

16:25

YOSHIHARA, JOE KATSUMASA

1953-1962

78 / 177

c

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

American Consulate General  
Tokyo Bank Building (South Entrance)  
24 Kyo-machi, Kobe  
August 12, 1953

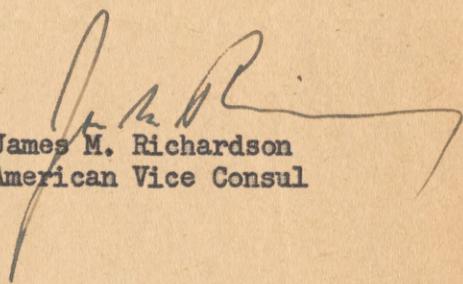
Mr. Joe Katsumasa Yoshihara,  
6598-1 Higashi-mura, Mukaishima,  
Mitsuki-gun, Hiroshima Ken.

Sir:

This office has completed the processing of your registration application executed here on **June 19, 1953**, and it has been forwarded to the Department of State at Washington for decision. It is not believed that a decision will be reached before approximately six months. It will not be necessary for you to write this office with regard to the status of your application. As soon as a decision has been made on your application, you will be notified promptly.

Very truly yours,

For the Consul:



James M. Richardson  
American Vice Consul

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

REGISTERED

American Consulate General,  
24 Kyo-machi, Ikuta Ku, Kobe,  
November 27, 1953.

Mr. Joe Katsumasa Yoshihara,  
6598-1 Higashi-mura, Mukaishima,  
Mitsuki-gun, Hiroshima Ken.

Sir:

There is forwarded herewith your copy of Certificate of the  
Loss of the Nationality of the United States executed here on  
August 12, 1953, and approved by the Department of State on  
October 26, 1953.

Very truly yours,

For the Consul General:

署名

  
James M. Richardson  
American Vice Consul

副領

封入物  
Enclosure:

Certificate of the Loss of the  
Nationality of the United States.

# QUADRUPLICATE

## CERTIFICATE OF THE LOSS OF THE NATIONALITY OF THE UNITED STATES

(This form has been prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940, 54 Stat. 1171.)

APPROVED BY  
DEPARTMENT OF STATE  
October 26, 1953

Consulate General 1004 of the United States of  
America at Kobe 2000 7/ Japan

ss:

*Sakumoto Yoshihara*

I, James M. Richardson, hereby certify that, to the best of my knowledge and belief,

Joe Katsumasa YOSHIHARA was born at Olympia,  
(Town or city) (Province or county)

Washington, on July 8, 1926;  
(State or country) (Date)

That he resides at 6598-1 Higashi-mura, Hakaishina, Mitsuki-gun, Hiroshima Ken, /;  
(Street) (City) (State) Japan

That he last resided in the United States at Olympia,  
(Street) (City)

Washington;  
(State)

That he left the United States on November 2, 1928;  
(Precise date should be given)

That he acquired the nationality of the United States by virtue of birth in the United States;  
(If a national by birth)

in the United States, so state; if naturalized, give the name and place of the court in the United States before which naturalization was granted and the date of such naturalization)

That he has expatriated himself under the provisions of Section 401 (c) of Chapter IV of the Nationality Act of 1940 by serving in the Japanese armed forces from April 1, 1945 to August 15, 1945 as a Japanese national, such nationality having been acquired at  
(The action causing expatriation should be set forth succinctly) birth;

That the evidence of such action consists of the following: His sworn statement of June 19, 1953.  
(Here list the sources of information)

and such documentary evidence as may be available concerning the action causing expatriation of the individual concerned)

In testimony whereof, I have hereunto subscribed my name and affixed my office seal this 12th day of August, 19 53.  
(Month)

[SEAL]

*James M. Richardson*  
(Signature)

James M. Richardson  
Vice Consul of the United States of America  
(Title of officer)

Service No. \_\_\_\_\_

No Fee Prescribed

(OVER)

The certificate should be executed in quadruplicate. Three copies thereof should be sent to the Department, one of which should be the original, and one should be retained in the files of the office in which it was executed. If the certificate is approved by the Department, approval will be shown by means of a stamp endorsement of each of the three copies signed by an appropriate officer of the Passport Division. The Department will then return one copy to the Foreign Service office at which the certificate was issued. Upon receipt of the approved copy of the certificate, the copy retained by the Foreign Service office will be delivered to the expatriate after the Foreign Service Officer has made a notation thereon that the certificate has been approved by the Department under the date of the stamp endorsement.

U. S. GOVERNMENT PRINTING OFFICE 16-41189-2



Letter to his  
father M.R. 1860

WAYNE M. COLLINS  
Attorney at Law  
Hills Tower, 220 Bush Street  
San Francisco 4, California

November 13, 1957

*Ono-michi-cho*

Mr. Joe Katsumasa Yoshihara  
Ono-Michi, Kubo-cho, 285 Banchi,  
Hiroshima Ken, Japan

Dear

Mr. Yoshihara:

The U.S. Supreme Court in Washington, D.C., recently heard re-arguments it had ordered to be made in three cases pending before it testing the law passed by Congress which provided that service by a U.S. citizen in a foreign army was an act of expatriation costing such persons loss of U.S. citizenship. A final decision and opinion probably will be handed down by the Supreme Court within the next three months time.

It is possible that the Supreme Court may decide in those cases that the U.S. law which provides that service in a foreign Army costs a U.S. citizen his U.S. citizenship may be void on its face or as applied for being contrary to the U.S. Constitution. It is also possible that it may decide that a U.S. citizen who was drafted into the armed forces of Japan during the war did not obey voluntarily but only under the compulsion and duress of the draft law of Japan which provided for punishment for violations of that draft law.

Therefore, until the U.S. Supreme Court decides the cases now pending before it and which it has taken under submission it is best that no immediate steps be taken by you to obtain a U.S. passport. If the Supreme Court decides the cases favorably it is possible that a U.S. Consul thereafter may issue a U.S. passport to you without further complications. Therefore, I suggest that you wait patiently until the Court decides those cases and I will notify you promptly of its decision and of its effect on your citizenship status and if it then becomes necessary for you to take legal steps to have your U.S. citizenship determined I shall inform you and proceed to take the necessary steps.

Very truly yours,

WAYNE M. COLLINS

ATTORNEY AT LAW

MILLS TOWER, 220 BUSH STREET

SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1-1218

Mr. Joe Lawrence  
1000 Broadway  
San Francisco, California

WAYNE M. COLLINS  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California

April 25, 1958

Mr. Joe Katsumasa Yoshihara  
Ono-Michi, Kubo-cho, 285 Banchi,  
Hiroshima Ken, Japan

Dear Mr. Yoshihara:

On March 31, 1958, the U.S. Supreme Court held in the case of Nishikawa v. Dulles that a U.S. citizen who served in the Japanese armed forces did not lose U.S. citizenship unless he was inducted voluntarily. It also held that the U.S. Government must prove by "clear, convincing and unequivocal evidence" that his induction into the Japanese armed forces was voluntary in order for him to lose his U.S. citizenship.

Because you feared that disobedience to the Japanese conscription laws would subject you to imprisonment for violating those laws you were compelled to obey the draft order, report for induction and be inducted. Therefore, your induction into and service in the Japanese armed forces was not voluntary but was coerced. You submitted to induction only because you feared that if you complained, resisted or disobeyed you would be sent to prison and also be mistreated by the Japanese military authorities and also by the Japanese people.

If the State Department can be convinced that you were inducted only because of your fear of punishment for failure to obey the Japanese draft laws they will reach the conclusion that you acted involuntarily and that you did not lose your U.S. citizenship by serving in the Japanese armed forces. It will be necessary to convince it, however, that you acted under coercion and that you did not voluntarily submit to induction. It may be convinced by your own statement and by the affidavits of others who may be acquainted with the facts relating to your induction that you acted involuntarily.

I am preparing an Affidavit which will be sent to you for reading, correction and approval. In addition I am preparing a Brief concerning your case which I shall submit to the Review Board of the Passport Office in Washington, D.C., asking it to reopen and reconsider your case in the light of the Supreme Court decision. As soon as the Affidavit is prepared I shall send it to you. In the meantime you should not apply to the U.S. Consul and you should not file any documents at that office.

Very truly yours,

May 29, 1958

Mr. Joe Katsumasa Yoshihara  
285 Banchi, Ono-machi,  
Kubo-cho, Hiroshima-ken, Japan

Dear Mr. Yoshihara:

Enclosed find an original and two copies of a proposed affidavit which I have prepared for you from the material and questionnaire that you sent to me. I would thank you to read the affidavit and if there are any errors contained therein I would thank you to let me know what those errors are immediately by airmail and I will prepare a new affidavit for you.

However, if the affidavit contains a true and correct statement of the facts, I would thank you to take the original affidavit to the nearest U.S. Consul and there sign it in the presence of the U.S. Consul and swear to it and have the Consul sign the same and attach his seal. Thereupon you should return the original affidavit and the two copies thereof, each containing your signature, to me and I will forward the material to the Passport Review Board in Washington, D.C., along with an appeal and Brief On Appeal from the Consul's previous denial to you of a U.S. passport and his issuance to you of a Certificate of Loss of U.S. Nationality. It is my belief that you are entitled to the issuance of a U.S. passport and that there is a likelihood that the Passport Review Board will order it to be issued after it reviews the appeal to which I will attach the affidavit that you return to me.

Very truly yours,

WMC:fd  
Encs.

Get

① All from grandparents

---

② From friends who advised  
no way to avoid  
consumption.

③ Get record re introduction  
into local population

---

Grandparents to  
take to a Veterinary Public  
& send it in to  
W. C. Wood & send it in

285 banchi, Kubo-cho, Onomichi-shi  
Hiroshima-ken, Japan

June 26, 1958

W. M. Collins Esq.  
Mills Tower, 220 Bush Str.  
San Francisco 4, Calif.

Dear Sir:

I am very much obliged to you for complying with my request of having you take necessary procedure for the revival of my American Citizenship and the issuance of a U. S. Passport.

In accordance with your indication enclosed herewith please find the original and two copies of the affidavit signed by the U. S. Consul at Kobe, attached by his seal, and, of course, with my own signature and my oath in the presence of the Consul.

Here-at I would thank you to go through the necessary formalities.

However, the only thing I am anxious about is an error on my present address in the affidavit which you kindly prepared for me.

error: 285 banchi, Ono-machi, Kubo-cho, Hiroshima-ken  
Japan

correct: 285 banchi, Kubo-cho, Onomichi-shi, Hiroshima-ken, Japan

A residence is changeable. That is the reason why I did not return the documents to you. If it is necessary, I can move my residence to another.

By the way, I have in Japan a family of several people to support, grandmother, my wife and children.

If fortunately I myself can return to my father and be an American citizen, I cannot leave them unattended to.

So, before everything, I wish I could visit my father to consult about the matter through your kind offices. Would you mind taking a necessary procedure for the issuance of a U. S. Passport for me?

Of course, if you don't agree this because of any anticipating trouble on the main object, please proceed the prescribed steps.

With all my gratitude and warmest wishes, I am,

Yours sincerely,

Joe Katsumasa Yoshikoro

July 16, 1958

Mr. Joe Katsumasa Yoshihara  
285 Banchi, Kubo-cho, Onomichi-shi  
Hiroshima-ken, Japan

Dear Mr. Yoshihara:

If your grandfather in Japan to whom you were sent by your parents when you were three years of age is still alive an affidavit in substance as follows from him might be of material benefit to you in establishing that your service in the Japanese army was involuntary and against your will:

"My name is ..... and I reside at .....  
....., ....., ..... I am the grandfather of  
Joe Katsumasa Yoshihara who was sent to me by his parents when he  
was approximately three years of age. When he was 14 years of age  
before the war broke out on December 7, 1941, he wanted to return  
to the United States to his father but not having the fare was  
unable to do so and I was not able to advance his fare at the time  
and did not realize that a war was impending. I insisted that he  
must finish his schooling before he returned to his father in the  
United States. We were then living at Mukai Shima, Higashi Mura,  
Hiroshima Ken.

"About February of 1945 when my grandson was 18 years of age  
he received a notice to report to the military authorities at the  
Higashi Mura Shogakko for a physical examination. He did not wish  
to report for that examination or to serve in the Japanese army  
because he was an American citizen. I told him that he must obey  
the notice or else the police authorities or the military authori-  
ties would take him into custody and punish him very severely and  
the fact that he was a United States citizen would not relieve him  
from punishment because he was a dual national and under the laws  
of Japan must obey the law of Japan or be punished. He realized  
that if he disobeyed the order he would be severely punished. In  
consequence he was forced to appear for his physical examination.

"Sometime about May of 1945 my grandson received a notice to  
report for induction into a labor battalion of the Japanese army  
at Mukai-shima. My grandson did not wish to report for induction  
and told me that he was an American citizen and did not see how  
he could be compelled to serve in the Japanese army. I told him  
that because he was a dual national and under the laws of Japan  
must obey the law of Japan or the police would seize him and punish  
him severely and send him to prison or the military authorities  
would seize and mistreat and abuse him and that if he resisted the  
military authorities that he might be shot. My grandson was fear-  
ful of such mistreatment but nevertheless did not wish to be con-  
scripted because he was a U.S. citizen and loyal to the United  
States. He said that he would try to get a deferment and that if  
he got the deferment he believed he could stall being conscripted

until the Allies won the war and then he would not have to serve in the Japanese army. I told him that there were no grounds for a deferment because he was a dual national and that if he attempted to get a deferment he might be punished severely by the Kempeitai or military authorities because he had no good ground for deferment. I also told him that if he failed to report for induction the Kempeitai not only would see that he was punished severely but would also punish me for having custody of my grandson who was disloyal to Japan. Because he feared severe punishment for violation of the induction notice he was compelled to obey that notice and to receive military training which consisted of his being compelled to do manual labor in digging holes in Wakamatsu-shi in Kyushu. He was only 19 years of age at the time he was inducted and also released from service.

\_\_\_\_\_  
 (signature)  
 (name)

Subscribed and sworn to before me  
 this \_\_\_\_\_ day of \_\_\_\_\_, 1958.

\_\_\_\_\_  
 (Notary Public's signature)  
 Notary Public in and for ..... "  
 (SEAL)

If your grandfather is alive he could make such an affidavit for you. In the event that your grandfather has passed away it is likely that your grandmother could make such an affidavit and could state that her husband (your grandfather) passed away on such and such date. If such an affidavit is obtained by you it should be taken before a notary public in Japan and there signed by your grandfather (or your grandmother in the event that your grandfather has passed away) and sworn to, or it can be taken to and signed and sworn to before a U.S. Consul. I believe that such an affidavit would be of material assistance to you in convincing the State Department that your service in the Japanese army was involuntary. Please advise me by return airmail whether or not you can obtain such an affidavit from either your grandfather or grandmother or both of them.

I would also thank you to let me know whether or not you can obtain any record that you were inducted into the labor battalion of the Japanese army. If you can, I would thank you to obtain the same and send it to me.

Very truly yours,

WAYNE M. COLLINS  
ATTORNEY AT LAW  
MILLS TOWER, 220 BUSH STREET  
SAN FRANCISCO 4, CALIFORNIA  
TELEPHONE GARFIELD 1-5827

January 16, 1959

Board of Review  
Passport Office  
State Department  
Washington, D.C.

Gentlemen:

In re: Joe Katsumasa Yoshihara

Enclosed find original and two copies of appeal of Joe Katsumasa Yoshihara and motions to reopen and reconsider his application for a U.S. passport accompanied by affidavit in support thereof.

Very truly yours,

WMC:cw  
Encs.

(VIA AIRLETTER)

WAYNE M. COLLINS  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California

January 19, 1959

Mr. Joe Katsumasa Yoshihara  
285 Banchi, Kubo-cho, Onomichi-shi  
Hiroshima-ken, Japan

Dear Mr. Yoshihara:

Your appeal has been filed with the Board of Review of the Passport Office, State Department, Washington, D.C. It will take several months for that Board to make a decision in your case. In the meantime I suggest that you obtain from your grandfather an affidavit in form and substance as that outlined in my letter to you of July 16, 1958. His affidavit should be sworn to by him before a nearest U.S. Consul and the original returned to me as soon as possible.

I believe the affidavit of your grandfather will be of material assistance to you in recovering your U.S. citizenship. Therefore, I urge you to obtain that affidavit from him and to airmail the same to me immediately.

Very truly yours,

WMC:ss



DEPARTMENT OF STATE  
WASHINGTON

In Reply Refer to: 130- Yoshihara, Joe Katsumasa  
BOARD OF REVIEW  
PASSPORT OFFICE

January 26, 1959

Dear Mr. Collins:

With reference to your letter of January 16, 1959, concerning the citizenship case of Joe Katsumasa Yoshihara, you are informed that the case of Mr. Yoshihara has been entered on the docket of the Board and will be considered as soon as its turn is reached. You will be advised of the decision of the Board.

Sincerely,

*Willis H. Young*  
Willis H. Young  
Chairman, Board of Review  
on the Loss of Nationality

Mr. Wayne M. Collins,  
Attorney at Law,  
Mills Tower, 220 Bush Street,  
San Francisco 4, California.



DEPARTMENT OF STATE  
WASHINGTON

In Reply Refer to: 130 - Yoshihara, Joe Katsumasa  
BOARD OF REVIEW  
PASSPORT OFFICE

March 31, 1959

Dear Mr. Collins:

With reference to your letter of January 16, 1959, concerning the citizenship case of Joe Katsumasa Yoshihara, you are informed that the Board of Review on the Loss of Nationality has considered the appeal of Mr. Yoshihara in the light of the decision of the Supreme Court in the case of Nishikawa v. Dulles and has reversed the previous administrative decision that he expatriated himself. The American Consul General at Kobe-Osaka, Japan, is being authorized to provide Mr. Yoshihara with a passport valid for travel to this country upon his application therefor if no adverse reason is known.

Sincerely,

Willis H. Young  
Chairman, Board of Review  
on the Loss of Nationality

Mr. Wayne M. Collins,  
Attorney At Law,  
Mills Tower, 220 Bush Street,  
San Francisco 4, California.

WAYNE M. COLLINS  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California

(VIA AIRMAIL)

April 2, 1959

Mr. Joe Katsumasa Yoshihara  
285 Banchi, Kubo-cho, Onomichi-shi  
Hiroshima-ken, Japan

Dear Mr. Yoshihara:

On January 19, 1959, I notified you by airletter that I have filed your appeal with the Passport Office of the State Department and I also asked you to obtain from your grandfather an affidavit in form and substance as that outlined in my letter to you of July 16, 1958, and that his affidavit should be signed and sworn to before a U.S. Consul and then return to me as soon as possible.

Inasmuch as the affidavit from your grandfather will be of material assistance to you in obtaining clearance I would thank you to obtain the same as soon as possible.

If you will notify me of the name and address of your grandfather I will prepare another affidavit for him to sign.

Very truly yours,

WMC:ss

cc: Kono

(VIA AIRMAIL)

April 2, 1959

Mr. Toraichi Kono  
301 Wada Building  
Nakajo-machi  
Hiroshima, Japan

Dear Mr. Kono:

✓ I am enclosing a copy of a letter I sent to Joe Katsumasa Yoshihara, 285 Banchi, Kubo-cho, Onomichi-shi, Hiroshima-ken, Japan.

I would thank you to communicate with him and ask him whether he has obtained an affidavit from his grandfather. If so, it should be signed and sworn to by the grandfather before the nearest U.S. Consul and return it to me as promptly as possible because Mr. Yoshihara's appeal is now pending for decision with the Board of Review of the Passport Office.

Very truly yours,

WMC:ss  
Enc.

(VIA AIRLETTER)

WAYNE M. COLLINS  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California

April 6, 1959

Mr. Joe Katsumasa Yoshihara  
285 Banchi, Kubo-cho, Onomichi-shi  
Hiroshima-ken, Japan

Dear Mr. Yoshihara:

The appeal I took in your behalf to the Board of Review of the Passport Office has been successful. I am in receipt of a letter dated March 31, 1959, informing me that the Board of Review of the Passport Office, Department of State, has concluded that you did not expatriate yourself by reason of your military service or by voting in Japanese elections and that it is notifying the American Consul General at Kobe-Osaka, Japan to provide you with a United States passport valid for travel to the United States. It will not be necessary for you to obtain an affidavit from your grandfather as requested in our letter of April 2, 1959.

I suggest therefore that you communicate with the American Consul General in Kobe-Osaka which will provide you with a U.S. passport as soon as that Consul General receives the instructions from the Board of Review of the Passport Office. It is likely that the Consul General will be notified by regular mail instead of by airmail. However, the Consul General ought to be able to issue the passport to you by the first of May. I am delighted that the appeal taken on your behalf has been successful.

When the passport is issued to you I would thank you to let me know and also let me know the address to which you intend to return to the United States.

Very truly yours,

WMC:ss  
cc: Toraichi Kono

Locate &  
send bill

Balance \$800

~~zxexhxhxhx~~

c/o H. Yoshihara  
120 S.W. Madison St.  
Portland, Oregon

MR  
8/9/60

500<sup>00</sup>

5x8 made

May 12, 1960

Mr. H. Yoshihara  
120 S.W. Madison St.  
Portland, Oregon

Dear Mr. Yoshihara:

I would thank you to inform me of the present address of your son, Joe Katsumasa Yoshihara, whose citizenship I recovered on March 31, 1959, and who informed me that he intended to return to your residence.

Very truly yours,

WMC:ss

DATA SHEET

Portland  
ph/bk

Name: YOSHIHARA, Joe Katsumasa

Judgment: \_\_\_\_\_  
(Date & kind)

Address: \_\_\_\_\_  
\_\_\_\_\_

Card: \_\_\_\_\_

Folder: \_\_\_\_\_

11/8/60

DP to check on address  
when on trip to Portland

Address Information:  
(Phone bk., C/D, etc.)

Portland

Letters, contact, judgment  
order, etc.:

Try Id to

12/8/60

gave iss  
father's  
address  
below  
which  
a M.R.  
address

Juro Yoshihara

228  
Rt 1, Box 153

Ontario

Oregon

Payment information, billing:

not in Portland C/D 2/1/61

Cross reference:

Step-mother: citizen  
Chiyoko Yoshihara

Father: Hideichi Yoshihara <sup>Harry</sup>  
120 S.W. Madison St.  
Portland, Oregon (M.R.) 8/9/60

(Died)  
2/9/62

Send Id to

father

Hideichi Yoshihara

8/2/61 Jack C Yoshihara

plb 729 N. E. 91st Ave

no answer Portland

In 7/16/61  
2/10/61  
12/60-10/30/61

WAYNE M. COLLINS  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California  
GARfield 1-5827

December 2, 1960

*Answered*

Mr. Taro Yoshihara  
Rt. 1, Box 153  
Ontario, Oregon

Dear Mr. Yoshihara:

I would thank you to let me know the present address  
of Mr. Joe Katsumasa Yoshihara  
so that final papers concerning his citizenship status  
may be transmitted to him. Please use the enclosed card  
and self-addressed envelope for your reply to me.

Very truly yours,

*W.M. Collins*

T. Yoshihara  
Rt. 1 Box 228  
ONTARIO, OREGON

Dec. 5, 1960

Look in phone  
book  
or send  
Id

Mr. Wayne M. Collins  
San Francisco, Calif.

Dear Mr. Collins,

I have received your letter of Dec. 2, 1960  
inquiring the address of Joe Katsumasa Yoshihara.  
Although having the same name, I do not know  
of such person. I do know a Mr. Hideichi Yoshihara  
120 S.W. Madison St., Portland, Oregon. He is  
an elderly person and he may know of such  
person.

Father  
of  
Joe K.  
Yoshihara  
MR 8/60

I wish you lots of luck in locating him.

Yours Very Truly  
Taro Yoshihara

WAYNE M. COLLINS  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California  
GARfield 1-5827

January 12, 1961

*no answer*

Mr. Chiaki Yoshihara  
729 N.E. 91st Ave.  
Portland, Oregon

Dear Mr. Yoshihara:

I would thank you to let me know the present address  
of Mr. Joe Katsumasa Yoshihara, son of Hideichi Yoshihara  
of Portland whose mail has been returned from 120 S.W. Madison St.  
so that final papers concerning his citizenship status  
may be transmitted to him. Please use the enclosed card  
and self-addressed envelope for your reply to me.

Very truly yours,

*W.M. Collins*

WAYNE M. COLLINS  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California  
GARfield 1-5827

February 17, 1961

(← did  
2/9/62)

but - MR 8/6/60  
This letter no MR

Mr. Hideichi Yoshihara  
120 S.W. Madison St.  
Portland, Oregon

Dear Mr. Yoshihara:

I would thank you to let me know the present address  
of your son, Joe Katsumasa Yoshihara  
so that final papers concerning his citizenship status  
may be transmitted to him. Please use the enclosed card  
and self-addressed envelope for your reply to me.

Very truly yours,

W. M. Collins

August 2, 1961

*No answer*

Mr. Jack C. Yoshihara  
729 N. E. 91st Avenue  
Portland, Oregon

Dear Mr. Yoshihara:

If you are acquainted with the present address of MR. JOE KATSUMASA YOSHIHARA, born July 8, 1926, in Olympia, Washington, or the address of his father, MR. HIDEICHI YOSHIHARA whose last known address was 120 S.W. Madison St., Portland, Oregon, I would thank you to fill in the enclosed card and mail it back to me promptly in the self-addressed stamped envelope also enclosed.

Very truly yours,

WMC:ss  
Encs.

October 16, 1961

*answered*

Mr. Taro Yoshihara  
Rt. 1, Box 228  
Ontario, Oregon

Dear Mr. Yoshihara:

I would thank you to send me the present address of Mr. Hideichi Yoshihara whose last known address was 120 S.W. Madison St., Portland, Oregon.

I am enclosing a card and a self-addressed stamped envelope for your reply to me.

Very truly yours,

WMC:ss  
Encs.

Dec. 8, 1961

Mr. Joe Katsumasa Yoshihara  
285 Banchi, Kubo cho, Onomichi-shi  
Hiroshima, Japan

\$500

2/10/62



JAPANESE AMERICAN DAILY

San Francisco 19, Calif. Business: WAlm

### PORTLAND HOTELMAN SWEEPED TO DEATH BY WAVE ON FISHING TRIP

PORTLAND, Feb. 9—Hideichi Yoshiwara, 61, operator of the Milton hotel at 120 S. W. Madison st., was swept to his death last Wednesday while on a fishing trip to the mouth of the Columbia river.

The local hotelman had gone earlier in the day with two friends, Miura and Inahara, to the coastal area, 100 miles from Portland.

The accident happened about 12 noon when a big wave swept over a rock from which Yoshiwara was fishing and dragged him out to sea. His two companions were unable to help, but rushed to a nearby U. S. guard station to call for aid.

A search for his body continued throughout the afternoon and at about 5:30 p.m. it was located on the beach near the scene of the tragedy.

### STRONG FIGHT TO BE WAGED AGAINST U. S. COTTON TEXTILE FEE

By GEORGE WEEKS  
(UPI Staff Correspondent)

WASHINGTON, Feb. 9—(UPI)—  
Japanese officials expressed confidence Thursday that imposition of an 85-cent-a-pound equalizer

WAYNE M. COLLINS  
ATTORNEY AT LAW  
MILLS TOWER, 220 BUSH STREET  
SAN FRANCISCO 4, CALIFORNIA  
GARFIELD 1-5827

┌  
Mr. Joe Katsumasa Yoshihara  
c/o Mr. H. Yoshihara  
~~120 S.W.~~ Madison St.  
Portland, Oregon

STRANDEE

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FOR PROFESSIONAL SERVICES

Corrected BALANCE \$500.00

WAYNE M. COLLINS

ATTORNEY AT LAW

MILLS TOWER

220 BUSH STREET

SAN FRANCISCO 4

CALIFORNIA

*Ho* *Clear*

BEFORE THE BOARD OF REVIEW OF THE PASSPORT OFFICE  
OF THE STATE DEPARTMENT

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In re: JOE KATSUMASA YOSHIHARA, }  
Appellant. }

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*Clear*

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APPEAL FROM CERTIFICATE OF LOSS OF UNITED STATES NATIONALITY,  
MOTION TO REOPEN AND RECONSIDER APPLICATION FOR UNITED STATES  
PASSPORT, AND FOR ISSUANCE OF UNITED STATES PASSPORT

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Joe Katsumasa Yoshihara of 285 Banchi, Kubo-cho, Onomichi-shi, Hiroshima-ken, Japan, born in Olympia, Washington, on July 8, 1926, hereby appeals from the "Certificate Of The Loss Of The Nationality Of The United States" issued to him under date of August 12, 1953, by James M. Richardson, Vice-Consul of the United States of America, at Kobe, Japan, which was approved by the Department of State on October 26, 1953, and from the denial of the issuance to him of a United States passport for which he had applied and which said denial was based upon a purported expatriation under the provisions of Section 401(c) of Chapter IV of the Nationality Act of 1940 by reason of his induction into and service in the Japanese Army from April 1, 1945, to September, 1945. The appellant also moves to reopen said cause and have the same reconsidered and moves that thereupon a United States passport issue to him as a United States citizen.

Attached hereto as exhibits and made a part hereof, as additional evidence to be considered in connection with this appeal and in support of said motion is appellant's affidavit executed on June 17, 1958. Appellant and his counsel request that if any of the documents heretofore submitted as evidence on appellant's

1 application for a United States passport or the affidavit herewith  
2 submitted as evidence to be considered on this appeal and motion  
3 to reopen and reconsider appellant's application for a United  
4 States passport for any reason be deemed insufficient in form or  
5 in substance as to cause an unfavorable decision to be rendered  
6 thereon the appellant requests an opportunity to have such defi-  
7 ciency corrected.

8 The application to reopen the cause and for reconsideration  
9 of the cause on its merits, for cancellation of the aforesaid  
10 Certificate Of Loss Of Nationality and for the issuance to appel-  
11 lant of a United States passport as a citizen of the United States  
12 are made in view of the evidence heretofore and now submitted in  
13 this cause and also in the light of the applicable rules announced  
14 in the recent United States Supreme Court decisions of Perez v.  
15 Brownell, 78 S.Ct. 568, and Nishikawa v. Dulles, 78 S.Ct. 612,  
16 both decided on March 31, 1958.

17 The appellant was born in Olympia, Washington, on December  
18 8, 1926. His birth was registered with the Japanese Consulate in  
19 Seattle, Washington, by his father for the purpose of reserving  
20 Japanese nationality for him. In consequence, he became what is  
21 termed a "dual citizen". At the age of 3 years he was sent by  
22 his parents to Japan along with his sister for a visit to his  
23 grandparents, his parents then intending to send for him and his  
24 sister within a year but the return did not materialize apparently  
25 because of economic stress. He had some 10 years of schooling in  
26 Japan. He had no opportunity of returning to the United States  
27 during those years. He was stranded in Japan before the war and  
28 afterward with no possibility of getting passage to the United  
29 States. He was only 15 years of age at the onset of war and there  
30 was no method of his leaving Japan.

31 In February 1945 when he was 18 years of age he was ordered  
32 to report for a physical examination for ultimate conscription

1 purposes. He was admonished to obey that instruction. His  
2 grandparents advised him that he must obey. About March of  
3 1945 he received a notice to report for induction into the  
4 Japanese Army. He didn't wish to be inducted but knew no way to  
5 avoid it except by facing punishment. His grandparents who had  
6 custody of him informed him of the consequences of a failure on  
7 his part to report for induction, that his American citizenship  
8 would not save him from induction and that any attempt on his  
9 part to evade induction would result in brutal treatment of him  
10 by the Kempeitai and he would be sent to jail and also that if  
11 he did such a thing the military authorities would treat him with  
12 great severity. His fear of punishment for disobedience to the  
13 conscription notice impelled him to obey the notice and, in con-  
14 sequence, he was inducted into the Japanese Army against his will  
15 and desire. Fortunately, he received no military training but,  
16 instead, was impressed into doing manual labor. His service  
17 lasted from approximately April 1, 1945, to about August 15, 1945,  
18 when he was released, following the end of hostilities. His  
19 induction and total period of service therein took place while he  
20 was a minor of only 19 years of age. His submission to the  
21 physical examination when he was 18 years of age and his induction  
22 and service in that army while a minor were the direct and proxi-  
23 mate result of duress exerted upon him during the war when Japan  
24 was in the grip of its military authorities. Fear of punishment  
25 compelled him to submit to induction and, consequently, his in-  
26 duction and service were wholly involuntary and did not expatriate  
27 him under the provisions of Section 401(c) of the Nationality Act  
28 of 1940.

29 In the Perez case the Supreme Court decided that "Congress  
30 can attach loss of citizenship only as a consequence of conduct  
31 engaged in voluntarily", citing MacKenzie v. Hare, 239 U.S. 299,  
32 311-312.

1 In the Perez decision the Supreme Court declared:

2 "Whatever divergence of view there may be as to what  
3 conduct may, consistent with the Constitution, be said  
4 to result in loss of nationality, cf. Perez v. Brownell,  
5 78 S.Ct. 568, it is settled that no conduct results in  
6 expatriation unless the conduct is engaged in voluntarily.  
7 Mandoli v. Acheson, 344 U.S. 133, 73 S.Ct. 135, 97 L.Ed.  
8 143."

9 In the Nishikawa decision the Supreme Court decided that in  
10 all expatriation cases under Section 401 of the Nationality Act  
11 of 1940 the burden of proof rests upon the government to prove  
12 expatriation by "clear, convincing and unequivocal" evidence, in  
13 the following language:

14 "In Gonzales v. Landon, 350, U.S. 920, 76 S.Ct. 210, 100  
15 L.Ed. 806, we held the rule as to burden of proof in  
16 denaturalization cases applied to expatriation cases  
17 under Section 401(j) of the Nationality Act of 1940.  
18 We now conclude that the same rule should govern cases  
19 under all the subsections of Section 401." (underscoring  
20 supplied.)

21 We submit that the evidence is conclusive that the appellant's  
22 induction into the Japanese Army and his service therein while he  
23 was a minor were wholly involuntary and did not as a matter of law  
24 or as a matter of fact constitute expatriating acts on his part  
25 and that appellant's cause should be reviewed in the light of the  
26 Perez and Nishikawa decisions and be decided in his favor.

27 Wherefore, appellant requests that his motion to reopen the  
28 cause and for reconsideration thereof be granted and that his  
29 appeal be sustained and that a United States passport issue to him.

30 Dated: January 16, 1958.

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Attorney for Appellant Joe Katsumasa  
Yoshihara.

Japan  
Prefecture of Hyogo  
City of Kobe  
Consulate General of the  
United States of America )  
SS.

STATEMENT OF JOE KATSUMASA YOSHIHARA

I reside at 285 Banchi, Kubo-cho, Onomichi-shi, Hiroshima-ken, Japan. I was born in Olympia, Washington, U.S.A., on July 8, 1926. My father registered my birth with the Japanese Consulate in Seattle, Washington, shortly after my birth.

When I was three years old my grandparents, who were visiting us and were returning to Japan took me and my sister to Japan for a visit with the consent of my parents. My parents expected to come after us in about a year but they were not able to do so because of want of finances so we were left with our grandparents until my parents could send for us.

Just before the war broke out and there were rumors that there might be a war I wanted to leave Japan and return to my father but there was no way I could do so as I was just 14 years old and had no means of getting the transportation fare and my grandparents who were much advanced in age did not wish me to leave them and said that there wasn't any danger of war and that I must finish my schooling before I returned to the United States and my father. So there was no way for me to leave Japan. I had to stay with my grandparents and continue school at Mukaishima, Higashi mura, Hiroshima-ken, without realizing that war would really occur.

In February 1945, when I was 18 years old, I received a notice to report to the Higashimura Shogakko for a physical examination by the military authorities. At the time I was living with my grandparents and was working at their farm. My grandparents told me I must appear and be examined as the military authorities were very strict and would punish me if I didn't because I was a dual national and the fact that I was born in the U. S. and was an American citizen wouldn't exempt me from reporting for the physical examination and from being conscripted into the Japanese Army when I got to be 19 years old if I was found to be physically fit. I didn't want to violate the law and I didn't wish to be sent to jail so I had to appear and take the physical examination. The fact that I was born in the United States was known to the authorities but it was said that it didn't make any difference because I had Japanese nationality because my father had registered my birth right after I was born. I was registered as a U. S. citizen at the U. S. Consulate in Kobe, Japan.

Just a few months before I got to be 19 years old I received about March 24 or 25, 1945, a notice to report for induction into a labor battalion of the Japanese Army on April 1, 1945, at Mukaishima, Higashi-mura, Hiroshima-ken. The written notice was delivered to me by an official from the yakuba. I had talked over the question of induction with my grandparents and several of their friends after I received my physical examination and my grandparents and their friends all said that I couldn't escape being inducted and that my American citizenship wouldn't save me from being inducted. They told me that if I refused to be inducted or caused trouble by insisting that I was an American I would be treated very brutally by the Kempeitai and be sent to jail for a long time or else the military authorities would take me by force and if I complained or violated any orders I would be executed. All during this period Japan was losing the war and the military authorities were in control of the Japanese government and the people and nobody dared to disobey their orders. I told my grandparents I could try to get a deferment but

they told me I didn't dare do that because I didn't have any reason for a deferment and if I tried to get one the military would accuse me of being a slacker, of disloyalty to Japan and of loyalty to the United States which would cause them to suspect me of being a traitor and having me sent to jail or of being executed. My grandparents also told me that if I tried to evade induction they would be accused of conspiring to help me evade induction and they too could be sent to jail. They insisted that my American citizenship could not save me from induction because of my dual nationality and that I had to comply with the law or suffer the consequences. I was too afraid to disobey the order to report for induction and too afraid of punishment to refuse to be inducted or to state to the authorities at my induction on April 1, 1945, that I protested being inducted because I was an American citizen which they already knew from their records and their questioning of me. Luckily I did not receive any military training and all that I was compelled to do in the service was to do manual labor in digging holes in Wakamatsushi in Kyushu. I was released about August 15, 1945. I was 19 years old at the time.

I haven't voted or knowingly done anything while in Japan to lose my United States citizenship. I wouldn't have complied with the Japanese conscription laws and have reported for my physical examination or have been inducted or served if there had been any way for me to escape from so doing. I was forced to comply with those laws and to be examined and inducted into service because if I had protested or refused to do so I would have been sent to jail for a long period of time or else I would have been taken by force by soldiers and have been beaten and placed in an army jail and then have been taken out and shot without a chance of saving myself. It was common knowledge that refusal to obey the military during the war was dangerous and would result in immediate punishment of a brutal nature.

~~/s/ Joe Katsumasa Yoshihara~~  
~~Joe Katsumasa Yoshihara~~

Subscribed and sworn to before me this 17th day of June,  
1958.

/s/ Howard B. Crotinger

Howard B. Crotinger  
Vice Consul of the United States of  
America in and for Kobe, Japan.

Service No. 2736  
Tariff No. 4T  
Fee Paid: U.S. \$2.50  
Local Cy. equiv. ¥905.

QUESTIONNAIRE FOR STRANDEES

Please read this questionnaire carefully and then print, type or write your answers legibly to the following questions.

- a. State your fully name. (see) Katsumasa Yoshikawa
- b. Male?  Female?  Maiden Name? \_\_\_\_\_
- c. Birth place? Olympia, Washington Birth date? July 8, 1926
- d. Was your name ever registered with a Japanese Consulate for the purpose of reserving your Japanese nationality? yes.  
When? 8/24/1926 Where? Seattle, Wash. Washington
- e. Have you ever renounced Japanese Nationality? None When? \_\_\_\_\_  
Where? \_\_\_\_\_

1. What schools did you attend in Japan? Mukashina-shogakko  
Quo-mechi-shogakko Where? Nishinomiya, Japan  
Nishinomiya, Japan  
State the years you attended those schools. 1933 - 1943

2. State the periods you visited Japan and the purposes of each visit. \_\_\_\_\_  
1929. to parent.  
When did you last return to Japan? 1929 -

Why did you return to Japan? I was then 3 years of age, and my grandparents then visiting in US took me my sister to Japan. My parents were supposed to come after us about a year, but never came able to do so.

3. Did you have a U.S. Passport at the time you last went to Japan? yes  
Have you that passport now? no What became of it? \_\_\_\_\_  
I lost this passport.

What other documents did you then have to establish your identity as a U.S. citizen? certified copy of birth;  
Do you have those documents now? yes What became of them? \_\_\_\_\_

Did you then have a visa from a Japanese consul? I do not recall Have you that visa now? \_\_\_\_\_  
What became of it? \_\_\_\_\_

4. Did you then have a Japanese passport? no Do you have it now? \_\_\_\_\_  
What became of it? \_\_\_\_\_

5. Why were you in Japan when the war started on Dec. 7, 1941? My grand-parents were very much advanced in age I could not leave them. Also I was attending school at this time

What was your occupation in Japan when the war started on Dec. 7, 1941?

I was attending school at this time

Where were you then living in Japan? Mukoyoshina, Negishi-mura,  
Niushima-keu, Japan

6. Are you married or single? yes What is the name of your spouse  
(wife or husband)? Tsuneko Where does your

spouse (wife or husband) live? Ouo-michi, Kubo-cho - 285 Pauchi,  
Niushima-keu

When were you married? March 31, 1955 Where were you married?  
Ouo-michi, Japan What is the citizenship of your spouse

(wife or husband)? Japanese natural Where was your spouse

(wife or husband) born? Ouo-michi, Kurikara-cho, 2 chome,  
Niushima-keu, Japan

Name and address of your father? Nideichi Yookihara  
1205.W. Madison St, Portland 4, Oregon

of what country is he a citizen? Japan

Name and address of your mother? deceased.

Adzumi Yookihara; step-mother Chiyoke Yookihara of what country is

she a citizen? U.S.A. step mother - at 120 S.W. Madison St,  
Portland, Oregon.

7. Names, birthdates and birthplaces of each of your children?  
expecting birth in Sept, 1957

RE: VOTING

8. Since returning to Japan have you voted in any elections? none

Where? \_\_\_\_\_ Years you voted? \_\_\_\_\_

In what elections? \_\_\_\_\_

Why did you vote in those elections? \_\_\_\_\_

9. Did you receive any instructions to vote? \_\_\_\_\_ From what sources?

\_\_\_\_\_ Were the instructions printed?

\_\_\_\_\_ What Allied military officers told you to vote? \_\_\_\_\_

\_\_\_\_\_ Did you vote because of

printed instructions of the Army of occupation? \_\_\_\_\_

What were you told would happen to you if you didn't vote? \_\_\_\_\_

\_\_\_\_\_ What did you believe would happen to you if you didn't vote? \_\_\_\_\_

10. What Japanese officials instructed you to vote? \_\_\_\_\_  
\_\_\_\_\_ Were those instructions  
printed ones? \_\_\_\_\_ Verbal? \_\_\_\_\_

11. State the names and addresses of the neighbors who told you to vote \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
What did they tell you would happen to you if you didn't vote? \_\_\_\_\_  
\_\_\_\_\_

12. What did you believe or fear would happen to you if you didn't vote? \_\_\_\_\_  
\_\_\_\_\_ (Lose ration card? \_\_\_\_\_)

RE: KOSEKI REGISTRATION

13. Was your name registered in a family Koseki in Japan? Yes  
When? 8/24/1926 Where? Seattle, Washington By whom? \_\_\_\_\_  
father Did you personally apply to be register-  
ed in a Koseki? no When? \_\_\_\_\_ Where? \_\_\_\_\_  
Where did you go to apply to be registered? \_\_\_\_\_  
When? \_\_\_\_\_ Why did you apply to be registered? \_\_\_\_\_

14. If someone other than you personally registered your name in a  
Koseki state who it was who registered you. Nideishi Yoshikawa  
What relation is that person to you? father  
Why were you registered in a Koseki? Does not know

15. Were you registered in a Koseki since your last return to Japan because  
if you were not registered you would not have been given a ration card?  
\_\_\_\_\_ or would not have been given an address to receive  
mail? \_\_\_\_\_ or would have been punished, and, if so, by whom?  
\_\_\_\_\_ and why? \_\_\_\_\_

Were you registered because of fear that if you weren't you would suffer  
in some form? \_\_\_\_\_ such as would not be issued a ration card?

State what other reasons caused you to register. \_\_\_\_\_

RE: CONSCRIPTION

16. Were you conscripted in the Japanese armed forces? yes  
I was then 19 years of age & recruited for labor battalion  
When? April, 1945 In what branch of service? Japanese Army  
What was your address at the time you were conscripted? Mukaihuma  
Nagashi-mura, Nishikima-gun, Japan With whom were you then  
living? grand father & grand mother  
What was your occupation at that time? farmer  
Name and address of your employer at that time? I was farming at  
our family land.  
Place where you then were working Mukaihuma, Nagashi-mura  
If you were attending school at that time state the name of the school  
none State type of school \_\_\_\_\_  
Were you then single? \_\_\_\_\_ Married? \_\_\_\_\_
17. What was the first notice you received that you had to register for the  
draft under the Japanese draft law? I received a notice to appear  
for physical examination - they would check the records at yakuba.  
Was it a written notice? yes Verbal notice? \_\_\_\_\_  
What was the date of that notice? February, 1945 Have you that  
notice? none (If so, attach it to this questionnaire). What did  
that notice instruct you to do? \_\_\_\_\_
18. Where did you report to the draft authorities? Nagashi-mura-shogakko  
Were those draft authorities civilians? none or Japanese military  
authorities? yes. Were you given a medical examination by the draft  
authorities? yes Where? Nagashi-mura When? Feb, 1945  
shogakko  
What other notices did you receive from the draft authorities? then  
I received a notice of induction on latter part of March 24 or 25, 1945  
& served from April 1, 1945.  
State whether you received those notices by mail or whether they were  
personally delivered to you. none from yakuba
19. Did you inform the Japanese civilian draft authorities that you were a  
U.S. citizen? none When? \_\_\_\_\_ Where? \_\_\_\_\_  
Who was present? \_\_\_\_\_

If you told that personally to a civilian draft officer state the name of the officer and his title \_\_\_\_\_  
What is his present address? \_\_\_\_\_  
What did he say to you when you stated you were a U.S. citizen? \_\_\_\_\_

Will he be willing to give you an affidavit stating those facts? \_\_\_\_\_

20. Did you inform the Japanese military draft authorities that you were a U.S. citizen? none When? \_\_\_\_\_ Where? \_\_\_\_\_

If you told that personally to a Japanese military draft officer state the name of the officer and his grade or rank, \_\_\_\_\_

What is the present address of that officer? \_\_\_\_\_

Will he be willing to give you an affidavit stating those facts? \_\_\_\_\_

21. If you didn't tell the civilian or military draft officers that you were a U.S. citizen why didn't you do so? If I should even mention such

a thing - I would be lucky to get a prison sentence otherwise I will be severely punished. I know if I

What did you fear would happen to you if you told him (or them) you were a U.S. citizen? refused to go as I was a US citizen I would be executed

Were you afraid to tell the conscripting civilian officers -- or military officers -- that you were a U.S. citizen? yes Why? \_\_\_\_\_

I might be severely punished or executed

22. Did you tell the civilian conscripting officers that you did not wish to serve in the Japanese armed forces? none When? \_\_\_\_\_

Where? \_\_\_\_\_

To what officers did you tell that? \_\_\_\_\_

\_\_\_\_\_ State their names and addresses \_\_\_\_\_

Will they be willing to give you affidavits stating that fact? \_\_\_\_\_

23. Did you tell the military authorities -- or civil authorities -- that you did not wish to serve in the Japanese armed forces? \_\_\_\_\_

When? never Where? \_\_\_\_\_

To what officers? \_\_\_\_\_

State their names and present addresses

SES

Who was present at the time?

Will any of them be willing to give you an affidavit stating the fact you notified those authorities you did not wish to serve in the Japanese armed forces?

Did you write any letters to the civilian or military draft authorities stating that you were a U.S. citizen and not subject to conscription in the Japanese forces? Date of letter

(If you did, attach a copy of that letter to this questionnaire.)

What did you fear would happen to you if you refused to be conscripted?

24. Did you fear you would be punished by the Japanese civil authorities for refusing to obey the draft law? none. What penalty or punishment did you fear you would be subjected to if you refused?

25. Did you fear also that the Japanese military authorities would punish you if you refused to be conscripted? yes. What punishment did you fear they would subject you to? Kempeitai would impose a severe punishment as under the Japanese law (was a Japanese national)

26. Did you apply for a deferment, postponement or delay of your conscription?

none When? Where?

To what office? Did you do this verbally?

in writing? (If in writing attach

a copy of that letter or memorandum to this questionnaire.) If you haven't a copy state the language and contents of that letter or memorandum

Were you afraid to apply for a deferment, postponement or delay in your conscription? yes. Why? At this time it was impossible to

get such a deferment. It was utterly useless.  
What did you fear would happen to you if you did? Not only will I be  
severely punished, my grandparents could also be punished  
What answer were you given to this request? \_\_\_\_\_

Was it a verbal answer? \_\_\_\_\_ Was it a written answer? \_\_\_\_\_  
(Attach a copy of your written answer to this questionnaire.) If you  
haven't a copy state the substance of that answer \_\_\_\_\_

27. Did you make a second request for deferment, postponement or delay? \_\_\_\_\_  
none When? \_\_\_\_\_ Where? \_\_\_\_\_

To whom and to what office? \_\_\_\_\_

What answer did you receive? \_\_\_\_\_

Was this answer verbal? \_\_\_\_\_ written? \_\_\_\_\_ (Attach  
the letter or copy of the answer you received.)

28. What date were you conscripted (drafted) into the Japanese armed forces?  
April 1, 1945 Where were you conscripted? Niushima-shi

What was your first rank or grade in the armed forces of Japan? \_\_\_\_\_  
private "nitokei"

29. Were you required to take an oath of allegiance to Japan at the time of  
conscription? none Where did you serve in the Japanese armed  
forces? Wakamatsu-shi in Kyushu <sup>+ I was digging holes.</sup> Did you receive any pro-  
motions in the Japanese armed forces? none When? \_\_\_\_\_

\_\_\_\_\_ To what rank or grade? \_\_\_\_\_

\_\_\_\_\_ Did you take an oath of allegiance to  
Japan at the time of promotion? \_\_\_\_\_

How long did you serve in the Japanese armed forces? \_\_\_\_\_

When were you released from services in the Japanese armed forces? \_\_\_\_\_

September, 1945

While in the service did you participate in any skirmish or battle  
against the U.S. armed forces? none Against what other

Allied armed forces did you participate in any skirmish or battle? none

I was merely utilized as a laborer & did not receive any military  
training whatsoever  
In what battles? none

Did you surrender and were you a prisoner of war? none

When? \_\_\_\_\_ Where? \_\_\_\_\_

To what U.S. or Allied troops? \_\_\_\_\_  
When were you released from detention? \_\_\_\_\_  
Where were you when released? \_\_\_\_\_

RE: APPLICATION TO RETURN TO U.S.

30. Before or after war first broke out on Dec. 7, 1941, did you apply to a U.S. Consul or the U.S. Embassy in Japan to return to the U.S.? Yes

When? 1937 Where? Kobe, Japan.

To what consulate or embassy? Kobe Consulate

*Preserved a note to appear + appeared to receive my US citizenship*

Did you apply to the Swiss, Swedish or other consular or diplomatic office to send you back to the U.S.? no When? \_\_\_\_\_

Where? \_\_\_\_\_ To what office? \_\_\_\_\_

What answer did you receive? I was a mere registration that I was a US citizen

31. Before war broke out on Dec. 7, 1941, or afterward, did you apply for boat passage to return to the U.S.? none When? \_\_\_\_\_

Where? \_\_\_\_\_ To what company or office did you apply for transportation to return to the U.S.? \_\_\_\_\_

Did you make that application orally? \_\_\_\_\_ Did you make it in writing? \_\_\_\_\_ (If it was in writing attach a copy of your letter or application for such passage to the U.S.)

Did you receive booking on any boat that was to take you to the U.S.? \_\_\_\_\_

On what date were you to sail? \_\_\_\_\_ From what port? \_\_\_\_\_ Name of ship? \_\_\_\_\_

If you didn't apply for passage to return to the U.S. state why you didn't do so. I was then attending school & did not realize war would occur. Also I was taking care of elderly grandparents.

RE: APPLICATION FOR INTERNMENT

32. Did you apply to the Japanese authorities during the war to be interned as a U.S. citizen? none When? \_\_\_\_\_

Where? \_\_\_\_\_ To what office did he apply? \_\_\_\_\_

What answer did you receive to your request? \_\_\_\_\_

Was the answer a verbal one? \_\_\_\_\_ Was it in writing? \_\_\_\_\_

(If in writing, attach the letter or memorandum to this questionnaire.)

If you do not have a copy of the letter or memorandum, state in substance what the writing stated. \_\_\_\_\_

RE: REGISTRATION AS ALIEN IN JAPAN

33. Before, during or since the war have you been registered as a U.S. alien in Japan? none When? \_\_\_\_\_ Where? \_\_\_\_\_
- Were you registered with a U.S. Consul or U.S. Embassy in Japan as a U.S. citizen? \_\_\_\_\_ When? \_\_\_\_\_ Where? \_\_\_\_\_
- Were you required to report to the Japanese police? \_\_\_\_\_
- When? \_\_\_\_\_ Where? \_\_\_\_\_ How often? \_\_\_\_\_
- Did the police visit you? \_\_\_\_\_ When? \_\_\_\_\_
- Where? \_\_\_\_\_ How often? \_\_\_\_\_

RE: EXPATRIATING ACTIONS

34. Have you ever filed with any office in Japan any affidavit or statement claiming or stating that you were a Japanese citizen? none
- When? \_\_\_\_\_ Where? \_\_\_\_\_
- For what purpose did you file that? \_\_\_\_\_
- Have you ever applied for or received any benefit or right in Japan that is granted only to Japanese citizens? none When? \_\_\_\_\_
- Where? \_\_\_\_\_ What was the right or benefit you were applying for? \_\_\_\_\_ Did you receive that right or benefit? \_\_\_\_\_ When? \_\_\_\_\_
35. Have you ever applied to a Japanese government office or officer for a Japanese passport? none When? \_\_\_\_\_
- Where? \_\_\_\_\_ Did you receive it? \_\_\_\_\_

When? \_\_\_\_\_ For what purpose did you use it? \_\_\_\_\_

What became of that Japanese passport? \_\_\_\_\_

36. Have you, since returning to Japan in 1946 been naturalized as a Japanese citizen? none If so, what steps did you take to become naturalized as a Japanese citizen? \_\_\_\_\_

To what office did you make that application? \_\_\_\_\_

When? \_\_\_\_\_ Where? \_\_\_\_\_

Were you naturalized? \_\_\_\_\_ When? \_\_\_\_\_

What document did you receive showing you were naturalized? \_\_\_\_\_

Date of that document? \_\_\_\_\_

37. Have you, since returning to Japan been employed by the Japanese Government or any agency of the Japanese Government? none  
If so, name the office by which you were employed and the dates of your employment \_\_\_\_\_

RE: SERVICE TO U.S.

38. Have you worked for the United States Government or Allied Military authorities while in Japan? none For what service? \_\_\_\_\_  
In what capacity? \_\_\_\_\_ Where did you perform your work? \_\_\_\_\_

Dates of your employment \_\_\_\_\_

39. Have you ever served in the armed forces of the U.S.? none

In what branch? \_\_\_\_\_ When? \_\_\_\_\_

Period of service \_\_\_\_\_

Where did you serve? \_\_\_\_\_

Date you received an Honorable Discharge \_\_\_\_\_

Serial No. \_\_\_\_\_ What other members of your family (father, children, brothers, or sisters) served in the armed forces of the U.S.? none

40. State their names, relationship and branch of the armed forces in which they served or are serving \_\_\_\_\_

RE: OTHER DATA

41. What is your occupation now? restaurant operator - Bar -  
Where do you work? Ono-michi, Kubo-cho, 285 Banuchi.  
What property do you own in Japan? business property - at above  
Nature of that property? admission - land & bldg.  
Estimated valuation of that property? ¥ 500,000

42. Name of your nearest relative in the U.S. and address \_\_\_\_\_  
H. Yoshikawa - 120 S.W. Madison St. Portland, Oregon  
To what address do you intend to return to in the U.S.? to my  
further place above

43. Have you filed an application with a U.S. Consul in Japan for a U.S. passport? yes. When did you file it? 1953  
With what U.S. Consul did you file it? Kobe, Japan

(Attach a copy of the application you filed with the U.S. Consul)

What reasons did the U.S. Consul give you for refusing to issue you a passport? Since US citizenship is not military reserve & suggested to wait until my business is 4/1/45 to 8/1/45. I have not received any notice since that date.

(Attach the letter of refusal the U.S. Consul sent to you.)

44. Did you take an appeal from the Consul's refusal? yes  
When? Nov, 1953 (Attach a copy of that appeal to this questionnaire.) What decision was made on that appeal? I did not receive any answer, and said I could only go as immigrant  
(Attach a copy of that decision to this questionnaire.)

Date: July 5, 1957

Katsunasa Yoshikawa  
Signature

Ono-michi, Kubo-cho 285 Banuchi  
Noshiro-ken, Japan  
Address

none  
Telephone Number

*XTW*

*Typed 1/16/59 Ad*

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BEFORE THE BOARD OF REVIEW OF THE PASSPORT OFFICE  
OF THE STATE DEPARTMENT

*Joe Katsumasa Yoshida*

In re: ~~MIKIO SAKURAI,~~  
Appellant.

APPEAL FROM CERTIFICATE OF LOSS OF UNITED STATES NATIONALITY,  
MOTION TO REOPEN AND RECONSIDER APPLICATION FOR UNITED STATES  
PASSPORT, AND FOR ISSUANCE OF UNITED STATES PASSPORT

*Joe Katsumasa Yoshida of 285 Bancho, Kato-cho, Anomachi-ki, Hiroshima*

~~Mikio Sakurai of 411 Bancho, 2 chome, Kusunoki-machi,~~  
Hiroshima-ken, Japan, born in ~~Sacramento, California,~~ *Olympia, Washington, on July 8, 1926,*

~~1922,~~ hereby appeals from the "Certificate Of The Loss Of The  
Nationality Of The United States" issued to him under date of  
~~August 12, 1953~~ *August 12, 1953*, by James M. Richardson, Vice-Consul of the United  
States of America, at Kobe, Japan, which was approved by the  
Department of State on ~~August 2,~~ *October 20,* 1953, and from the denial of the  
issuance to him of a United States passport for which he had  
applied and which said denial was based upon a purported expatria-  
tion under the provisions of Section 401(c) of Chapter IV of the  
Nationality Act of 1940 by reason of his induction into and service  
in the Japanese Army from April ~~19,~~ *19,* 1945, to ~~November 30,~~ *September 30,* 1945.  
The appellant also moves to reopen said cause and have the same  
reconsidered and moves that thereupon a United States passport issue  
to him as a United States citizen.

Attached hereto as exhibits and made a part hereof, as addi-  
tional evidence to be considered in connection with this appeal and  
in support of said motion is appellant's affidavit executed on  
June ~~17,~~ *17,* 1958, ~~and the affidavit of Yosiichi Sakurai executed on~~  
~~June 17, 1958.~~ Appellant and his counsel request that if any of  
the documents heretofore submitted as evidence on appellant's

1 application for a United States passport or the affidavit herewith  
2 submitted as evidence to be considered on this appeal and motion to  
3 reopen and reconsider appellant's application for a United States  
4 passport for any reason be deemed insufficient in form or in sub-  
5 stance as to cause an unfavorable decision to be rendered thereon  
6 the appellant requests an opportunity to have such deficiency cor-  
7 rected.

8       The application to reopen the cause and for reconsideration  
9 of the cause on its merits, for cancellation of the aforesaid  
10 Certificate Of Loss Of Nationality and for the issuance to appel-  
11 lant of a United States passport as a citizen of the United States  
12 are made in view of the evidence heretofore and now submitted in  
13 this cause and also in the light of the applicable rules announced  
14 in the recent United States Supreme Court decisions of Perez v.  
15 Brownell, 78 S.Ct. 568, and Nishikawa v. Dulles, 78 S.Ct. 612, both  
16 decided on March 31, 1958, ~~which rules we declare are applicable~~  
17 ~~and controlling in the instant case.~~

*Robert J. [unclear]*

The appellant was born in Olympia, Washington, on December 8, 1926. His birth was registered with the Japanese Consulate in Seattle, Washington, ~~on August 24, 1926~~, by his father for the purpose of reserving Japanese nationality for him. In consequence, he became what is termed a "dual citizen". At the age of 3 years he was sent by his parents to Japan along with his sister for a visit to his grandparents, his parents then intending to send for him and his sister within a year but the return did not materialize apparently because of economic stress. He had some 10 years of schooling in Japan. He had no opportunity of returning to the United States during those years. He was stranded in Japan before the war and afterward with no possibility of getting passage to the United States. He was only 15 years of age at the onset of war and there was no method of his leaving Japan.

when he was 18 years of age  
In February 1945 he was ordered to report for a physical examination for ultimate conscription purposes. He was informed and ~~feared~~ to disobey that instruction. His grandparents advised him that he must obey. About March of 1945 he received a notice to report for induction into the Japanese Army. He didn't wish to be inducted but knew no way to avoid it except by facing punishment. His grandparents ~~in whose custody~~ who had custody of him informed him of the consequences of a failure on his part to report for induction, that his American citizenship would not save him from induction and that any attempt on his part to evade induction would result in brutal treatment of him by the "empeitai" and he would be sent to jail and also that if he ~~was~~ did such a thing the military authorities would treat him

with great severity. His fear of punishment for disobedience to the conscription notice impelled him to obey the notice and, in consequence, he was inducted into the Japanese Army <sup>by force</sup> ~~by force~~ <sup>and</sup> ~~and~~. Fortunately, he received <sup>no</sup> ~~no~~ military ~~and~~ training ~~and~~, instead, was impressed into doing manual labor. His service lasted from approximately April 1, 1945, to About August 15, 1945, when he was released following the end of hostilities. His induction and total period of service therein took place while he was a minor of only 19 years of age. His submission to the physical examination when he was 18 years ~~of~~ of age and his induction and service in that army while a minor were the direct and proximate result of duress exerted upon him during the war when Japan was in the grip of its military authorities.

~~and~~

~~and~~

Fear of punishment compelled him to submit to induction and, consequently, his induction and service were wholly involuntary and did not ~~constitute~~ expatriate him under the provisions of Section 401(c) of the <sup>N</sup>ationality Act of 1940.

18 In the Perez case the Supreme Court decided that "Congress  
19 can attach loss of citizenship only as a consequence of conduct  
20 engaged in voluntarily", citing Mackenzie v. Hare, 239 U.S. 299,  
21 311-312.

22 In the Perez decision the Supreme Court declared:

23 "Whatever divergence of view there may be as to what  
24 conduct may, consistent with the Constitution, be said  
25 to result in loss of nationality, cf. Perez v. Brownell,  
26 78 S.Ct. 568, it is settled that no conduct results in  
expatriation unless the conduct is engaged in voluntarily.  
Mandoli v. Acheson, 344 U.S. 133, 73 S.Ct. 135, 97 L.Ed.  
143."

27 In the Nishikawa decision the Supreme Court decided that in  
28 all expatriation cases under Section 401 of the Nationality Act of  
29 1940 the burden of proof rests upon the government to prove expatri-  
30 ation by "clear, convincing and unequivocal" evidence, in the fol-  
31 lowing language:

32 "In Gonzales v. Landon, 350, U.S. 920, 76 S.Ct. 210, 100  
L.Ed. 806, we held the rule as to burden of proof in

1 denaturalization cases applied to expatriation cases  
2 under Section 401(j) of the Nationality Act of 1940.  
3 We now conclude that the same rule should govern cases  
under all the subsections of Section 401. (underscoring supplied).

21 We submit that the evidence is conclusive that the appellant's  
22 induction into the Japanese Army ~~when he was a minor~~ and his  
23 service therein <sup>while he was a minor</sup> were wholly involuntary and did not as a matter  
24 of law or as a matter of fact constitute expatriating acts on his  
25 part and that appellant's cause should be reviewed in the light  
26 of the Perez and Nishikawa decisions and be decided in his  
27 favor.

28 Wherefore, appellant requests that his motion to reopen the  
29 cause and for reconsideration thereof be granted and that his  
30

31 appeal be sustained and that a United States passport issue to  
1 him.  
2

3 Dated: *January 16, 1958*  
4

5  
6 Wayne M. Collins  
7 1300 Mills Tower  
8 San Francisco 4, California  
9 GARFIELD 1-5827  
10

*For Notarized Signature*  
Attorney for Appellant *M. Collins*

*Typed 5/27/58 83  
Read As*

STATEMENT OF JOSE KATSUMASA YOSHIHARA

I reside at ~~Ono~~ Ono-machi, Kubo-cho, 285 Banchi, Hiroshima ken, Japan. I was born in Olympia, Washington, U.S.A., on July 8, 1926. ~~I believe that~~ ~~my~~ father registered my birth with the Japanese Consulate in Seattle, Washington, shortly after my birth.

When I was three years old my grandparents who were visiting us and were returning to Japan took me and my sister to Japan for a visit with the consent of my parents. My parents expected to come after us in about a year but they were ~~never~~ <sup>not</sup> able to do so because of want of finances so we were left with our grandparents until my parents could send for us.

Just before the war broke out ~~in Japan~~ and there were rumors that there might be a war I wanted to leave Japan and return to my father but there was no way I could do so as I was just 14 years old and had no means of getting the transportation fare and my grandparents who were much advanced in age did not wish me to leave them and said that there wasn't any danger of war and that I must finish my schooling before I returned to ~~the~~ the United States and my father. So there was no way for me to leave Japan. I had to stay with my grandparents and continue school at ~~them~~ Mukaishima, Higashi mura, Hiroshima-Ken, *without realizing that war would really occur.*

<sup>1945</sup>  
In Feb. ~~1944~~ when I was 18 years old I received a notice to report to the Higashimura Shogakko for a physical examination by the military authorities. At the time I was living with my grandparents and was working ~~on~~ at their farm. My gran<sup>d</sup>parents told me I must appear and be examined as the military authorities were very strict and would punish me if I didn't because I was a dual national and ~~my~~ the fact that I ~~was~~ was born in the U.S.

and was an American citizen wouldn't exempt me from reporting for the physical examination and from being conscripted into the Japanese Army/when I got to be 19 years old if I was found to be ~~fit~~ physically fit.

I didn't want to violate the law and I didn't wish to be sent to jail so I had to appear and take the physical examination. The fact that I was born in the United States was known to the authorities but it was said that it didn't make any difference because I had Japanese nationality because my father had registered my birth right after I was born.

*I was registered as a U.S. citizen at the U.S. Consulate in Kobe, Japan.*

~~A notice to report for induction into the Japanese Army was received~~

*a few months*  
But just before I got to be 19 years old I received about March 24 or 25, 1945

a notice to report for induction into a labor battalion

of the Japanese Army ~~from the conscription office of the city of Kasugai~~

on April 1, 1945, at Mukaishima, Higashi-mura, Hiroshima Ken.

The written notice was delivered to me by an official from

~~the conscription office of the city of Kasugai~~ the yakuba, (~~the conscription office~~).

*The question of induction*  
I had talked over ~~this matter~~ with my grandparents and several of their ~~friends~~ friends after I received my physical examination and my grandparents and their friends all said that I couldn't escape being inducted and that my American citizenship wouldn't save me from being inducted. They told me that if I refused to be inducted or caused trouble by insisting that I was an American I would be treated very brutally by the Kempeitai and be sent to jail for a long time or else the military authorities would take me by force and if I complained or violated any orders I would be executed. All during this period Japan was losing the war and ~~was being bombed~~ the military authorities ~~would not~~ were in control of the Japanese government and the people and nobody dared to disobey their orders. I told my grandparents I could try to get a deferment but they told me I didn't dare do that ~~as my being~~

because I didn't have any reason for a deferment and if I tried to get one the military would ~~surely~~ accuse me of being a slacker, of disloyalty to Japan and of loyalty to the United States which would cause them to suspect me of being a traitor and having me sent to jail or of being executed. ~~My~~ My grandparents, <sup>also</sup> told me ~~also~~ that if I tried to evade induction they would be accused of conspiring to help me evade ~~the~~ induction and they too could be sent to jail. They insisted that my American citizenship could not save me from induction because of my dual nationality and that I had to comply with the law or suffer the consequences. ~~Fearing~~ ~~that~~ ~~the~~ ~~order~~ ~~to~~ ~~report~~ ~~for~~ ~~induction~~ ~~and~~ ~~to~~ ~~be~~ ~~inducted~~ ~~on~~ ~~April~~ ~~1,~~ ~~1945,~~ ~~or~~ ~~to~~ ~~state~~ ~~to~~ ~~the~~ ~~authorities~~ ~~at~~ ~~my~~ ~~induction~~ ~~that~~ ~~I~~ ~~protested~~ ~~being~~ ~~inducted~~ ~~because~~ ~~I~~ ~~was~~ ~~an~~ ~~American~~ ~~citizen~~ ~~which~~ ~~they~~ ~~already~~ ~~knew~~ ~~from~~ ~~their~~ ~~records~~ ~~and~~ ~~their~~ ~~questioning~~ ~~of~~ ~~me.~~

Luckily I did not receive any military training and all that I was compelled to do ~~was~~ ~~to~~ ~~do~~ ~~manual~~ ~~labor~~ ~~in~~ ~~digging~~ ~~holes~~ ~~in~~ ~~Wakamatsu-shi~~ ~~in~~ ~~Kyushu~~ ~~Kyushu~~ ~~Kyushu.~~ I was released about August 15, 1945. I was 19 years old at the time.

I haven't voted or knowingly done anything while in Japan to lose my United States citizenship. I wouldn't have complied with the Japanese conscription laws and have reported for my physical examination or have been inducted or served ~~in~~ if there had been any way for me to escape from so doing. ~~and~~ I was forced to comply with those laws and to be examined and inducted into service because if I had protested or refused to do so I would have been sent to jail for a long period of time ~~and~~ ~~or~~ ~~else~~ ~~I~~ ~~would~~ ~~have~~ ~~been~~ ~~taken~~ ~~by~~ ~~force~~ ~~by~~ ~~soldiers~~ ~~and~~ ~~have~~ ~~been~~ ~~beaten~~ ~~and~~ ~~placed~~ ~~in~~ ~~an~~ ~~army~~ ~~jail~~ ~~and~~ ~~then~~ ~~have~~ ~~been~~

taken out and shot without a chance of saving myself. It was common knowledge that refusal to obey the military during the war was dangerous and would result in immediate punishment of a brutal nature.

---

Jose Katsumasa Yoshihara

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 1958.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1960 Seattle 11/14/61  
Looked in C/D

Harry + Chiyo + Yoshihara (parents)  
still at

120 S.W. Madison  
Portland

NOTE: Harry deceased - 2/9/62  
11/13/61 still in 1961 p/b

Joe Katsumasa Yoshihara  
must still be in Japan