hearings being required. It is apparent that it would take

years to try the cases, consequently you will see why the court is anxious to avoid trials as is the government. Mr.

Collins, however, is willing to try each case if necessary

and will insist on such a course rather than have any person's rights waived. He will try to obtain ^{in the habeas corpus cases,} ~~a ruling on the question of law whether~~

~~a ruling of law on the validity of detention without a hearing on the facts. If he obtains~~

^{a favorable ruling on this one} ~~the court would~~ order each person released and leave open

^{point} the court ~~would~~ order each person released and leave open the question of citizenship to be ^{decided} ~~later~~ later.

Inasmuch as it does not seem probable that Mr. Cooley

~~will be willing to agree that the Fortas letter recites the~~

truth on the cause of renunciations it is not likely that he and Mr. Collins will be able to enter into a written agreement as to all the facts necessary to allow the cases to be decided without hearings. ~~consequently~~ If the

Attorney General releases all the renunciants or the court orders their release in the habeas corpus cases on a special motion the citizenship issue can be decided in the following manner: a motion to dismiss the equity suits can then be made by the Government and, if granted, an appeal can be taken by the renunciants to the Ninth Circuit Court of Appeals and thereafter to the Supreme Court. On such an appeal the appellate courts would be called upon to determine all the legal and factual issues presented by the pleadings. They would determine as questions of law whether the renunciation statute and the Attorney General's regulations thereunder were unconstitutional or illegal, whether renunciation converts a renunciant into an alien enemy or not, and whether the allegations of duress set forth in the complaints and in the Fortas letter incorporated therein constitute a legal statement of duress which would authorize a cancellation of the renunciations. It is likely that the court may compel such an appeal to be taken. Obviously Mr. Collins wishes the Attorney General or the Court to release each renunciant before such an appeal becomes necessary.

None of you need have any fear of being deported. You cannot be deported while the cases are pending because court orders and agreements prevent deportation. The one thing ~~that~~ that is unfavorable to you at the present time is that you are being detained and your detention works hardships upon you and members of your families. Mr. Collins ~~is endeavoring to get you out of the country as soon as possible~~ continues to protect your interests and steadily endeavors to obtain ~~an~~ a release for each of you. Whatever he does or asks he does and asks for each and all of you. ~~without showing favor to any one at the expense of many others~~ You are all entitled to equal treatment in his eyes and he gives you equal treatment. He has never asked for anything for anyone of you that he hasn't asked for all of you.

It is Mr. Collins's opinion that each of you will yet be released either by the Attorney General or by the court.

The reason why the judge struck out the Fortas letter and other material contained in the pleadings was for the purpose of compelling the attorney for the Government to sit down with Mr. Collins and agree upon a statement of facts concerning the cases to be submitted to the judge for decision. Whether or not such an agreed statement of facts can be entered into remains to be seen - because the government wishes to evade the question of duress and Mr. Collins insists upon a stipulation as to the facts of duress.

The cases will come on again in court on motions to determine the detention issue and also the citizenship issue. You will be kept informed of the progress of the cases.

① Each came here for permanent residence

or
after arrival here decided to make the U.S.
his permanent residence and then gave up
any and all allegiance to Japan

Each then became a non-citizen but a
subject of the U.S. or a stateless person
and subject of the U.S.

② None had an attorney at his leaving by
the immigration authorities because he was
then in a W.R.C. camp - no attorneys were
available - therefore had no means of getting
an attorney and it would have been impossible
to try to get one.

Mamie

~~Yamaguchi~~ ~~Hiro~~ ^{Mifaru}
J. K. Kurokawa
Address - Rt 1 Box 37
Dinuba
~~Dinuba~~ California

~~Indemnity~~ no bond -

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