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No. 25294-S

ABO V. CLARK

Aug. 15, 1946

Amended complaint

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FILED

AUG 15 1946

With Clerk, U. S. Dist. Court
San Francisco

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

TADAYASU ABO, et al., etc.,

Plaintiffs,

No. 25294-S

-vs-

TOM CLARK, as Attorney General of the United States;
FRANK J. HENNESSY, as United States Attorney for the
Northern District of California, and, as such, the
head of the United States Department of Justice in
said District, et al., etc.,

Defendants.

AMENDED COMPLAINT TO RESCIND RENUNCIATIONS OF NATIONALITY,
TO DECLARE NATIONALITY, FOR DECLARATORY JUDGMENT
AND FOR INJUNCTION

Comes each of the plaintiffs above named complaining of the
defendants above named and for cause of action alleges:

I.

This suit arises under the laws and the constitution of the
United States and particularly under the provisions of the 14th
Amendment of the Constitution and the provisions of Title 8 USCA,
sec. 601(a), and Title 8 USCA, sec. 903, and Title 28 USCA, sec. 1331,
and this court has original jurisdiction to entertain the suit by
virtue of the provisions of Title 28 USCA, sec. 1331, Title 8 USCA,
sec. 903, and Title 28 USCA, sec. 1331. The matter in controversy,

1 exclusive of interests and costs, exceeds the sum of Three Thousand
2 Dollars as to each plaintiff.

3
4 II.

5 At all times herein mentioned the following named defendants
6 were and now are the duly appointed, qualified and acting United
7 States Government officers, as follows, to-wit: TOM CLARK, the
8 Attorney General of the United States; FRANK J. HENNESSY, the United
9 States Attorney for the Northern District of California and, as such,
10 the head of the U.S. Department of Justice in said District; ~~JAMES~~
11 ~~F. BYRNES~~, the Secretary of State; JOHN SNYDER, the Secretary of
12 the Treasury; ~~UGO CARUSI~~, the Commissioner of Immigration, of the
13 ~~U.S. Immigration and Naturalization Service~~; ~~IRVING F. WIXON~~, the
14 ~~District Director of and head of the U.S. Immigration and Naturaliza-~~
15 ~~tion Service, Department of Justice, for the Northern District of~~
16 ~~California~~; ~~JAMES E. MARKHAM~~, the Alien Property Custodian; ~~JULIUS~~
17 ~~A. KRUG~~, the Secretary of the Interior; ~~DILLON S. MYER~~, the Director
18 of the War Relocation Authority; ~~RAYMOND R. BEST~~, the Project
19 Director of the Tule Lake Center; and ~~IVAN WILLIAMS~~, the Officer-
20 in-Charge of the Tule Lake Center, Newell, Modoc County, California,
21 for the U.S. Department of Justice, Immigration and Naturalization
22 Service.

23 III.

24 Each plaintiff is a person of Japanese ancestry and at all
25 times herein mentioned has been and is domiciled in the United
26 States and has been and is a resident of the northern district of
27 California therein; each is a native-born American citizen and
28 national of the United States and subject to the jurisdiction
29 thereof; each is and ever since his or her birth in this country has
30 been and now is loyal and devoted to this country; none of them at
31 any time whatever has been and none is an alien enemy, an alien,
32 or a native, citizen, denizen or subject of Japan or of any hostile

1 or foreign nation, government or country; none at any time has been
2 and none is a danger to the public peace or safety and none at any
3 time has been accorded any hearing by the Government upon any charge
4 or accusation that he or she was or is such a danger and, on the
5 contrary, on December 17, 1944, effective as at January 2, 1945,
6 Major General H. Pratt, U.S.A., the military commander in command
7 of the Western Defense Command and Fourth Army, promulgated Public
8 Proclamation No. 21 which revoked the 108 mass "civilian exclusion
9 orders" theretofore issued by Lt. General John L. DeWitt, his
10 predecessor in said command, and revoked the restrictions theretofore
11 placed upon each plaintiff and all persons of Japanese ancestry
12 affected thereby; and on September 4, 1945, said General Pratt, as
13 such military commander, promulgated Public Proclamation No. 24
14 which rescinded "all Individual Exclusion Orders in Effect" as of
15 that date and removed all military prohibitions against the entry
16 and presence of plaintiffs and of all other persons affected thereby
17 within the West Coast Exclusion Zone; and each of said public
18 proclamations was an official executive finding, judgment and de-
19 cision that none of the ^{plaintiffs and other} persons affected thereby, ~~including each~~
20 ~~plaintiff herein~~, was hostile or dangerous to the security of the
21 United States of America.

22
23 IV.

24 Each plaintiff, contrary to his or her will and desire, and
25 in violation of the due process of law guaranteed by the 5th Amend^{ment}
26 ~~ment, is~~ ^{ment, is} unlawfully and unconstitutionally ^{was} interned and restrained
27 of his or her liberty for the purpose of deportation to Japan by
28 ~~the defendant, Ivan Williams as the Officer in Charge, United States~~
29 ~~Department of Justice, Immigration and Naturalization Service, at~~
30 ~~the Tule Lake Center, situated within the jurisdiction of this Court,~~
31 ~~at Newell, Modoc County, California, said defendant acting under~~
32 ~~the order or orders of the Attorney General of the United States;~~

1 and each ~~was~~^{was} interned by the defendants and ~~has been and is~~^{was}
2 scheduled for summary removal to Japan, as aforesaid, without
3 prior notice of such removal having been given each of them by the
4 Attorney General, and each is informed and believes and therefore
5 alleges that said defendants, acting under the orders of said
6 Attorney General and under a claim of color of authority of the
7 Alien Enemy Act, Title 50 USCA, sec. 21, and presidential Procla-
8 mation No. 2625, asserted^{ed} that each, by a purported renunciation of
9 United States nationality in 1945, became an alien enemy and subject
10 to such internment and removal.

11
12 V.

13 Solely because of his or her Japanese lineage, and unlawfully
14 and in violation of his or her rights, liberties, privileges and
15 immunities guaranteed him or her as a citizen of the United States
16 and as a person subject to its jurisdiction by the 4th, 5th, 6th,
17 8th, 9th, 13th and 14th Amendments of the Constitution, each
18 plaintiff, by the Government, pursuant to proclamations, commands
19 and orders of General John L. DeWitt, once Commander of the Western
20 Defense Command and Fourth Army, during the year 1942, first was
21 imprisoned in the immediate vicinity of his or her then home
22 situated within the geographical area embraced by the Western
23 Defense Command; then was excluded therefrom and was driven into
24 and imprisoned in a stockade called an Assembly Center; then was
25 transported to and was confined for approximately two years in a
26 concentration camp called a War Relocation Center and thereafter
27 was imprisoned in the Tule Lake Center, Newell, Modoc County,
28 California, said imprisonment having been continuous from 1942 to
29 ~~1945~~¹⁹⁴⁷ in barbed wire enclosures patrolled by armed guards while
30 the Government trained guns upon the internees, all without a charge
31 of crime or accusation of crime having been lodged against any of
32 them and without any hearing having been given them by the Government

1 on the reasons for such treatment; and the Government thereby
2 falsely branded them as disloyal and wrongfully attempted to repu-
3 diate them as citizens; and during the early part of 1945, at and
4 while so interned in said Tule Lake Center, each of the plaintiffs,
5 ~~many of whom are infants, and a few of whom then were and now are~~
6 ~~mental incompetents,~~ by reason of said mistreatment, signed an appli-
7 cation for renunciation of United States nationality, as provided
8 for by Title 8 USCA, sec. 801(1), and Sections 316.1 to 316.9,
9 inclusive, of the Nationality Regulations, ~~none of said applications~~
10 ~~has been approved by the Attorney General of the United States,~~
11 ~~and he has not issued an order approving any of them, as is required~~
12 ~~by Title 8, USCA, sec. 801(1) and Rule 316.7 of the Nationality~~
13 ~~Regulations, before such becomes effective,~~ and each of said pur-
14 ported renunciations is void and invalid for said reason.

VI.

17 In the early part of 1945 a hearing was accorded each plaintiff
18 upon such application for renunciation before a hearing officer
19 designated by the then Attorney General of the United States; said
20 hearing was wanting in each and all of the elements of a fair and
21 impartial hearing, and in the incidents thereof, guaranteed by the
22 6th Amendment, and deprived each plaintiff of the due process of
23 law guaranteed each by the 5th Amendment in that each plaintiff,
24 by said officer, then and there was deprived of the benefits of
25 independent advice and of the assistance of counsel in and about
26 said hearing, was denied the right to be confronted by any evidence
27 and to examine witnesses against him or her or to produce witnesses
28 in his or her behalf, albeit none of the plaintiffs waived his or
29 her rights thereto, and in that the hearing officer's recommendation
30 to approve each application was made, as was based all subsequent
31 action taken thereon, upon secret information and data which was
32 considered and given controlling weight by the hearing officer but

1 which was withheld, concealed and kept secret from each plaintiff,
2 as provided by the provisions of Section 316.6 of the said National-
3 ity Regulations; and at that time and at all times herein men-
4 tioned said Center was patrolled by armed guards and the Government
5 trained guns upon said Center and upon the ^{plaintiffs and all other} internees there confined;

6 The signing of said applications and the hearing held thereon,
7 as aforesaid, was designed by the Government of the United States
8 to cause and result in the detention and ^{removal} ~~deportation~~ of each signer
9 to Japan and of the removal of members of his or her family to
10 Japan and, consequently, to result in their continued detention for
11 an indefinite period of time which was to be followed by a mass
12 banishment of persons of Japanese descent from the United States,
13 which design and purpose at all times heretofore was withheld and
14 kept secret from the plaintiffs.

15
16 VII.

17 The defendants, and each of them, at all times herein mentioned
18 ~~have detained and now detain~~ plaintiffs, as aforesaid, and ~~have~~
19 treated and do still treat them as ^{aliens} ~~alien enemies~~, as aforesaid,
20 and have threatened and do still threaten to continue to hold
21 them, and each of them in duress, as aforesaid, and summarily to
22 remove each of them involuntarily and against their will and
23 desire and without their consent from the United States to Japan
24 and the defendants and each of them will continue to detain plain-
25 tiffs in said duress and to remove them to Japan, as aforesaid,
26 unless restrained and enjoined from so doing by order of this Court.

27 ~~VIII.~~ ^{VII}

28 The said provisions of Title 8 USCA, sec. 801(1), and Sections
29 316.1 to 316.9, inclusive, of the said Nationality Regulations,
30 and each of said provisions, and each of the aforesaid applications
31 for renunciation executed thereunder and the aforesaid purported
32 renunciations of U.S. nationality by each plaintiff, and the

1 provisions of Title 50 USCA, secs. 21 and 22, are, and each of them
2 is, unconstitutional, void and invalid on its face and also as
3 applied to each plaintiff for each of the following reasons, to-wit,
4 (1) for invading the right of each to be secure in his person, house,
5 papers, and effects against unreasonable searches and seizures
6 guaranteed by the 4th Amendment; (2) for depriving each of his
7 liberty and property without due process of law guaranteed by the
8 5th Amendment; (3) for holding each for an unspecified "infamous
9 crime" without a presentment of indictment of a grand jury in
10 violation of the 5th Amendment; (4) for depriving each of his
11 right to a speedy, public, fair and impartial trial and its inci-
12 dents guaranteed by the 6th Amendment; (5) for inflicting on each
13 a cruel and unusual punishment in violation of the 8th Amendment;
14 (6) for denying and disparaging rights vested in each and retained
15 by the people, in violation of the 9th Amendment; (7) for subjecting
16 each to slavery and involuntary servitude for punishment not for
17 crime upon which convicted but because of type of lineage, in vio-
18 lation of the 13th Amendment; (8) for depriving each of United
19 States citizenship and State citizenship conferred upon each by
20 reason of his birth in the United States by the 14th Amendment,
21 in violations of the 5th and 14th Amendments; (9) for denying and
22 abridging the right of each as a citizen to vote on account of
23 his or her race, color or previous condition of servitude, in vio-
24 lation of the 15th Amendment; (10) for being repugnant to the
25 provisions of Sec. 9 of Art. I of the Constitution prohibiting
26 bills of attainder and ex post facto laws; (11) for being contrary
27 to the common defense and general welfare clauses of Sec. 8 of
28 Art. I of the Constitution; (12) for being uncertain and for con-
29 taining an unconstitutional delegation of legislative power to the
30 Attorney General, in violation of the provisions of Sec. 1 of Art.
31 I of the Constitution; (13) for contain^{ing} an unconstitutional dele-
32 gation of judicial power to the Attorney General, in violation of

1 the provisions of Sec. 1 of Art. III of the Constitution; (14) for
2 being contrary to the provisions of Sec. 3 of Art. III of the
3 Constitution defining treason as consisting of levying war against
4 the United States, or in adhering to their enemies, giving them
5 aid and comfort, and forbidding the same; (15) for being contrary
6 to the provisions of Sec. 3 of Art. III of the Constitution pro-
7 hibiting the working of corruption of the blood or forfeiture for
8 the constructive treason of the remote ancestors of each; (16) for
9 being contrary to the provisions of Subdivision 2 of Art. VI of the
10 Constitution making the Constitution and the 14th Amendment con-
11 ferring and safeguarding citizenship by birth on each the supreme
12 law of the land; (17) and for depriving each plaintiff of each
13 and all of his aforesaid rights, liberties, privileges, immunities
14 and his implied rights of national and State citizenship as a
15 citizen of the United States and as a person subject to its juris-
16 diction in violation of the due process clause of the 5th Amendment;
17 and the aforesaid imprisonment, internment, duress in which each
18 plaintiff ~~has been and is~~ ^{was} held by the Government, as aforesaid, ^{now,}
19 ~~are~~ and each of said things is unconstitutional, void and invalid
20 for each and all of the aforesaid reasons.

21 AS AND FOR A SECOND AND SEPARATE CAUSE OF ACTION, PLAINTIFFS
22 ALLEGE:

23 I.

24 Plaintiffs incorporate herein paragraphs I to ~~VII~~ ^{VI}, inclusive,
25 of their first Cause of Action herein as if fully set forth in
26 this cause of action.

27 II.

28 The signing of the renunciation application by each plaintiff
29 was neither under oath nor real nor free nor voluntary but was
30 caused by and was the result of the duress in which each then and
31 there was held by the U.S. Government and the concurrent duress,
32 menace, coercion, fraud, undue influence and intimidation under

1 which each then and there was held and subjected to by the groups
2 and individuals, as hereinafter set forth.

3
4 III.

5 Commencing with their unlawful imprisonment in the vicinity of
6 their homes, as aforesaid, and continuously since then ~~to date~~, ^{to about the latter part of 1947} the
7 United States Government, acting by and through the War Relocation
8 Authority, a federal agency, and its agents, servants and employees,
9 and defendants, as the jailors, custodians and guardians of plaintiffs,
10 its wards, in violation of the due process of law guaranteed each
11 plaintiff by the 5th Amendment and in violation of the provisions
12 guaranteed each of them by the 4th, 5th, 6th, 8th, 9th, 13th and
13 14th Amendments, ~~has~~ unlawfully discriminated against the plaintiffs
14 and each of them and ~~has~~ unlawfully imprisoned them and members
15 of their immediate families and fraudulently ~~has~~ made and rendered
16 ~~and rendered~~ said imprisonment unjustly and unnecessarily prolonged,
17 harassing and oppressive in the following respects, among others,
18 to-wit:-

19 (a) Shortly following their evacuation, as aforesaid, it
20 demanded of each evacuee a false admission of prior allegiance to
21 Japan and, upon the refusal of any to make such an admission, it
22 incarcerated such person in said Tule Lake Center where it destined
23 such person for detention for an indefinite period of time and for
24 final deportation to Japan; ever since the early part of 1942, it
25 ~~has~~ falsely branded each plaintiff as ^{being} disloyal and hostile to the
26 United States and ~~has and does~~ wrongfully attempt ^{to} repudiate them
27 as citizens simply because of their Japanese ancestry, and said
28 mistreatment engendered hostility to them throughout the nation
29 and created in them a belief and great fear of being relocated in
30 this country where their lives and well-being would be endangered
31 by reason of the existence of said hostility to them; it has conti-
32 nuously deprived plaintiffs and each of them of all of their rights

privileges and immunities

including freedom of movement and the right to free access to their homes in the United States
including freedom of movement and the right to free access to their homes in the United States

1 of national and state citizenship, it has failed and refused to
2 accord them or any of them a hearing on the reasons for said impris-
3 sonment and treatment; it has regarded, classed and treated each
4 and all of them as being disloyal and as being alien enemies, in
5 1942 classifying all of them who were eligible for military service
6 as "4-C" under the Selective Training and Service Act of 1940,
7 including those among them who were honorably discharged veterans
8 of this war and those who were and are in the enlisted reserve;
9 in 1942 it denied all of them the right to perform military service
10 for this nation as well as to do work of national importance,
11 exacted their fingerprints from them, photographed them for
12 identification purposes as though they were alien enemies and, by
13 reason of said mistreatment, led them to believe and fear they
14 would be deported to Japan and that if they did not first relin-
15 quish U.S. nationality they would, upon arrival in Japan, be mis-
16 treated as being persons hostile to Japan; and

17 (b) At said Tule Lake Center from on or about October 1, 1945,
18 to on or about March 20, 1946, on at least twenty (20) occasions,
19 the said War Relocation Authority interfered with the confidential
20 privileged communication relationship existing between plaintiffs
21 and their counsel herein and denied them their right to counsel
22 by making and publishing recordings of long distance telephone
23 conversations had between plaintiffs in said Center and their
24 counsel in San Francisco; prior to the time of the aforesaid renun-
25 ciation hearings the U.S. Government, through the War Relocation
26 Authority, set up within the limits of said Center, and thereafter
27 until November, 1945, continuously maintained a special jail termed
28 "The Stockade" wherein it incarcerated innocent citizens detained
29 in said Center, without accusation of crime or wrongdoing on their
30 part and without hearings on the cause therefor at any time having
31 been afforded them and without allowing them the assistance of
32

1 counsel and there held hundreds of them incommunicado for various
2 periods of time ranging from a few hours to 360 days, all without
3 cause; that said practices were designed to instil and they did
4 instil in the plaintiffs and prisoner-evacuees confined to said
5 Center a great fear of the governmental power wielded over them
6 and said practices were parts and phases of the duress in which the
7 Government held the plaintiffs and all residents of said Center; and

8 (c) As part of the Government's systematic program of duress
9 in which it held the plaintiffs and all residents in said Center
10 the said War Relocation Authority, in violation of the 13th Amend-
11 ment, established and maintained ~~for the past four years~~ a slavery
12 and peonage system at said Center, in manner as follows, to-wit:-
13 it organized therein a club known as the "Recreation Club" for the
14 private and personal benefit of the Caucasian employees of said
15 War Relocation Authority to whom membership therein was restricted
16 and through such an instrumentality deliberately exploited hundreds
17 of persons of Japanese ancestry confined to its charge; each member
18 thereof paid to said Club the sum of \$30.00 per month for which the
19 said Club hired out to such member an internee to serve such member
20 in private employment and paid such internee therefor either the
21 sum of \$16.00 or \$19.00 per month, depending upon the character
22 of the service, for labor performed on a forty (40) hour week
23 basis, the remainder of the \$30.00 being retained by said Club with
24 the exception of \$3.75 which the War Relocation Authority required
25 the Club to pay such slave as a clothing allowance; and said practice
26 was designed to instil and did instil in the plaintiffs and inter-
27 nees there confined a great fear of the governmental power exercised
28 over them and was a part and phase of the aforesaid duress in which
29 they were held; and

30 ~~Following the commencement of this proceeding,~~ during
31 January and February, 1946, the Attorney General of the United
32 States summarily ordered ~~such~~ plaintiff and renunciant to show

1 cause why they should not be deported by him to Japan and each of
2 them was subjected to such a purported hearing or examination con-
3 ducted by hearing officers appointed by him; each requested of
4 such hearing officer the right and opportunity to the assistance
5 of counsel and the right to be represented by counsel thereat
6 but each, by him, was denied said rights and was denied reasonable
7 time and opportunity to prepare therefor and to obtain witnesses
8 and evidence in his or her behalf; neither plaintiffs nor witnesses
9 were sworn; the hearings were unduly brief; no adverse evidence
10 was offered against any of them and none was adduced showing
11 or tending to show that any of them was an alien enemy or hostile
12 or dangerous to the security of this country; at said hearings, as
13 also on the review by the Attorney General of the recommendations
14 made by such hearing officers following the conclusion of such
15 examinations, said officers and the Attorney General, in refusing
16 to recommend the ~~now~~ ^{then} detained plaintiffs for release from detention
17 and to release them, considered and gave controlling weight to
18 information contained in files and dossiers maintained by said
19 officer, the nature and contents of which were kept secret from
20 plaintiffs, and based such recommendations and refusals upon such
21 secret information and upon mere whim and caprice; said hearings
22 were arbitrary, unreasonable and oppressive in character and were
23 wholly unfair for said reasons and deprived each of them of the due
24 process of law guaranteed each of them by the 5th Amendment and
25 constituted a part and phase of the duress in which each plaintiff
26 ~~has been and is~~ ^{was} detained by the Government; and

27 (e) Ever ~~since~~ ^{sfta} the conclusion of said hearings the Attorney
28 General, over the protests of plaintiffs and their counsel, and
29 in violation of the provisions of the 4th Amendment and the due
30 process of law guaranteed by the 5th Amendment, ~~has~~ ^{was} denied and
31 ~~denied~~ plaintiffs their right to counsel and their right of con-
32 fidential privileged communications by subjecting plaintiffs' mail

1 to their counsel and their counsel's letters to them, to censorship,
2 and by posting censors and eavesdroppers to attend and listen to
3 the consultations and conferences plaintiffs have held with their
4 counsel in connection with this proceeding, and said interference
5 with and denial of said rights ^{was} is a part and phase of the duress in
6 which the Government ~~has~~ held ~~the~~ ^{has} plaintiffs; and

7 (f) While holding the plaintiffs in duress, as aforesaid,
8 the Government, through its agents, servants and employees and the
9 War Relocation Authority, further rendered said imprisonment unjustly
10 and unnecessarily harassing and oppressive by fostering, sponsoring
11 and allowing terroristic groups to operate in said Center and to
12 subject the plaintiffs to the duress, menace, fraud, undue influence,
13 coercion and intimidation practiced upon them by said groups which
14 concurrently caused the said renunciations, as hereinafter alleged;

15 (g) ^{After} ~~Since~~ the commencement of ^{a suit similar to this on March 13, 1945} ~~this proceeding~~, the Government
16 ~~has~~ made it a practice to permit aliens to leave said Center and
17 return to their former homes in this country while it ^{held} ~~holds~~ their
18 ^{plaintiffs} ~~children~~ who ~~have~~ signed renunciation applications for involuntary
19 removal to Japan and ^{compelled} ~~compels~~ the relocated members of their families,
20 including veterans of this war, to the choice of an involuntary
21 exile from the United States to Japan to accompany them to preserve
22 their family unity or to remain here separated from them;

23 (U) Neither the Government nor any of its agents, servants or
24 employees ~~has~~ subjected any similarly situated U.S. citizens of
25 other ancestry or extraction to the aforesaid ~~duress or any duress,~~ *or any like*
26 *mistrust and discrimination.*

27 IV.

28 By reason whereof the plaintiffs were led by the Government,
29 to believe and fear and they did believe and fear and had good
30 cause to believe and fear that the Government of the United States
31 classed, treated and viewed them as alien enemies and that it had
32 repudiated their citizenship and that it desired and intended to

1 deprive and had deprived them of citizenship and of their right to
2 defend this country and that it intended to imprison them for an
3 indefinite period of time and finally to remove and banish them and
4 their families and all like descended persons ~~from~~ the United States
5 to Japan, and that the signing of renunciation applications was a
6 matter commanded by the Government, compliance with which was
7 prerequisite to their right and that of their families to remain
8 united and in the protective security of said Center pending such
9 banishment, and that relinquishment of U.S. nationality by them
10 was necessary to save them from mistreatment in Japan following such
11 banishment, and that it was necessary to save themselves and their
12 families from physical harm and violence which was reigning in
13 civilian communities hostile to persons of Japanese ancestry and
14 which would have been unleashed against them were they or any of
15 them to be restored to civilian life in this country while the war
16 was raging; and

17 By reason of said governmental duress, concurrently with the
18 duress, fraud, menace, coercion, undue influence and intimidation
19 practiced upon each plaintiff and members of his or her family
20 by organized terroristic groups, as hereinafter set forth, each
21 plaintiff was kept in a constant state of fear, fright, mass
22 hysteria and terror and was deprived of freedom of will, ~~and~~ choice
23 *and desire* in and about the signing of his or her said application for renun-
24 ciation and was compelled by the Government against his or her will
25 and desire and without his or her consent to sign a fictitious
26 renunciation of citizenship, as aforesaid.

27 V.

28 In the latter part of 1944, at said Center, the War Relocation
29 Authority, a federal executive agency to the charge of which all
30 the evacuees in said Center, including each plaintiff herein, were
31 committed, adopted a policy of permitting and permitted organized
32 groups of internees at said Center to operate Japanese language

1 schools and to engage in and promote Japanese cultural activities
2 therein and, pursuant to said policy, sponsored and fostered said
3 educational and cultural movement; said groups so sponsored and fos-
4 tered, then and thereafter, until all the renunciation applications
5 herein mentioned had been executed, continuously operated therein
6 with the full knowledge and consent of said agency and under the
7 eyes and surveillance of its officers, agents and employees; said
8 movement developed into an innocuous appearing "innocents front"
9 organization which thereafter, by its organizers and leaders, all
10 of whom were fanatical aliens of Japanese nativity, was converted
11 into a pro-Japanese nationalistic movement; at the time of said
12 renunciation hearings it had developed into and was an active
13 terroristic movement; said groups had as their object and purpose
14 the compelling of each plaintiff and internee in said Center to
15 renounce U.S. nationality and to be removed to Japan; the real
16 nature, purposes and bent of said movement was concealed from the
17 plaintiffs and its inactive members who had joined it when it
18 appeared to them to be simple educational and cultural movement,
19 as aforesaid, and when its true nature and purpose were not
20 discernible; when the true nature and purposes thereof became
21 apparent many members thereof did not dare to protest the course
22 thereof or openly to resign therefrom because of the coercion of
23 said groups and for fear their own personal security and the
24 security of members of their families thereby would be endangered,
25 and many persons confined to said Center, ~~including a number of the~~
26 ~~plaintiffs herein~~, were compelled to join the same as nominal
27 inactive members for like security reasons.

VI.

Said groups engaged in a generalized campaign of lawlessness
and terror in said Center prior to and during the time of said
renunciation hearings and thereafter and, during said period of

1 time, maintained a veritable rule and reign of terror over plain-
2 tiffs, their families and internees residing in said Center and,
3 to accomplish their aforesaid object and purpose, among other things,
4 they preached and practiced sedition; they engaged in engendering,
5 developing and promoting loyalty to the cause of Japan, which cause
6 they notoriously espoused, by initiating Japanese-type military
7 drill, riots, mass exercises, bugling, wearing Japanese insignia,
8 emperor worship ceremonials and other purely Japanese nationalistic
9 activities designed to instil in the internees a devotion to the
10 militaristic regime in Japan; they endeavored by word and action,
11 to proselyte to the cause of the enemy the plaintiffs, their
12 families and other loyal internees there residing; they threatened
13 the plaintiffs and internees that if any of them talked to,
14 communicated with or associated with any of the Caucasians in and
15 about said Center those so doing would be assaulted by gangsters
16 and hoodlums commanded by them; they maintained an elaborate
17 system of black-listing and espionage over the plaintiffs and
18 internees in said Center; they threatened ^{and informed} plaintiffs that they
19 and their families were classed, treated and regarded by the
20 United States Government as alien enemies and that it had scheduled
21 them and their families for deportation to Japan and that upon
22 arrival in Japan they would be treated as being persons hostile to
23 Japan unless they first had relinquished U.S. nationality; they
24 threatened the plaintiffs, as did governmental announcements publicly
25 made just prior to the time said hearings were held in 1945, that
26 the deportation of each plaintiff and that of alien members of his
27 or her family, on an exchange ship, was imminent and impending and
28 that each would be deported in any event, and that if he or she
29 failed to sign an application for renunciation the security of
30 each and that of members of his or her family, upon arrival in Japan,
31 would be endangered because the leaders of said groups would report
32 them to the Japanese government as being dangerous alien enemies

1 to Japan and as being American spies and that they there would be
2 seized and punished as such; they threatened them that if any of
3 them succeeded in being relocated in civil walks of life in this
4 country their lives would be placed in jeopardy because of the
5 community prejudice and hostility there reigning against them be-
6 cause of their type of ancestry and informed them that there had
7 been innumerable acts of physical violence perpetrated against
8 persons of like ancestry who had been relocated in civilian communi-
9 ties where hostility to persons of Japanese ancestry was rampant;
10 they sent in spurious letters to the Department of Justice requesting
11 renunciation applications be forwarded to internees whose names they
12 signed to such requests and then informed the receivers of such
13 forms that the government required their renunciations; they main-
14 tained and operated schools in said Center to coach and did coach
15 the plaintiff victims of their deceit and coercion into giving
16 false answers to the questions the hearing officers were to propound
17 to them at the renunciation hearings; by threats and by preying on
18 fear of the circumstances in which all internees were held they
19 induced parents to exert pressure on their interned children to
20 join the groups to participate in their demonstrations and to execute
21 renunciation applications; they threatened, coerced and intimidated
22 plaintiffs and all other renunciants into signing such renunciation
23 applications by each and all of the aforesaid means and by means of
24 threats, displays, exhibitions and overt ^{acts and} demonstrations of force and
25 violence and by assaults on internees and by threats against their
26 lives and by threats of inflicting great physical injury upon them
27 and members of their families in the event he or she failed to obey
28 their mandates to sign such renunciation applications.

30 VII.

31 The United States Government, by and through the Secretary
32 of the Interior as the head of the War Relocation Authority to

1 whose charge plaintiffs and all internees in said Tule Lake
2 Center were committed by the Chief Executive at the time of said
3 renunciations, through the Hon. Abe Fortas, as the Under Secretary
4 of the Interior, on or about August 5, 1945, proclaimed, made
5 and published in the regular course of his official duties, concern-
6 ing facts of which he had official cognizance, an official executive
7 finding of fact, judgment, decision and report in writing, that
8 it was primarily due to the duress, fraud, menace, coercion, undue
9 influence and intimidation practiced upon each plaintiff and all
10 renunciants in said Center by the aforesaid groups that caused the
11 renunciation applications to be signed by each of the plaintiffs
12 and all other renunciants therein; and to supply substantial
13 allegations of fact essential to this cause of action each plaintiff
14 alleges that said official executive finding of fact, judgment,
15 decision and report is as follows:

16 "When Tule Lake became a segregation center, WRA adopted
17 a policy of permitting evacuees to operate Japanese language schools
18 and engage in Japanese cultural activities, in recognition of the
19 fact that many of the residents sincerely desired repatriation to
20 Japan and that children should be given an opportunity to become
21 acquainted with Japanese culture. Unfortunately this policy was
22 utilized as an entering wedge by a number of strongly pro-Japanese
23 evacuees for the formation of virulently pro-Japanese nationalistic
24 organizations. These evacuees were motivated chiefly by the desire
25 to attain standing in the eyes of the Japanese government and
26 obtain positions of leadership in the colony. To this end they
27 instituted Japanese-type military drill, mass exercises, bugling,
28 wearing of Japanese insignia, emperor worship ceremonials, pro-
29 Japanese demonstrations, and other purely Japanese nationalistic
30 activities designed not to serve any cultural purposes but to
31 instil in the Tule Lake people a fanatical devotion to the principles
32 of the militaristic regime in Japan. By preying on fear of Selective

1 Service they induced parents to exert pressure on their children
2 to join the organizations. In addition they resorted to intima-
3 tion, threats of violence and actual violence in coercing residents
4 to join the organizations and participate in their demonstrations.
5 It was primarily due to the pressure of these organizations that
6 over 80 per cent of the citizens eligible to do so applied for
7 renunciation of citizenship this past winter. When Department
8 of Justice representatives arrived at Tule Lake to conduct hearings
9 on applications, the organizations stepped up their demonstrations
10 and their pressures on the applicants."

11 VIII.

12 By reason of said rule of terror reigning over them and the
13 duress in which each was held each plaintiff believed in and feared
14 said threats of said terroristic groups would be carried into
15 execution against him or her and members of their families and that
16 he or she and his or her family would be exposed to physical violence
17 and probable loss of life if he or she failed to heed said threats
18 and to obey the mandates of said pressure groups and thereby was
19 compelled to sign and did sign ^{said} renunciation application against his
20 or her will and desire and without his or her consent.

21 IX.

22 At all times during said rule of terror imposed upon the
23 plaintiffs and internees in said Center the United States Govern-
24 ment, ~~and~~ its agents, servants and employees in charge of said
25 Center, ^{and the defendants} were aware of and knew of the purposes and activities
26 of said pressure groups and of the duress, menace, fraud, coercion,
27 undue influence and intimidation said groups practiced upon and
28 against plaintiffs, members of their families and other internees
29 there confined, but condoned the same and ^{was} responsible for,
30 and actually aided and abetted the same and ^{was} accessory thereto
31 by virtue of the facts of having sponsored and fostered the
32

1 activities of the aforesaid groups, by failing to prevent and to
2 stop the same, by failing to arrest and prosecute the leaders and
3 active members thereof, by failing to isolate and segregate such
4 criminal elements from the plaintiffs and other loyal internees,
5 by failing to take precautionary measures to prevent such rule
6 of terror, and by failing to protect plaintiffs against said
7 lawlessness and from harm from said sources, and to safeguard their
8 rights as American citizens.

9 After the aforesaid renunciation hearings had been concluded
10 the U.S. Government seized all the organizers, leaders and active
11 members of the aforesaid pressure groups and forcibly transported
12 them to other internment camps from whence all of them thereafter,
13 ~~since the filing of this proceeding, were~~ voluntarily ^{were} repatriated
14 to Japan by the Government; the duress, menace, fraud, coercion
15 and undue influence to which said groups subjected plaintiffs did
16 not abate until the last of said groups had been transported, as
17 aforesaid, and did not cease until the last of said group had been
18 repatriated to Japan.

19
20 X.

21 A total of 5,371 native born American citizens of 18 years
22 and upward, included in which number is each of the plaintiffs,
23 executed applications for renunciations of United States nationality
24 at said Center; each of them did so as the direct and proximate
25 result of any by virtue of the duress in which they then and there
26 and for a long period of time prior thereto had been held by the
27 U.S. Government, as aforesaid, and by virtue of the concurrent
28 duress, menace, fraud, undue influence and coercion of the afore-
29 said terroristic pressure groups operating therein, as aforesaid,
30 and against which the United States Government, its agents, servants
31 and employees, and particularly the said War Relocation Authority,
32 gave the plaintiffs and said renunciants no protection, as

1 hereinabove alleged.

3 XI.

4 That none of said renunciations was real, free or voluntary
5 on the part of any of the plaintiffs, but each was caused by and
6 was the proximate result of fear, fright, torment and terror induced
7 in each plaintiff's mind by virtue of the duress, menace, fraud
8 and undue influence to which each was subjected by the groups and
9 individuals, and the duress in which each was held by the Government,
10 as aforesaid, all of which operated to deprive and did deprive each
11 plaintiff of freedom of choice, will and desire in and about the
12 signing of such application for renunciation, and each of said
13 renunciations was and is false, fictitious, null and void by reason
14 thereof.

15 XII.

16 Prior to the time of the filing of this complaint each plain-
17 tiff, ~~twice in writing~~ notified the ^{defendant} Attorney General of the
18 United States, his agents and representatives, and the defendants
19 of the aforesaid duress which caused him or her to sign such
20 renunciation application and that he or she rescinded, revoked
21 and cancelled his or her said application for renunciation and
22 purported renunciation of United States nationality for the reasons
23 that the same was signed under duress, menace, fraud, coercion, ^{intimidation},
24 undue influence and mistakes of fact and of law, as aforesaid,
25 and informed him and them of the grounds and reasons on which
26 said rescission and revocation was based and made but said Attorney
27 General failed and still does fail to accept said rescission and
28 revocation; ~~in each of said notifications each plaintiff demanded~~
29 ~~of him and them, that he or she be discharged from said internment,~~
30 ~~detention and unlawful restraint upon his or her liberty, but the~~
31 ~~Attorney General of the United States, his agents and representatives,~~
32 ~~and the defendants failed and refused and do still fail and refuse~~

1 to release each and all of said plaintiffs from said internment,
2 duress, restraint and threatened deportation to Japan.

3
4 XIII.

5 The written orders, records and documents pertaining to each
6 of the plaintiffs in connection with the matters and things set
7 forth in this complaint are in the exclusive possession, custody
8 and control of the defendants and the Department of Justice; neither
9 the plaintiffs nor any of them know the nature or contents thereof
10 and none of them has had and none now has access thereto and the
11 same never have been made available to plaintiffs or any of them
12 or to their counsel and the same are now withheld from each of
13 them and their counsel by the defendants and said Department of
14 Justice.

15 AS AND FOR A THIRD AND SEPARATE CAUSE OF ACTION, PLAINTIFFS
16 ABOVE NAMED AS MINORS ALLEGE:

17 I.

18 Plaintiffs incorporate herein paragraphs I, II, III, V and
19 VI of their first cause of action herein, and paragraph XII of their
20 second cause of action herein as if fully set forth in this cause
21 of action.

22 II.

23 That each of the plaintiffs named in this cause of action was
24 either under the age of twenty-one (21) years at the time of signing
25 of said renunciation applications, or a mental incompetent at said
26 time, ~~said plaintiffs including the minors and mental incompetent~~
27 ~~plaintiffs appearing herein by next of friend and guardian ad litem~~
28 ~~and including many other plaintiffs who then were minors who since~~
29 ~~said time have attained their majority; and by reason of the said~~
30 ~~incapacity of said plaintiffs at the time of signing said renuncia-~~
31 ~~tion applications and also by reason of the aforesaid rescissions~~
32 and disaffirmances by them and each of them said alleged renunciations

② And the defendants, in particular, the ~~same~~ defendant Secretary of State, his consular agents, servants and employees in Japan, ever since then have and do still deny *and* ~~the plaintiffs in Japan their rights by making them~~ *deprive* the plaintiffs all their rights, privileges and immunities of United States nationality and citizenship and have and do discriminate against them and, in particular, in denying those plaintiffs were compelled to a choice of accompanying their alien parents and family members to Japan *and who went there under such compulsion* of their right of free access to their respective homes within the United States under the assertion that they are not citizens of the United States.

are of no legal force ~~whatsoever~~ and said plaintiff^s ever have been and still are citizens and nationals of the United States.

HEREFORE, the plaintiffs, and each of them, prays for the judgment and decree ~~of this court ordering~~

~~of this court ordering~~ of this court ordering,

adjudging, declaring and decreeing that his or her ~~in the~~

~~in the~~ ~~of this court ordering~~ ~~that he or she is not and never has been an alien or an alien~~

~~application~~ application for renunciation and renunciation

of United States nationality and citizenship ~~is declared~~

null, void and of no effect and ~~be cancelled~~ ^{canceling the same} and that any approval thereof made by the defendant Attorney General

or order issued by him approving the same, if any ever was

^{be ordered, declared up and} made, be cancelled and be declared null, void and of no

force and effect; that it be ~~adjudged~~ declared that he

or she is not and never has been an alien or an alien

enemy; that he or she be declared and adjudged to be a

native-born

national and citizen of the United ~~States~~ States and

the full and complete exercise and enjoyment of all his or her entitled to ~~all the~~ rights, privileges, liberties and

immunities of United States nationality and citizenship

free from interference therewith by the defendants,

their agents, servants and employees; and for an injunction

pendente lite and for a permanent injunction prohibiting the

defendants, their agents, servants, employees and ~~representative~~

representatives, from denying and depriving them or any of them

of their right to access to their respective homes within

the United States from abroad and of freedom of movement

within the United States, ~~and~~ its territories and possessions;

for a judgment declaring his or her rights in the premises

and for such other and further relief as may be just and for

costs.

from denying or depriving them, or any of them of their rights, privileges, liberties and immunities of United States nationality and citizenship and

Wayne M. Collins,
1701 Mills Tower,
San Francisco, 4, Calif.
Garfield 1-1218.
Attorney for Plaintiffs.

1 UNITED STATES OF AMERICA)
2 STATE OF CALIFORNIA) SS
3 COUNTY OF SAN FRANCISCO)

4 ~~Masaru Yamaichi~~, being first duly sworn, deposes and says:
5 That he is one of the plaintiffs in the foregoing amended complaint
6 named; that he makes this affidavit and verification thereof on
7 his own behalf as such a plaintiff and on behalf of each and all
8 the plaintiffs therein, ~~each of whom has authorized him so to do,~~
9 and because it is impracticable to have the same verified by each
10 of them by reason of their ~~detention,~~ their large number and the
11 long period of time which would be consumed to have such done, ~~and~~
12 ~~because of the shortness of time due to the threatened and imminent~~
13 ~~involuntary removal of plaintiffs, as alleged therein;~~ that he
14 personally knows the facts set forth therein which apply equally
15 to each and all of said plaintiffs; that he has read the foregoing
16 ~~amended~~ complaint and knows the contents thereof; that the same is
17 true of his own knowledge except as to the matters therein stated
18 upon information or belief and as to such that he believes it to
19 be true.

20
21 Masaru Yamaichi

22
23 SUBSCRIBED AND SWORN to before me
24 this ____ day of ~~August~~, 1946.

25 Notary Public in and for the County
26 of San Francisco, State of California.

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3
4 Service of and receipt of copies of the above and
5 foregoing ~~amended~~ complaint is hereby admitted and acknowledged
6 this 15th day of August, 1948, by each of the defendants.

7
8 TOM C. CLARK, Attorney General,
9 FRANK J. HENNESSY, U.S. Attorney,
Defendants.

10 By: _____

11 Assistant U.S. Attorney.

12 Attorneys for Defendants.
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