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No. 25296 R

ABO v. Williams

Nov. 13, 1945

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

In the Matter of the Application

For

A Writ of Habeas Corpus by

TADAYASU ABO, et al.,

Applicants,

And

TADAYASU ABO, et al., etc.,

Petitioners,

-vs-

IVAN WILLIAMS, as the Officer in Charge,  
etc.,

Respondent.

No. 25296R

WRIT OF HABEAS CORPUS

THE PRESIDENT OF THE UNITED STATES OF AMERICA TO IVAN WILLIAMS,  
AS THE OFFICER IN CHARGE, UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE, TULE LAKE CENTER,  
NEWELL, MODOC COUNTY, CALIFORNIA, GREETING:

You Are Hereby Commanded, that the body of each of the peti-  
tioners named in the above entitled proceeding by you restrained  
of his or her liberty, as it is said detained by whatsoever names  
the said petitioners and each of them may be detained, together  
with the day and cause of his or her being taken and detained,

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you have before the above entitled Court, Department \_\_\_\_\_,  
Post Office Building, 7th and Mission Streets, San Francisco,  
California, on the \_\_\_\_\_ day of \_\_\_\_\_, 1945, at the  
hour of 10 o'clock, A.M., of said day, then and there to do, submit  
to and receive whatsoever the said Court shall then and there  
consider in that behalf; and have you then and there this Writ.

WITNESS the Honorable United States District Court For  
The Northern District of California, this \_\_\_\_\_ day of November,  
1945.

\_\_\_\_\_  
Clerk.

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

Wayne M. Collins  
1721 Mills Tower  
San Francisco, 4, Calif.  
Garfield-1218.  
Attorney for Petitioners.

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

In the Matter of the Application

For

A Writ of Habeas Corpus by

TADAYASU ABO, et al.,

Applicants,

And

-----  
TADAYASU ABO, et al., etc.,

Petitioners,

-vs-

IVAN WILLIAMS, as the Officer in Charge,  
etc.,

Respondent.  
-----

No. **25296 R.**

ORDER FOR WRIT OF HABEAS CORPUS TO ISSUE

Upon reading and filing the verified petition for Writ of Habeas Corpus herein from which it appears that a writ of habeas corpus ought to issue, it is ordered that a writ of habeas corpus issue out of and under the seal of this court directed to the respondent, IVAN WILLIAMS, as the Officer in Charge, United States Department of Justice, Immigration and Naturalization Service, Tule Lake Center, Newell, Modoc County, California, commanding him to have the body of each of the petitioners before the above entitled court, in the courtroom of said Court, Department \_\_\_\_\_,

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Post Office Building, 7th and Mission Streets, San Francisco,  
California, on the \_\_\_\_\_ day of \_\_\_\_\_, 1945, at the  
hour of 10 o'clock, A.M. of said day, to do and receive what shall  
then and there be considered concerning the said petitioners and  
each of them, together with the time and cause of the detention  
of said petitioners and each of them, and that he have then and  
there the said writ.

DATED: November \_\_\_\_\_, 1945.

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United States District Judge.

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WAYNE M. COLLINS  
1721 Mills Tower  
San Francisco, 4, California  
Garfield-1218.  
Attorney for Applicants and  
Petitioners.

ORIGINAL  
FILED

NOV 13 1945

WALL COURT, U. S. DIST. COURT  
SAN FRANCISCO

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

In the Matter of the Application

For

A Writ of Habeas Corpus by

TADAYASU ABO, et al, etc.,

Applicants.

And

-----  
TADAYASU ABO, et al., etc.,

Petitioners,

-vs-

IVAN WILLIAMS, as the Officer in Charge,  
etc.,

Respondent.

No. 25296 R.

ORDER APPOINTING NEXT OF FRIEND AND GUARDIAN AD LITEM  
FOR MINOR APPLICANTS AND PETITIONERS

Upon reading and filing the verified application and petition  
for Writ of Habeas Corpus herein, and on the motion of Wayne M.  
Collins, Esq., attorney for applicants and petitioners, and good  
cause appearing therefor,

It Is ORDERED That the minors named in the above-named  
cause be and each of them is hereby authorized to appear herein  
by Harry Uchida as his or her next of friend and as guardian ad  
litem of them and each of them.

DATED: November 13, 1945.

A. F. St. Sure

United States District Judge.

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WAYNE M. COLLINS  
1721 Mills Tower  
San Francisco, 4, California  
GARfield-1218

Attorney for Applicants and  
Petitioners

ORIGINAL  
FILED

NOV 13 1945

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

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

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25296 R

In the Matter of the Application  
For  
A Writ of Habeas Corpus by  
Each of the Following Named Applicants:

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|               |                           |                              |
|---------------|---------------------------|------------------------------|
| 1             | Tadayasu Abo,             | Akira Hashimoto,             |
|               | Yukiko Abo,               | Fumio Hata,                  |
| 2             | Tetsuko Tay Akitsuki,     | Kiyomi Hata,                 |
|               | Rintaro Akiyama,          | Yasuo Hata,                  |
| 3             | Helen Ayako Akune,        | Nobuo Hatae,                 |
|               | Tom Isamu Akune,          | Fumio Hatakeyama,            |
| 4             | Norio Ambo,               | Shizue Hatakeyama,           |
|               | Hajime Jimmie Amemiya,    | Isao Arthur Hattori,         |
| 5             | Takanori Thomas Amemiya,  | Seiichiro Hayashi,           |
|               | Rinko Amino,              | Fumio (Frank) Hayamizu,      |
| 6             | Toshio Amino,             | Edward Masateru Hayashi,     |
|               | Sadao Aoki,               | Hiroko Hayashi,              |
| 7             | George Matsumi Arashige,  | Minoru Hayashi,              |
|               | Harumi Arashige,          | Miye Hayashi,                |
| 8             | Daniel Aredas,            | Hitoshi Hayashida,           |
|               | Seiso Arita,              | — Yasuo Hayashimoto,         |
| 9             | George Ariura,            | Kiyoshi Hidaka,              |
|               | Isamu Arizumi,            | Shigeo Higaki,               |
| 10            | Yoshiko Arizumi,          | Akira Higashi,               |
|               | Chiai Asaka,              | Anna Fusako Higashi,         |
| 11            | Hidenori Asano,           | Hisako Higashi, nee Umemoto, |
|               | Yoshio Asari,             | Katsuto Higashi,             |
| 12            | Fumiko Bozono,            | Misako Maxine Higashi,       |
|               | Sadao Bozono,             | Mitsuko Higashi,             |
| 13            | Katsumi Doi,              | Motoshi Higashi,             |
|               | Tetsuo Doi,               | Shigeki Higashi,             |
| 14            | Tokiko Doi,               | Susumu Higashi,              |
|               | Toshio Doi,               | Kimiko Hirata,               |
| <del>15</del> | Noboru Doioka,            | Masami Hirata,               |
|               | Tomae Fujii,              | Minoru Hirata,               |
| 16            | Toshio Fujii,             | Hideo Hiromoto,              |
|               | Frank Mitsunori Fujimura, | Yuriko Hiromoto,             |
| 17            | Kiyoshi Fujita,           | Atsushi Hirose,              |
|               | Tokunori Fujita,          | Chiyome Honda,               |
| 18            | Isamu Fujitani,           | Hiroshi Honda,               |
|               | Kiyoko Fujitani,          | Hisashi Honda,               |
| 19            | Hiroko Fukagawa,          | Katsuki Honda,               |
|               | Tadasu Fukushima,         | Koichi Honda,                |
| 20            | Lilly Yuriko Fukuwa,      | Mitsuru Honda, nee Minakata, |
|               | Ted Hiroshi Fukuwa,       | Yasuo Honda,                 |
| 21            | Hiroto Fukuwa,            | Chiaki Hori,                 |
|               | Hideo Furukawa,           | Kiyoshi Hori,                |
| 22            | Hisayo Furuyama,          | — Masao Hori,                |
|               | Tomigi Furuyama,          | Matsue Lillian Hori,         |
| 23            | Masami Furukawa,          | Takako Hori, nee Kawabe,     |
|               | John Noboru Furumoto,     | Tatsuo Hori,                 |
| 24            | George Shigeru Furuta,    | Sumito Horio,                |
|               | Shigeo Edna Furuya,       | Iwao Horiuchi,               |
| 25            | Toshio Fredrick Furuya,   | Teruo Horomoto,              |
|               | Riichi Fuwa,              | Tadayuki Igawa,              |
| 26            | Hiroshi Genishi,          | Kayo Iida,                   |
|               | Arata Goto,               | Fumiko Ikeda,                |
| 27            | Yoshino Gotow,            | Fuyono Ikeda,                |
|               | Frank Kenyu Goya,         | Masao Ikeda,                 |
| 28            | Umeo Hamada,              | Tadashi Ikemoto,             |
|               | Luiko Hamaguchi,          | Tom Tamotsu Ikeda,           |
| 29            | Yoshiaki Hamaguchi,       | Michiko Ikoma,               |
|               | Masakazu Hamaguchi,       | Riichi Imada,                |
| 30            | Tomiko Hamasaki,          | Henry Masao Imahara,         |
|               | Minoru Hara,              | Mitsuru Imahara,             |
| 31            | Nobuko Hara,              | Kameo Imamoto,               |
|               | Yukio Hara,               | Katsuyo Imamoto,             |
| 32            | George Minoru Harada,     | Tokio Inouye,                |
|               | Kaiso Fred Harada,        | Tokiye Inouye,               |
|               |                           | Masao Ioka,                  |

*[Handwritten signature]*

|    |                               |                          |
|----|-------------------------------|--------------------------|
| 1  | Masao Iriyama,                | Eiko Kawata,             |
|    | Ben Tsutomu Ishida,           | Kazuya Kikkawa,          |
| 2  | Kei Ishihara,                 | Keiichi Kimura,          |
|    | Tsutomu Ishida,               | Kiyoko Kimura,           |
| 3  | Masayoshi Ito,                | Michiko Kimura,          |
|    | Shizue Ito,                   | Kiyoshi Kimura,          |
| 4  | Yuriko Ito,                   | Mary Shizuko Kimura,     |
|    | Teiso Itamura,                | Edna Kinoshita,          |
| 5  | Yayoi Tom Ito,                | Ben Kishiyama,           |
|    | Yoshio Iwamae,                | Reo Kitagawa,            |
| 6  | Tatsumi Obelle Iwasaki,       | Kenso Kiyohiro           |
|    | Morio Iwamoto,                | Shizuye Kiyohiro,        |
| 7  | Shizuye Izuhara,              | Takeo Kitsuda,           |
|    | Kazuji Izumi,                 | Yoshio Kiyohiro,         |
| 8  | Jiro Kadoya,                  | — Takeshi Kiyomura,      |
|    | Goro Kagehiro,                | Yoshio Kiyonaga,         |
| 9  | Satoru Kagehiro,              | Minoru Kiyota,           |
|    | Masaru Kakigi,                | Misako Koda,             |
| 10 | Noburo Kaku,                  | Kiyomi Kokawa,           |
|    | Tatsuro Richard Kaku,         | Masame Kokawa,           |
| 11 | Yoshiro Kaku,                 | Masao Koshino,           |
|    | Makoto Kamada,                | Takeshi Kosugi,          |
| 12 | Yoshimi Kamei,                | Kichiya Kotow,           |
|    | Yoshiye Kamei,                | — Fukuo Koyanagi,        |
| 13 | Kiyoshi Kameta,               | Kazuo Jack Koyasako,     |
|    | Kaoru Kameyama,               | Suenari Koyasako,        |
| 14 | Yozen Kameyama,               | Yoshio Koyasako,         |
|    | Fumio Kaminaka,               | Genji Kubota,            |
| 15 | Teruo Kamoto,                 | Toshiyuki Bob Kubota,    |
|    | Yoichi Kanechika,             | Yoshinori Kubota,        |
| 16 | Hiroshi Kaneko,               | Sakae Kudo,              |
|    | Hisashi Kaneko,               | Yoshiko Kudo,            |
| 17 | Yoshinori Kaneko,             | Hatsumi Kumagai,         |
|    | Masuo Kano,                   | Toyotsugu Kumagai,       |
| 18 | Hajime Kariya,                | Eiichi Kuniyama,         |
|    | Michiko Susie Kariya,         | Kenji Kuniyama,          |
| 19 | Masayuki Karimoto,            | Noboru Kunimoto,         |
|    | Hiroshi Kashiwagi,            | Takumi Kuramoto,         |
| 20 | Ryo Kashiwagi,                | Kiyoshi Kurashige,       |
|    | Fred Terukio Kataoka,         | Masanao Kusuda,          |
| 21 | Larry Seiichi Kataoka,        | Shigeyuki Kusuda,        |
|    | Kayoko Katayama,              | Futami Maeda,            |
| 22 | Takashi Katayama,             | Rutaro Maeda,            |
|    | Hanako Kato, nee Kameta,      | Takeshi Makishima,       |
| 23 | Kosei Kato,                   | Frank Saburo Marubashi,  |
|    | Terumitsu Ben Kato,           | Nobuji Masai,            |
| 24 | Hanae Kato,                   | Takeshi Masuda,          |
|    | Harumi Kato,                  | Yaeko Masuda, nee Uyeno, |
| 25 | Kenji Kato,                   | Atsume Masui,            |
|    | Kumi Kato,                    | Katsumi Masui,           |
| 26 | Masanori Kato,                | Fumio Edward Masuoka,    |
|    | Michio Kato,                  | Noboru Masuoka,          |
| 27 | Motoichi Kato,                | Fusako Masushige,        |
|    | Roy Toshio Kato,              | Yoshihito Masushige,     |
| 28 | Tom Tsutomu Kato,             | Tsuguye Masuoka,         |
|    | Yuji Kato,                    | Hiroshi Masuda,          |
|    | Takashi Kawahara,             | Grace Yuriko Matsuda,    |
| 30 | Sadako Kawahara, nee Okamoto, | Yutaka Matsuda,          |
|    | Takako Kawahara,              | Fred Shogoro Matsumoto,  |
| 31 | Tamotsu Tom Kawahara,         | John Kiichi Matsumoto,   |
|    | Ellen Kiyoko Kawamoto,        | Minoru Matsumoto,        |
| 32 | Hideko Kawasaki,              | David Tsutomu Matsumura, |
|    | Tomiko Kawasaki,              | — Isamu Matsumura,       |
|    |                               | Mitsue Matsumura,        |

KOKICHI

|    |                            |                                    |
|----|----------------------------|------------------------------------|
| 1  | Kouichi Matsuoka,          | Ted Hitoshi Murano,                |
| 2  | Masamori Matsuoka,         | Fujiko Ruth Murata, <del>PLM</del> |
| 3  | Wataru Matsuoka,           | George Murata,                     |
| 4  | Yoshiko Matsuoka,          | Kikue Murata,                      |
| 5  | Shigetaka Harry Matsutani, | Isamu Myose,                       |
| 6  | Fujio Matsuyama,           | Jiro Naito,                        |
| 7  | Tamiye Matsuyama,          | Hatsuno Naito,                     |
| 8  | George Ichiro Mayeda,      | Makoto Nagamoto,                   |
| 9  | Kimiko Mayeda,             | Kazuto Nagamura,                   |
| 10 | Tsuneko Mayeda,            | Matsumi Nagamura,                  |
| 11 | Shigeo Mikuni,             | Shigeo Nakama,                     |
| 12 | Minoru Mitsuda,            | Masato Nakano,                     |
| 13 | Tameo Mitsuda,             | Toshiye Nakano,                    |
| 14 | Teruko Mitsuda,            | Hiroshi Nagao,                     |
| 15 | Shinichi Miyake,           | Sadao Nagao,                       |
| 16 | Kiyoshi Miyagawa,          | Fujio Nagasawa,                    |
| 17 | Mary Kimiyo Miyagawa,      | Kiyomi Nagata,                     |
| 18 | Shigeru Miyama,            | Masaaki Nagata,                    |
| 19 | Alice Fumiye Miyamoto,     | Susie Shizuye Nagata,              |
| 20 | Alice Yaeko Miyamoto,      | Yoshiye Nagata,                    |
| 21 | Charles Toshio Miyamoto,   | Hideyo Nakagaki,                   |
| 22 | Jane Haruye Miyamoto,      | Kenzo Nakagaki,                    |
| 23 | Roy Hideo Miyamoto,        | Steve Hiroshi Nakai,               |
| 24 | Shimao Miyamoto,           | Yoshio Nakai,                      |
| 25 | Thomas Soma Miyamoto,      | Katsumi Nakamichi,                 |
| 26 | Yoshio Johnny Miyamoto,    | Kenichi Nakamoto,                  |
| 27 | Kazue Miyata,              | Kimiye Nakamoto,                   |
| 28 | Mineo Miyata,              | Hiroharu Nakamura,                 |
| 29 | Shigeso Miyata,            | Isamu Nakamura,                    |
| 30 | Ayako Morihara,            | Kazuko Nakamura,                   |
| 31 | Tetsuo Miyata,             | Mary Nakamura,                     |
| 32 | Yoshito Skippy Miyata,     | Mitsuki Nakamura,                  |
|    | Tadao Ray Mizuno,          | Motoi Nakamura,                    |
|    | Tom Tadashi Mizusaki,      | Tatsumi Nakamura,                  |
|    | George Mori,               | Tsuyoshi Nakamura,                 |
|    | Tadao Morimoto,            | Yukio Nakamura,                    |
|    | Shigemi Morimura,          | Fumiko Nakanishi,                  |
|    | Akira Morio,               | Shigeo Nakanishi,                  |
|    | Hiroko Morio,              | Tsutomu Nakanishi,                 |
|    | Eiro Morioka,              | Yukie Nakanishi,                   |
|    | Mariko Morioka,            | George Nakano,                     |
|    | Katsumi Morishige,         | Katsumi Frank Nakano,              |
|    | Masaru Morishige,          | Tsuneo Nakano,                     |
|    | Chiyoko Morita,            | Masaharu Nakano,                   |
|    | Haruo Morita,              | Toshio Nakano,                     |
|    | Masanori Morita,           | Haruo Nakasako,                    |
|    | Masao Morita,              | Itsuo Nakasako,                    |
|    | Yoshihito Morihara,        | Kenichi Nakashioya,                |
|    | Katsuichi Morioka,         | Takeshi Nakatsu,                   |
|    | Kentarō Morioka,           | Kaoru Nakawaki,                    |
|    | Yukio Morita,              | Suzuko Nakawaki,                   |
|    | Shigenobu Moriyama,        | Ted Sakaye Nakayama,               |
|    | Seiichi Morita,            | Jane Sumiko Nakano,                |
|    | Yoshiko Morita,            | Takeo Nakazono,                    |
|    | Masaru Motoyama,           | Yoshiko Nakazono,                  |
|    | Shizuo Motoyama,           | Fujiye Namekata,                   |
|    | Takashi Motoyasu,          | Kenichi Namekata,                  |
|    | Jimmy Hiroshi Murakami,    | Shigeo Namekata,                   |
|    | June Shimizu Murakami,     | Iwao Namekawa,                     |
|    | Yoshichika Murakami,       | Hatsuye Mary Narasaki,             |
|    | Yoshitaka Murakami,        | Megumi Narimatsu,                  |
|    | Takeo Murakawa,            | Rgger Narimatsu,                   |
|    |                            | Shikuko Narimatsu,                 |

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|----|----------------------------|-----------------------------|
| 1  | Masaye Niimi,              | Fumiko Okita,               |
|    | Shinichi Niimi,            | Hatsuto Okita,              |
| 2  | Mitsuru Nishiguchi,        | Miyako Okura,               |
|    | Hiroshi Nishikawa,         | Tokito Okura,               |
| 3  | Hiroshi Nishikawa,         | Fred Okusako,               |
|    | Kiyoshi Nishikawa,         | Kaoru Okusako,              |
| 4  | Sumiko Nishikawa,          | Betty Kazuye Omi,           |
|    | Yutaka Nishikawa,          | George Omi,                 |
| 5  | Hiroaki Nishimura,         | Hirao Henry Omi,            |
|    | Ichiro Nishimura,          | Midori Margaret Omura,      |
| 6  | Yoshito Nishimura,         | Thomas Hoju Omura,          |
|    | Fumio Nishino,             | Yoshito Osaki,              |
| 7  | Shizuko Nishio,            | Mayjiro Oshima,             |
|    | Yoshito Nishio,            | Mutsuko Oshima,             |
| 8  | Masa Nishioka,             | Kaoru Ono,                  |
|    | Ayao Nishiyama,            | Den Oshita,                 |
| 9  | Kazuo Nishimoto,           | Eiji Oshita,                |
|    | Katsumi Nishiyama,         | — Atsuyuki Ota,             |
| 10 | Tomie Nishiyama,           | Sakaye Ota,                 |
|    | Kenji Nitta,               | Tokuo Ota,                  |
| 11 | Kiyoshi Nitta,             | Utako Ota,                  |
|    | Masato Nitta,              | Fred Iwamatsu Otsuka,       |
| 12 | Meri Nitta, nee Yamaichi,  | Fumiko Otsuka,              |
|    | Shigeo Nitta,              | Sachiyo Otsuka,             |
| 13 | Shizuno Nitta,             | Akira Oye,                  |
|    | Masato Noda,               | Kiyomi (Masui) Ozaki,       |
| 14 | Narihiko Noguchi,          | Yoshio Ozaki,               |
|    | Tom Takashi Nozaki,        | Kikuo Ozeki,                |
| 15 | Kinichi Oba,               | Tetsuya Ryono,              |
|    | Yoshimi <u>Kiyomi</u> Oba, | Masami Sadakane,            |
| 16 | Mitsuru Oba,               | Yoshiyuki Sadakane,         |
|    | Minoru Oba,                | Sachiko Saito,              |
| 17 | Arisu Oda,                 | Takashi Saito,              |
|    | Nobuo Oda,                 | Motoaki Sakaguchi,          |
| 18 | Maseo Oda,                 | Harry Masakatsu Sakai,      |
|    | Sachiko Oda,               | Hiroshi Sakai,              |
| 19 | Tokio Oda,                 | Teruko Sakai,               |
|    | Fumiye Ogawa,              | Bill Shigeru Sakamoto,      |
| 20 | Joji Ogawa,                | → Hideaki Sakamoto,         |
|    | Frank Kazuo Ogino,         | Hisashi Sakamoto,           |
| 21 | Akira Okada,               | Kimiye Sakamoto,            |
|    | Haruyo Okada,              | Kiyoyuki Sakamoto,          |
| 22 | Iseo Okada,                | Yoshio Sakamoto,            |
|    | Minoru George Okamida,     | Elsie Shizuko Sakata,       |
| 23 | Fusako Okamoto,            | Haruko Sakata,              |
|    | Jack Hisao Okamoto,        | Mitsumasa R. Sakata,        |
| 24 | Kikuye Okamoto,            | Shizuko Sakata, nee Kiyama, |
|    | Keiichi Okamoto,           | Ted Atsushi Sakata,         |
| 25 | Mineyoshi Okamoto,         | Elsie Kiyoko Sano,          |
|    | Nobuko Okamoto,            | Emiko Sano,                 |
| 26 | Sadako Okamoto,            | Matsuo Saruwatari,          |
|    | Takeo Okamoto,             | Hideo Sasaki,               |
| 27 | Takeshi Okamoto,           | Kename Sasaki,              |
|    | Taro Bill Okamoto,         | Yukio Sasaki,               |
| 28 | Thomas Tomio Okamoto,      | Marjorie Hisako Sato,       |
|    | Yoshio Okamoto,            | Mark Kinya Sato,            |
| 29 | Akira Okamura,             | Tadao Sato,                 |
|    | Masayuki Okano,            | Dan Yukio Satowa,           |
| 30 | William Masaharu Okano,    | George Hiroshi Sawamura,    |
|    | Shigeru Okawa,             | Toshiko Lucille Seki,       |
| 31 | Jimme Masaru Okida,        | Hachiro Roy Sera,           |
|    | Hisako Doris Okimura,      | Akiko Shibata,              |
| 32 | Shizuko Okino,             | Kazuy <del>e</del> Shibata, |

- |    |                                     |                                        |
|----|-------------------------------------|----------------------------------------|
| 1  | Iwao Shigei,                        | Yoshiaki Takahashi,                    |
|    | Toshiye Shigei,                     | Shigeru Takaki,                        |
| 2  | Tomiko Shibata,                     | Kenichi Ken Takasugi,                  |
|    | Mamoru Shigetomi,                   | Ichiro Takata,                         |
| 3  | Yoshikazu Shiga,                    | Taiji Takemiya,                        |
|    | Kameji Shimabukuro,                 | Ted Hiromi Takemoto,                   |
| 4  | Toshiko Shimabukuro,                | Kay Takeoka,                           |
|    | Yoshiharu Shimada,                  | Mune Takeoka,                          |
| 5  | Ayano (Shintani) Shimada,           | Juntoku Takeshima,                     |
|    | Frank Shimada,                      | George Kazuto Taketa,                  |
| 6  | Genichi Shimada,                    | Ruby Mitsue Taketa,                    |
|    | George Saburo Shimada,              | May Chitori Taketaya,                  |
| 7  | Jack Shimada,                       | Hiroyuki Taketaya,                     |
|    | Joe Shimada,                        | Ben Tsutomu Taketomo, <i>Taketomo?</i> |
| 8  | Junko Shimizu,                      | Shigeiko Dorothy Taketomo, <i>11</i>   |
|    | Yasukazu Shimomura,                 | Fukuko G. Takeuchi,                    |
| 9  | Kazuhisa Shimosaki,                 | Kenji Takeuchi,                        |
|    | Yoshikazu Shimosaki,                | Jack Naoyuki Takeuchi,                 |
| 10 | Edward Makoto Shinkawa,             | Matsuye Takeuchi,                      |
|    | Jack Shinkawa,                      | Yemiko Takeuchi,                       |
| 11 | Tayeko Shinkawa,                    | Yoneko Takeuchi,                       |
|    | Masamori Shinmei,                   | Hideo Takimoto,                        |
| 12 | Yoshimi Shinoda,                    | Kazuo Tamaki,                          |
|    | Giro Shinomoto,                     | Masashi Tambara,                       |
| 13 | Hiroshi Shintani,                   | Iwao Tamura,                           |
|    | Mitsuo Shintani,                    | Jinsoo Tamura,                         |
| 14 | Mary Shirei,                        | Miyoko May Tamura,                     |
|    | Kojiro Paul Shiraishi,              | Richard Yoshimitsu Tamura,             |
| 15 | Roy Toshihiko Shiraishi,            | Shizuko Tamura, nee Natsuhara,         |
|    | Shizuye (Ishida) Shiroishi,         | Shizuye Tamura,                        |
| 16 | Reyochi Shiroma,                    | Yoshiaki Tamura,                       |
|    | Yoshihide Charlie Shiroma,          | Yoshio Tamura,                         |
| 17 | Flora Shoji,                        | Yoshiye Tamura,                        |
|    | Masatsugu Shoji,                    | Yoshio Tanabe,                         |
| 18 | Tomiji Shono,                       | Fumie Tanabe,                          |
|    | Casey Tsuyoshi Soga,                | Kunio Fred Tanaka,                     |
| 19 | Mitsuru Sugai,                      | Michie Tanaka,                         |
|    | Masashi Sugi,                       | Shunso Raymond Tanaka,                 |
| 20 | Megumi Sugi,                        | Satoru Tanaka,                         |
|    | Jack Toshio Sumida,                 | George Tanaka,                         |
| 21 | William Sumida,                     | Masaji Tanaka,                         |
|    | Chiyoeko Sumimoto,                  | Masatsuki Tanaka,                      |
| 22 | Tomio Sumimoto,                     | Michiko Tanaka,                        |
|    | Hifumi Suto,                        | Shigeichi Tanaka,                      |
| 23 | Hisashi George Suyekawa,            | Masashi Taniguchi,                     |
|    | Nobuye Suzuki,                      | Yoshio Taniguchi,                      |
| 24 | Sakaye May Suzuki,                  | Sachiye N. Tanimoto,                   |
|    | Matsuko Tabata,                     | Takashi Tanimoto,                      |
| 25 | Sueo Tabata,                        | Wataru Tanimoto,                       |
|    | Tsutomu Bill Tabata,                | Akimasa Tanji,                         |
| 26 | Yoshio Tabata,                      | Matsuye Tao,                           |
|    | Yoshio Tabata,                      | Kazuel Tate,                           |
| 27 | Mary Tabuchi,                       | Kiyomi Tatsukawa,                      |
|    | Kiyoshi Tachibana, <i>(N)</i>       | John Ichiro Tatsukawa,                 |
| 28 | Kiyono Tada,                        | Tsuneko Tatsukawa,                     |
|    | Mitoshi Tada,                       | Hiroshi Teramoto,                      |
| 29 | Chiyeeko Tahira,                    | Sasuke Teracka,                        |
|    | Kiyoshi Tahira,                     | Hideo Tochioka,                        |
| 30 | Chizuko Takahashi,                  | Ayako Tokoro,                          |
|    | Takashi Takahashi, <i>(Takashi)</i> | Hisako Tomimatsu,                      |
| 31 | Masato Takahashi,                   | Haruko Tomiyama,                       |
|    | Mizuho Takahashi,                   | Kaneyoshi Tomiyama,                    |
| 32 | Shigeo Takahashi,                   | James Saburo Tomooka,                  |

|    |                               |                              |
|----|-------------------------------|------------------------------|
| 1  | Kikuye Tomooka,               | Shigeo Yamamoto,             |
|    | Masayoshi Tomooka,            | Shigeru Yamamoto,            |
| 2  | Yoshito Tomooka,              | Shigeru Yamamoto,            |
|    | Hisako Tomotoshi,             | Shigeru Yamamoto,            |
| 3  | Kikue Kay Tomotoshi,          | Shizuo Yamamoto,             |
|    | Akira Toya,                   | Shizumi Yamamoto,            |
| 4  | Dianne Sumiko Toyama,         | Shizuko Mabel Yamamoto,      |
|    | Haruno Grayce Toyama,         | Takeo James Yamamoto,        |
| 5  | Tadae Toyoji,                 | Tatsuya Yamamoto,            |
|    | Tatsutarō Toyama,             | Teruko Mary Yamamoto,        |
| 6  | George Fumio Tsuetaki,        | Teruto Yamamoto,             |
|    | Paul Kenjiro Tsuetaki,        | Yoshikiyo Yamamoto,          |
| 7  | Chiyoshi Tsujimoto,           | Yoshiye Yamamoto,            |
|    | Kusuo Tsujimoto,              | Shigeo Yamane,               |
| 8  | Masao Tsukida, <i>Tsukuda</i> | Tadao Yamane,                |
|    | Kenichi Tsushima,             | Tsugio Albert Yamaoka,       |
| 9  | Koichi Uyeno,                 | <del>Yukio Yamaoka,</del>    |
|    | Harry Wataru Uchida,          | Kazuo Yamasaki,              |
| 10 | Asaki Umawatari,              | Sakae Yamasaki,              |
|    | Yatsue Umeda,                 | Shunji Yamasaki,             |
| 11 | Ichiro Ushio,                 | Sumiye Yamasaki,             |
|    | Shizuko Ushio,                | Takato Yamasaki,             |
| 12 | Fusao Utsurogi,               | Tsugio Yamasaki,             |
|    | Tatsuo Tom Utsurogi,          | Nobuo Yamashita,             |
| 13 | Seiyon Richard Uyeda,         | Sadae Yamashita,             |
|    | Tadao Uyeda,                  | Tadao Yamashita,             |
| 14 | Hiroshi Uyehara,              | Tatto Yamashita,             |
|    | Mitsugi Uyeki,                | Susumu Yasuzawa,             |
| 15 | Atsushi Uyemoto,              | Fujiko Yamato, nee Ikezoe,   |
|    | Miyoko Uyemoto,               | Natsuki Yamato,              |
| 16 | Susumu Uyemura,               | Chester Makoto Yamauchi,     |
|    | Roland Mitsugi Uwaizumi,      | Morio Yanabu,                |
| 17 | William Shigezo Wada,         | Kimiye Yasuda,               |
|    | Shingo Wada,                  | Masami Yasuda,               |
| 18 | Toru Wada,                    | Akira Yasui,                 |
|    | Nobuki Wakabayashi,           | Masako Yasui,                |
| 19 | Asako Watanabe,               | Henry Kenji Yokoi,           |
|    | Ben Watanabe,                 | Tomiko Yokoi,                |
| 20 | Hiroshi Watanabe,             | Bessie Tomiye Yokoo,         |
|    | Katsuye Watanabe,             | Arthur M. Yokotake,          |
| 21 | Kay Watanabe,                 | Kiyoshi Yokotake,            |
|    | Kin Watanabe,                 | Miyoko Yokotake, nee Hara,   |
| 22 | Tomi Watanabe,                | Tetsuo Yomogida,             |
|    | Kikue Yabitsu,                | Kiku Yoshida,                |
| 23 | Yoshiharu Yabitsu,            | <del>Minoru Yoshijima,</del> |
|    | Tamio Yabu,                   | Albert Shigeyuki Yoshikawa,  |
| 24 | Tamotsu Yagi,                 | Ichiro Yoshimi,              |
|    | Bill Akira Yagi,              | Yuriko Yoshimi,              |
| 25 | George Yagi,                  | Arata Yoshimura,             |
|    | George Yoshinori Yagi,        | George Yoshimura,            |
| 26 | Soko Yaka,                    | Isamu Yoshimura,             |
|    | Yoshio Yamabe,                | Misao Yoshimura,             |
| 27 | Ben Yamada,                   | Toshi Yoshimura,             |
|    | Kazuo Yamada,                 | Yoshio Yoshimura,            |
| 28 | Masakazu Yamada,              | Shizue Yoshimura,            |
|    | Takashi Yamada,               | Ryoji Yoshino,               |
| 29 | Yoshiye Yamada,               | Naoharu Yugawa,              |
|    | Jimijiso Yamaichi,            | Sanami Yugawa,               |
| 30 | Masaru Yamaichi,              | Hiroshi Jack Yuoka,          |
|    | Kazuo Yamamoto,               | Tayeko Yuoka,                |
| 31 | Kiyoshi Yamamoto,             |                              |
|    | Mitsuye Yamamoto,             |                              |
| 32 | Miyuki Yamamoto,              |                              |

- 1 Masako Kajikawa,
- 2 Hiroshi Kuramoto,
- 3 Yoshiye Kuramoto,
- 4 Manao Matsushima,
- 5 Masaye M. Moriuchi,
- 6 Tadakatsu Ogata,
- 7 Kaoru Ono,
- 8 Masaru Takashiba,
- 9 Hide Tateoka,
- 10 Asaye Toki,
- 11 Terry Toki,
- 12 Tsukasa Tomita,
- 13 Kikuyo Yagi,

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12 adults, individually, and as constituting  
13 a class, and as representatives of a class,

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15 And

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| 1  | Genshyo Ambo,                     | Miyoko Nakano, nee Yoshimoto, |
|    | Eizo Arakawa,                     | Kaoru Nakata,                 |
| 2  | Hideko Arita, nee Takahashi,      | Kikuye Nakinishi,             |
|    | Tadashi Fujioka,                  | Eichi Richard Nakayama,       |
| 3  | Yoshiaki Fukuda,                  | Kazuko Namekata,              |
|    | Takashi Fukushima,                | Chiyeko Narasaki,             |
| 4  | Oscar Chikara Fukuda,             | Sugio Nishiguchi,             |
|    | Jun Roy Furumoto,                 | Yoshio Nishikawa,             |
| 5  | Virginia Shizuye Furumoto,        | Yutaka Nishikawa,             |
|    | Masakazu Frank Gytoku,            | Emiko Nitta, nee Taguchi,     |
| 6  | Kazumi Hama,                      | Miyeko Nitta,                 |
|    | Ben Hara,                         | Yoshie Negi,                  |
| 7  | Chiyeko Harada,                   | Mitsuki Noguchi,              |
|    | Satoru Harada,                    | Ben Oba,                      |
| 8  | Jimmy Kazumi Haratani,            | Kan Oda,                      |
|    | Hisako Hashimoto,                 | Chizuko Oda,                  |
| 9  | Satoshi Hashimoto,                | Minoru Oda,                   |
|    | Yoshiko Higashi,                  | Henry Ogawa,                  |
| 10 | Kazuo Hiromoto,                   | George Okamoto,               |
|    | Setsuo Hisatomi,                  | Takashi Okamoto,              |
| 11 | Toru Honda,                       | Iwao Okano,                   |
|    | Tom Satoru Honda,                 | Nozomu Sadakane,              |
| 12 | Jack Tadao Hori,                  | Howard Minoru Sakai,          |
|    | Frank Horio,                      | Kiyoko Sakamoto,              |
| 13 | Amy Emiko Ikeda,                  | Yoshiyuki Jimmy Sakamoto,     |
|    | James Ikeda,                      | Isamu Sakauye,                |
| 14 | Nobuko Ikezoe,                    | Manabu Sano,                  |
|    | Harumi Kakigi,                    | Minoru Sasaki,                |
| 15 | Ikuye Kaneko,                     | Haruko Sato,                  |
|    | Eiko Kashiwagi,                   | William Katsuya Sato,         |
| 16 | Eva Kusumi Kataoka,               | Mary Seko,                    |
|    | Mitsuye Kato,                     | Masaru Shibata,               |
| 17 | Aiko Koken, nee Nishimura,        | James Iwao Shimada,           |
|    | Sueo Koyasako,                    | Fumiko Shimizu,               |
| 18 | Yukie Kudo,                       | Hiroichi Shimizu,             |
|    | Shizuo Frank Kawabara,            | Shigeo Shimosaki,             |
| 19 | Takao Masuda,                     | Tazuko Mary Shinomoto,        |
|    | Mary Misao Masuoka,               | Sumiko Sugi,                  |
| 20 | Tamotsu Matsuda,                  | Mitsuru Takahashi,            |
|    | Bob Masaichi Matsumoto,           | Emiko Dorothy Takashiba,      |
| 21 | Haruye Matsumoto,                 | Hideshi Jim Taketaya,         |
|    | Minoru Matsuoka,                  | Yoshiye Tanaka,               |
| 22 | Samuel Matsuoka,                  | Chizuru Tomimatsu,            |
|    | Minoru Matsutani,                 | Kiyoshi Tomoike,              |
| 23 | Margaret Hisaye Matsumoto,        | Isamu Tomooka,                |
|    | Henry Haruji Mayeda,              | Suyeo Tomooka,                |
| 24 | Tetsuya Mizumoto,                 | Yukiko Toya,                  |
|    | Michio Mizuno,                    | Wayne Iwao Toyama,            |
| 25 | Sam Takashi Mizusaki,             | Hisako Toyota,                |
|    | Tom Tamio Miyaoka,                | Kimiko Toyota,                |
| 26 | Minoru Mochizuki,                 | Noboru Tsuchida,              |
|    | Shizu Mori,                       | Ami Tsuchihashi,              |
| 27 | Hideo Herbert Morioka,            | Akira Ueda,                   |
|    | Toshiko Morishige,                | Fumiko Uyeki,                 |
| 28 | Yuriko Morita,                    | Ritsu Uyeno,                  |
|    | Fusaye Moriuchi,                  | Yukio Uyeno,                  |
| 29 | <del>Masaye Molly Moriuchi,</del> | Frank Yoshikazu Kagi          |
|    | Chiyoko Doris Murano,             | Toyoko Yagi,                  |
| 30 | Rosie Yuriko Murata,              | Hiroshi Yamada,               |
|    | Sadao Nakahara,                   | Harold Masayuki Yamamoto,     |
| 31 | Masashi Nakamura,                 | Hisako Yamamoto,              |
|    | Joe Nakamura,                     | Sumiye Yamamoto,              |
| 32 | Mieko Anna Nakamura,              | Edward Tetsuo Yamane,         |
|    | Bob Isamu Nakanishi,              | Mamoru Yamasaki,              |
| 33 | Ida Kazuyo Nakanishi,             | Toshimi Yamasaki,             |

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Mamoru Yamaichi,  
Chiyeko Yoshida,  
Isamu Yoshimi,  
Niro Yoshimi,  
Saburo Yoshimi,  
Tadao Dick Yoshimi,  
Shige Kishiyama,  
Ruby Miyoko Okamoto,

minors, individually, and as constituting a class,  
and as representatives of a class, by Harry Uchida,  
as the next of friend, and as guardian ad litem of  
them and each of them,

Applicants;

And

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Said persons (applicants), individually, and as  
constituting a class, and as representatives of  
a class,

Petitioners,

-vs-

IVAN WILLIAMS, as the Officer-in-Charge, United  
States Department of Justice, Immigration and  
Naturalization Service, Tule Lake Center, Newell,  
Modoc County, California,

Respondent.

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-I-

1  
2  
3 PETITION FOR WRIT OF HABEAS CORPUS  
4

5  
6 TO THE HONORABLE, THE UNITED STATES DISTRICT COURT FOR THE  
7  
8 NORTHERN DISTRICT OF CALIFORNIA:  
9

10 The application and petition of each of the applicants and  
11 petitioners above-named for a writ of habeas corpus respectfully  
12 shows:  
13

14 I.

15 Each petitioner is authorized to bring and maintain this  
16 proceeding in habeas corpus and this court is authorized and  
17 empowered to entertain original jurisdiction of this petition  
18 and proceeding under and by virtue of the provisions of the  
19 Habeas Corpus Acts, Title 28 USCA, sec. 451 et seq., and also  
20 by virtue of the provisions of Title 8 USCA, sec. 903.  
21

22 II.

23 Each petitioner is a person having Japanese ancestry, and  
24 at all times herein mentioned has been domiciled in and a  
25 resident of the United States, a native-born American, a citizen  
26 and national of the United States and subject to the jurisdiction  
27 thereof, as provided by the 14th Amendment of the Constitution,  
28 the provisions of Title 8 US. Code, sec. 601(a), and as defined  
29 in Title 8 U.S. Code, sec. 501(a) and 501(b); none of the  
30 petitioners at any time whatever has been and none is an alien  
31 enemy and none at any time has been an alien; none at any time  
32 has been and none is a native, citizen, denizen or subject of  
Japan or of any hostile nation, government or country; none  
has at any time been and none is a danger to the public peace  
or safety and none has at any time been accorded a judicial

1.

1 hearing upon any charge or accusation that he or she was or is  
2 such a danger, and, ~~on the contrary, the Department of Justice,~~  
3 ~~in 1945, made a finding and declaration that each petitioner was~~  
4 ~~not hostile to and was not a danger to the public peace or~~  
5 ~~safety;~~ each petitioner at all times herein mentioned and ever  
6 since his or her said birth in this country has been and now is  
7 loyal and devoted to the United States; and, ~~by virtue of the~~  
8 ~~circumstances hereinafter set forth,~~ each is a resident within  
9 the <sup>geographical</sup> jurisdiction of this Court.

10 III.

11 The petitioners jointly and severally bring and maintain  
12 this proceeding under the procedure authorized in habeas corpus  
13 proceedings and the practice conforming to the practice in  
14 actions at law or suits in equity and pursuant to the provisions  
15 of Rules, 20, 23(1), 23(2), 23(3), 18(a), 18(b), 19(a), 19(b),  
16 and 81(a)(2), of the Rules of Civil Procedure for the District  
17 Courts of the United States, uniting and joining in this single  
18 petition for the following reasons and purposes, among others,  
19 to-wit: (1) For the convenience and interest of the petitioners  
20 and respondents; (2) to promote the orderly, convenient and  
21 efficient administration of justice; (3) to avoid and prevent  
22 a multiplicity of suits; (4) because petitioners jointly and  
23 severally assert rights to ~~release and~~ discharge from the unlawful  
24 internment ~~and detention~~ in which they are held and because their  
25 rights thereto arise out of the same series of occurrences;  
26 (5) because there are several points of litigation and questions  
27 of law and of fact arising in said proceeding that are common to  
28 each and all of them; (6) because said proceeding is also a  
29 class action and the character of the rights sought to be enforced  
30 for the persons and class of persons on whose behalf the same is  
31 brought and those who hereafter may be joined as petitioners  
32 herein is joint, common, and several; and (7) because there are

1 common questions of fact and of law affecting the several rights  
2 involved and a common relief is sought by each petitioner against  
3 respondent;

4 The questions and issues of fact involved herein which  
5 are common to each and all of petitioners are: (1) Whether  
6 the petitioners are native-born American citizens and nationals  
7 of the United States or stateless persons or alien enemies,  
8 it being apparent that if petitioners are not alien enemies their  
9 internment was and is unlawful and they are entitled to immediate  
10 release therefrom, such internment and detention lawfully being  
11 applicable only to alien enemies during the actual period of time  
12 in which the United States is engaged in the prosecution of war  
13 and then only provided the internment and detention of specified  
14 alien enemies is commanded by the President of the United States  
15 and his authority so to do is invoked under and arises from the  
16 Alien Enemy Act; and (2) whether the renunciations of nation-  
17 ality signed by petitioners are void and invalid as having been  
18 signed under duress, menace, fraud and undue influence, as here-  
19 inafter alleged, and as having been rescinded, the political  
20 status of the petitioners depending upon a determination of the  
21 legality or illegality thereof;

22 Among the questions of law involved herein, which are  
23 common to each and all of the petitioners herein, are the follow-  
24 ing, to-wit: (1) The constitutionality and validity of Title 8,  
25 USCA, sec. 801(i), and the nationality regulations adopted pur-  
26 suant thereto, on their face and as construed and applied to  
27 petitioners who contend the same are unconstitutional and void for  
28 being repugnant to the provisions of the 4th, 5th, 6th, 8th, 9th,  
29 10th, 13th, and 14th Amendments of the Constitution and to the  
30 following provisions of the Constitution, viz., Article I, sec. 1;  
31 sec. 8, subd. 4; sec. 9 subd. 3; Article III, sec. 1; and sec. 3  
32 subds. 1 and 2; and Article IV, sec. 2 subd. 1; and (2) whether  
the Alien Enemy Act, Title 50, USCA, secs. 21 and 22, which

1 respondent asserts was invoked against petitioners and under  
2 which respondent asserts petitioners were and are interned as  
3 alien enemies, was lawfully invoked against them and was and is  
4 lawfully applied to them, and the constitutionality and validity  
5 of said Alien Enemy Act on its face and also as construed and  
6 applied to the petitioners who contend the said Act was unlawfully  
7 invoked against them and was and is unlawfully applied to them  
8 and also that it is unconstitutional and void on its face and as  
9 construed and applied to them for being repugnant to each of the  
10 aforementioned amendments and provisions of the Constitution.

11 IV.

12 Each petitioner, contrary to his or her will and desire,  
13 is unlawfully interned, <sup>and restrained of his or her liberty</sup> ~~detained~~ for the purpose of an involuntary  
14 ~~removal or deportation to Japan and restrained of his or her~~  
15 ~~liberty~~ <sup>The respondent Ivan Williams as</sup> by the Officer in Charge, United States Department of  
16 Justice, Immigration and Naturalization Service, at the Tule Lake  
17 Center, situated within the jurisdiction of this Court, at Newell,  
18 Modoc County, California, said <sup>respondent acting under the</sup> ~~Officer in Charge acting under the~~  
19 order or orders of the Attorney General of the United States, ~~and~~  
20 ~~presently being one, Ivan Williams, respondent herein;~~ and the  
21 said Attorney General and said <sup>The respondent,</sup> ~~Officer in Charge~~, acting under  
22 his order or orders, has announced and given notice of intention  
23 summarily to remove ~~and deport~~ each petitioner involuntarily to  
24 Japan;

25 The United States Department of Justice has publicly  
26 announced the early closing of the said Tule Lake Center where  
27 persons of Japanese descent and the petitioners, as such, hereto-  
28 fore have been and now are detained by the Government, and has  
29 ordered each petitioner and all other persons of like ancestry,  
30 there interned, who have signed applications for renunciation  
31 of United States nationality, upon a mere notice of approval  
32 thereof being given by an Assistant Attorney General of the

1 Department of Justice, detained and restrained of his or her  
2 liberty for deportation purposes and has publicly announced that  
3 commencing on and after November 15, 1945, each petitioner and  
4 all persons who have signed such renunciation application, will be  
5 forcibly removed and deported to Japan, and that petitioners and  
6 all such persons so scheduled for such removal and deportation  
7 to Japan will be so deported without any notice being given and  
8 without any hearings being accorded any of them thereon;

9 ~~Said Officer in Charge at the Tule Lake Center,~~ The  
10 respondent, ~~Ivan Williams,~~ acting under the orders of the Attorney  
11 General of the United States, under a claim of color of authority  
12 of the Alien Enemy Act, Title 50 USCA, sec. 21, asserts each of  
13 said petitioners is an alien enemy and that as such each has  
14 been and is interned and restrained of his or her liberty and is  
15 held and scheduled for ~~such an involuntary removal or~~ deportation  
16 thereunder to Japan, albeit that such assertion that petitioners  
17 are alien enemies or that any of them is an alien enemy is a  
18 false and fictitious assertion, claim, and assumption wholly un-  
19 supported by fact and by law and is a gross mistake and error of  
20 fact and of law.

21 V.

22 Each petitioner for a long period of time has been and  
23 now is interned and detained at said Tule Lake Center and now is  
24 under an order of removal or deportation to Japan, as each is  
25 informed and believes and therefore alleges, by reason of a claim  
26 that each, by a renunciation of United States nationality, there-  
27 by became an alien enemy and subject to such internment, ~~detention~~  
28 and removal or deportation under the provisions of the Alien  
29 Enemy Act, Title 50 USCA, sec. 21, the facts out of which such  
30 claim arises being as follows:

31 Each petitioner has had, in his or her ancestral line  
32 an unknown number of ancestors who, at some remote time in the

1 past, were born in a geographical area over which a Japanese  
2 sovereign ruled and over whom such sovereign claimed, asserted  
3 and enforced, through the then instrumentalities of police power,  
4 a temporal jurisdiction. Solely because of said type of ancestry  
5 each petitioner, pursuant to proclamations, commands and orders  
6 of General John L. DeWitt, then Commander of the Western Defense  
7 Command and Fourth Army, during the year 1942, first was imprison-  
8 ed in the immediate vicinity of his or her then home, situated  
9 within the geographical area embraced by the Western Defense  
10 Command, then driven into and imprisoned in stockades called  
11 assembly centers, thereafter transported to <sup>and confined for approximately three years</sup> concentration camps  
12 called War Relocation Centers <sup>and</sup> ~~and there confined for approximately~~  
13 ~~three years~~, and thereafter imprisoned in the Tule Lake Center,  
14 Newell, Modoc County, California, said imprisonment having been  
15 continuous from 1942, to date, all without a charge of crime or  
16 accusation of crime having been lodged against any of them, and  
17 without any hearing having been given them on the reasons for  
18 such treatment, ~~and in spite of the fact that the Attorney General~~  
19 ~~of the United States in 1945 caused each to be notified that he~~  
20 ~~or she had been found to be a person not dangerous to the security~~  
21 ~~of the United States;~~

22 That during the entire period of his or her unlawful  
23 imprisonment, commencing in 1942, and continuing ever since, as  
24 aforesaid, each petitioner has been and still is deprived of  
25 substantially all his or ~~her~~ rights, liberties, privileges and  
26 immunities guaranteed by the Constitution to him or her as a  
27 native-born citizen and national of the United States and subject  
28 to the jurisdiction thereof, as also those guaranteed to him or  
29 her as a person thereunder, said deprivations having been committed  
30 by governmental authorities under a claim of color of authority  
31 of the United States;

1           During the preceding period of 1945, at said Tule Lake  
2 Center, each petitioner signed an application for renunciation  
3 of United States nationality, as provided for by Title 8 USCA,  
4 sec. 801(1), and the Rules and Regulations adopted by the  
5 Department of Justice under the Nationality Act of 1940, as  
6 amended, said Rules being more particularly designated as  
7 Sections 316.1 to 316.9, inclusive, of Chapter I, sub-chapter D,  
8 part D, of Nationality Regulations; that none of said applications  
9 has been approved by the Attorney General of the United States,  
10 nor has he ever issued an order approving any of them, as is  
11 required by Title 8, USCA, sec. 801(1) and Rule 316.7 of the  
12 Nationality Regulations, before such becomes effective; that  
13 each petitioner has received a letter from a representative of  
14 the Department of Justice stating that his or her renunciation  
15 has been approved by the Attorney General as not contrary to the  
16 interests of the national defense, and informing each that he or  
17 she no longer is a citizen of the United States and is not  
18 entitled to any of the rights and privileges of such citizenship;

19           The signing of said application for renunciation was  
20 neither under oath nor real nor free nor voluntary on the part of  
21 any of said petitioners but was caused by and was the result of  
22 duress, menace, fraud, undue influence, mistakes of fact and of  
23 law and was the product of the fear, coercion and intimidation  
24 under which each then and there was held and subjected to and  
25 under which he or she labored, all as hereinafter set forth;

26           In signing said renunciation applications, none of the  
27 petitioners was informed, knew, intended or expected, by reason  
28 thereof to be interned, detained and restrained of his or her  
29 liberty as an "alien enemy" or otherwise, and none was informed,  
30 knew, intended, or expected that he or she would be involuntarily  
31 removed or deported to Japan by reason thereof, and, on the  
32 contrary, was led to believe by the Government, its agents,

1 servants, and employees, that the signing thereof was not final,  
2 but tentative, and subject to being rescinded and revoked.

3 VI.

4 The internment and detention of each petitioner and the  
5 restraint upon the liberty of each, as aforesaid, and the  
6 threatened, imminent and impending involuntary removal and  
7 deportation of each to Japan, as aforesaid, are, and each of said  
8 things, is, in violation of the Constitution and laws of the  
9 United States, as heretofore stated, and deprives each of the  
10 due process of law guaranteed by the 5th Amendment of the  
11 Constitution, in the following particulars, to-wit:

12 A: The unconstitutionality and illegality of the internment  
13 and detention of each petitioner and the restraint upon his or her  
14 liberty:

15 (1) That none of the applications for renunciation of  
16 nationality signed by petitioners has at any time whatsoever been  
17 approved by the Attorney General of the United States nor has an  
18 approval nor an order approving any of the said applications at  
19 any time been made by him nor has he at any time passed upon or  
20 considered any of them as required by the provisions of Title 8  
21 USCA, sec. 801(1), and by the provisions of sec. 316.1 to 316.9,  
22 inclusive, of Part 316, sub-chapter D, Chapter I of Nationality  
23 Regulations, before a renunciation therein provided for becomes  
24 effective;

25 (2) That at the time each petitioner signed said  
26 renunciation application the United States was engaged in the  
27 prosecution of a war and, by reason thereof, any approval of a  
28 renunciation of nationality by any of the petitioners necessarily  
29 would have been contrary to the interests of national defense  
30 and to the sovereignty of the United States and violative of the  
31 provisions of Article III, section 3, subdiv. 1 of the  
32 Constitution;

1 (3) That the hearing accorded each petitioner upon  
2 his or her application for renunciation was nothing but a  
3 perfunctory pseudo-hearing or command appearance before a hearing-  
4 officer designated by the then Attorney General of the United  
5 States and was wanting in each and all of the elements of a fair  
6 and impartial hearing, and in the incidents thereof, in that each  
7 petitioner was deprived of the benefits of independent advice  
8 ~~and counsel~~ and of the assistance of counsel in and about said  
9 hearing, was denied the right to be confronted by any evidence  
10 and to examine witnesses against him or her or to produce witnesses  
11 in his or her behalf, albeit none of the petitioners waived his  
12 or her rights thereto; that at each such pseudo-hearing, the  
13 hearing officer's recommendation on each application was based,  
14 *as was all subsequent action taken thereon,* either in whole or in part, upon secret information and data  
15 available to and used by the hearing officer but which was with-  
16 held, concealed and kept secret from each petitioner, as provided  
17 by the provisions of Section 316.6 of the Nationality Regulations  
18 of the Department of Justice, and any approval thereof, had any  
19 approval or order approving any of said renunciations been issued  
20 or made by the Attorney General of the United States, necessarily  
21 would have been based wholly or partially thereon;

22 (4) The signing of the renunciation applications by  
23 each petitioner was neither under oath nor real nor free nor  
24 voluntary but was caused by and was the result of duress, <sup>menace,</sup>  
25 ~~fraud, undue influence, mistakes of fact and of law and was the~~ *which they were told by the US Government and the Government*  
26 ~~product of the fear, coercion and intimidation under which each~~ *fraud, menace, and other offenses*  
27 then and there was held and subjected to ~~by the government and by~~ *by the*  
28 groups ~~and~~ *and* gangs, and ~~by~~ individuals, as hereinafter set forth:

29 (a) Commencing with their unwarranted and  
30 unjustified evacuation from their homes in 1942, as aforesaid,  
31 and continuously since then to date, the United States government,  
32 acting by and through its agents, servants and employees, and as

1 the jailor, custodian and guardian of petitioners, its wards,  
2 ~~has discriminated and still discriminates against the petitioners~~  
3 ~~and each of them, simply because of their descent from persons of~~  
4 Japanese origin and, ever since their unlawful imprisonment in  
5 the vicinity of their homes immediately preceding their said  
6 evacuation and continuously thereafter during their imprisonment  
7 ~~in concentration camps and during their internment in the Tule Lake~~  
8 ~~Center, has unlawfully confined them and members of their families~~  
9 ~~and subjected them and members of their families there confined~~  
10 ~~to governmental duress, menace, fraud and undue influence and~~  
11 ~~harassment and~~ held and still holds them in a continual mental  
12 state of fear and terror simply because of their Japanese ancestry;  
13 ~~the United States government, pursuant to its said policy and~~  
14 program of discrimination and in furtherance thereof, steadily and  
15 systematically has subjected them to a course of abusive treatment  
16 during said period of time; pursuant to said policy and program  
17 it has, by said continuous imprisonment without according them  
18 or any of them a hearing on the reasons therefor, regarded,  
19 classed and treated them ~~as though they were alien enemies;~~  
20 ~~the~~ ~~many~~ among them of draft age, including the many who have  
21 served faithfully in our armed forces and hold honorable dis-  
22 charges therefrom, the many others who were transferred to and  
23 now are in the enlisted reserve and ~~subject to being called for~~  
24 ~~active duty~~ and the many who repeatedly have volunteered to  
25 enlist in the Army but were refused and denied the right ~~to~~  
26 ~~and to fight for~~ and defend this country by prejudiced and hostile  
27 draft boards and by draft boards denying them such rights, upon  
28 governmental orders, ~~and who are still denied this birthright,~~  
29 were classified "4-C" under the Selective Training and Service Act  
30 of 1940, that is, as "Alien Enemies", by draft boards acting upon  
31 governmental orders, without good cause and without justification  
32 and in violation of their rights as American citizens, simply

*made some  
imprisonment  
harassment  
harassment  
oppression*

*Round*

1 because they were of Japanese descent; by reason whereof,  
2 petitioners and all of said persons of like descent likewise  
3 confined to said Center were led to believe and feared and had  
4 good cause to believe and fear that the Government of the United  
5 States viewed them as alien enemies and desired and intended to  
6 deprive them of the right to remain in and to fight for this  
7 country and to imprison them for an indefinite period of time  
8 and thereafter to remove and banish them and their families and  
9 all like descended persons from the United States, <sup>to Japan</sup> that the  
10 government, after having encompassed their ruin by the aforesaid  
11 evacuation and their subsequent continuous confinement, led  
12 petitioners to believe that the alien Japanese members of their  
13 families were scheduled and held for removal <sup>to</sup> ~~and deportation to~~  
14 Japan and that the citizen members of said families would be  
15 detained in this country and thereby caused alien parents, who  
16 feared the splitting of their families, to coerce their citizen  
17 children into signing renunciation applications, and led petitioners  
18 to believe that the signing of said applications was a matter  
19 commanded by the government, compliance with which was a pre-  
20 requisite to their right and that of their families to remain in  
21 the protective security of said Center and to prevent a disuniting  
22 of their families and to save themselves and their families from  
23 physical harm and violence were they to be released and sent back  
24 into civil life in communities where hostility to persons of  
25 Japanese ancestry reigned and where they feared they would suffer  
26 great physical harm and probable loss of life from lawless  
27 elements; and the government very recently has initiated the  
28 practice of permitting aliens to leave said Center and return to  
29 their former homes while it holds their children who have signed  
30 said renunciation applications for involuntary removal and  
31 deportation to Japan and now also compels those who have been  
32 released from confinement and those who were lucky enough to have

1 escaped it altogether, including those of our soldiers of  
2 Japanese ancestry returning from the battlefields of Europe  
3 and the Pacific who have parents, wives, sisters, brothers, or  
4 children interned in said Center and scheduled for deportation  
5 to Japan, to the choice of an involuntary banishment from the  
6 United States to accompany them to preserve family unity or  
7 to remain here separated from them; that the signing of said  
8 applications and the pseudo-hearing held thereon was a trap  
9 designed by the Government of the United States to cause and  
10 result in the involuntary deportation of each signer to Japan  
11 and of the ~~involuntary~~ removal of members of his or her family  
12 to Japan and thus to result in a mass banishment of persons of  
13 Japanese descent from the United States, which design and purpose,  
14 was at all times heretofore withheld, concealed and kept secret  
15 from the signers and petitioners; and, by reason of said  
16 governmental duress, menace, fraud, and undue influence, <sup>concurrently with</sup> ~~and~~ the  
17 threats, coercion and intimidation practiced upon each petitioner  
18 and members of his or her family, <sup>as herein set forth</sup> each petitioner was compelled  
19 by the government to sign a fictitious renunciation of a citizen-  
20 ship of which each already, in fact, had been deprived by the  
21 Government of the United States;

22 (b) That neither at the time each petitioner  
23 signed an application for renunciation at the pseudo-hearing held  
24 thereon at said Center nor at any time prior thereto during his  
25 or her unlawful confinement, was he or she a free agent in any  
26 sense of the words but then and there was unlawfully confined  
27 and restrained of his or her liberty and was held in duress by  
28 the United States government, its agents, servants and employees,  
29 as the jailor, custodian and guardian of petitioners, its wards,  
30 and by it and its agents, servants, and employees, knowingly was  
31 permitted to be exposed and subjected to the duress, menace,  
32 fraud and undue influence practiced upon and against each petitioner

1 by organized terroristic groups and gangs of persons, likewise  
2 there confined, who were <sup>also known,</sup> fanatically pro-Japanese, and committed  
3 to ~~forsaking this country and~~ who were engaged in and allowed  
4 to engage in a continuous campaign to engender, develop and  
5 promote loyalty to Japan among the internees;

6 The said groups and gangs there were engaged  
7 in and were permitted to engage in a generalized campaign of  
8 lawlessness prior to <sup>and at</sup> the time said renunciation hearings were held;  
9 and at the time of said hearings had established and then and  
10 thereafter maintained a veritable rule and reign of terror over  
11 petitioners, their families and internees residing in said Center;  
12 they preached and practiced sedition; they endeavored, by all  
13 means at their command, to proselyte to the cause of the enemy  
14 the petitioners, their families and other loyal internees there  
15 residing; they actively engaged in the engendering, development  
16 and promotion of loyalty to the cause of Japan which they openly  
17 and notoriously espoused; they informed petitioners that  
18 petitioners and their families were <sup>classified and</sup> regarded by the United States  
19 government as alien enemies and that it had scheduled them and  
20 their families for deportation to Japan; they informed petition-  
21 ers and internees at said Center that innumerable acts of physical  
22 violence had occurred to <sup>victims</sup> ~~persons~~ who had been relocated in civil  
23 life and that their lives would be in jeopardy, because of com-  
24 munity hostility, if any succeeded in being returned to civil life  
25 in this country; they threatened the petitioners and internees  
26 that if any of them talked to, communicated with or associated  
27 with any of the Caucasians in and about said Center those so doing  
28 would be assaulted by goon-squads, gangsters and hoodlums  
29 sponsored and commanded by them; they sent in spurious letters to  
30 the Department of Justice requesting <sup>renunciation</sup> applications be forwarded to  
31 internees whose names they signed to such letters and then informed  
32 the receivers that the government demanded that each receiver sign

7 1 it; they maintained and operated schools in said Center  
2 to coach the <sup>petitioner</sup> victims of their fraud, menace, deceit and undue  
3 influence into giving false and untrue answers to questions the  
4 hearing officers were to propound to them at the hearings on  
5 renunciation applications; they informed petitioners, as did  
6 governmental announcements publicly made just prior to the time  
8 7 said hearings were held in 1945, that the deportation of each  
8 petitioner and that of alien members of his or her family, on  
9 an exchange ship, was imminent and impending, and ~~said groups~~  
10 ~~and gangs~~ informed and threatened each petitioner that he or she  
11 would be deported in any event and that if he or she failed to  
12 sign an application for renunciation the security of each and  
13 that of their families upon arrival in Japan would be endangered  
9 14 because the pro-Japanese leaders of said nationalistic pressure  
15 groups and gangs would report them to the Japanese government  
16 as being dangerous alien enemies to Japan and as American spies  
17 and that they would there be seized and punished as such;  
10 18 they maintained an elaborate system of black-listing and  
19 espionage over the <sup>petitioners and</sup> internees in said Center as part of their plan  
20 of systematic tyranny and terror to which they subjected  
21 petitioners and the other internees in said Center; ~~that said~~  
22 ~~groups and gangs~~ threatened, coerced and intimidated petitioners  
11 23 into signing said renunciation application by means of threats,  
24 displays, shows, exhibitions and demonstrations of force and  
25 violence and by threats against their lives and by threats of  
26 inflicting great physical injury upon them and upon members of  
27 their families in the event he or she failed to obey their  
28 mandates and to sign such renunciation applications and thereby  
29 compelled each of them to sign <sup>or</sup> ~~some~~ renunciation application;  
30 that each petitioner believed in and feared and had good cause  
31 and reason to fear that said threats would be carried into  
32 execution and that he or she and his or her family would be exposed

1 to physical violence and probable loss of life if he or she  
2 failed to heed said threats and failed to obey the mandates of  
3 said pressure groups and gangs and thereby was compelled to sign  
4 such renunciation application; that by reason of said rule of  
5 terror prevailing over said Center which, together with the  
6 failure of the government to take steps to prevent, halt and put  
7 a stop thereto and to accord them protection against the same,  
8 and by reason of the duress <sup>in which</sup> ~~practiced~~ by the government <sup>held</sup> ~~against~~  
9 them, as aforesaid, the petitioners and other internees in said  
10 Center were kept in a constant state of fear, fright, mass  
11 hysteria and terror and, by reason thereof, and because of the  
12 absence of protection against the terroristic activities of said  
13 groups and gangs being afforded by the government which was their  
14 due many loyal and innocent <sup>petitioners and</sup> internees were driven into becoming  
15 nominal but inactive members of such groups simply to save them-  
16 selves and their families from <sup>the</sup> danger <sup>of</sup> physical violence and  
17 probable loss of life from such sources, and petitioners were  
18 compelled involuntarily to sign said renunciation applications  
19 by reason thereof;

20 That at all times during said rule and reign  
21 of terror imposed upon the internees in said Center the United  
22 States government, and its agents, servants and employees, <sup>in charge of said Center</sup>  
23 aware of and knew of the purposes and activities of said groups  
24 and gangs and of the duress, menace, fraud and undue influence  
25 said groups and gangs practiced upon and against petitioners,  
26 members of their families and other internees in said Center, but  
27 condoned the same and was responsible for, and actually aided and  
28 abetted the same <sup>and was accessory thereto</sup> by permitting such activities and by failing to  
29 prevent and to stop the same and by failing to arrest and prosecute  
30 the leaders and active members thereof and to put a stop to their  
31 criminal activities and lawlessness and by failing to invoke the  
32 federal sedition and espionage laws or other criminal laws against

1 them and by failing to segregate such criminal elements from  
2 the petitioners and other loyal internees and to isolate them;

3 By reason of the duress, menace, fraud and  
4 undue influence practiced and exerted upon and against each  
5 petitioner by the government and by the groups and gangs, as  
6 aforesaid, and the failure of the government to accord them the  
7 protection against the aforesaid lawless acts of said groups and  
8 gangs, the petitioners were caught in the grip of terror which  
9 ruled throughout said Center and the wave of terror that engulfed  
10 them when they and members of their families were confronted  
11 with a possible return to face hostility in the communities from  
12 which they had been excluded and driven by the 1942 imprisonment  
13 program which was termed an evacuation and was initiated by  
14 civilian exclusion orders issued by General John L. DeWitt, as  
15 aforesaid;

16 That none of said renunciations was real, free  
17 or voluntary on the part of any of petitioners, but each was the  
18 product of fear, torment and terror induced in each petitioner's  
19 mind by virtue of the duress, menace, fraud and undue influence  
20 to which each was subjected by the government and by the groups,  
21 gangs, and individuals, as aforesaid, all of which operated to  
22 deprive and did deprive each petitioner of freedom of choice,  
23 will and desire in and about the signing of such applications for  
24 renunciation and each of said renunciations was and is false,  
25 fictitious, null and void by reason thereof;

26 (5) That if it should be adjudged by the Court that any  
27 of the petitioners has lost his or her nationality by reason of  
28 signing such renunciation application, coupled with a valid order  
29 having issued thereon by the Attorney General of the United States  
30 approving the renunciation as not contrary to the interests of  
31 national defense, none of the petitioners thereby became an alien  
32 enemy within the meaning and intent of the provisions of the

1 Alien Enemy Act, 50 U.S.Code, sec. 21, et seq., but became a  
2 mere inhabitant of this country and a stateless persons entitled  
3 to remain here as an inhabitant and resident of this country  
4 and to be free from internment, detention and restraint under  
5 said Act;

6 (6) The provisions of the Alien Enemy Act and of  
7 Title 8 U.S.Code, sec. 801(1), are not now in effect as to any  
8 of the petitioners or at all, inasmuch as the United States is  
9 not now engaged in the prosecution of a war within the meaning,  
10 intent and purview of said provisions.

11 (7) The provisions of Title 8 USCA, sec. 801(1), are  
12 unconstitutional and void for uncertainty and also for containing  
13 an improper delegation of legislative and judicial powers to the  
14 Attorney General of the United States, in violation of the  
15 provisions of Art. I, sec. 1, and Art. III, sec. 1, of the  
16 Constitution.

17 B: The Unconstitutionality and Illegality of the Removal  
18 and Deportation of Each of Petitioners:

19 (1) None of the petitioners is an alien enemy within  
20 the intent, meaning and purview of the provisions of Title 50,  
21 USCA, sec. 21, as aforesaid;

22 (2) No warrant for the deportation of any of the  
23 petitioners has at any time issued from the President of the  
24 United States or from any court, judge or justice, as is a pre-  
25 requisite to involuntary removal or deportation under Title 50,  
26 USCA, sec. 24;

27 (3) No complaint at any time whatever has been filed  
28 against any of the petitioners, as required by Title 50, USCA,  
29 sec. 23, nor has any of the petitioners ever had a judicial hear-  
30 ing on such removal or deportation, in any court of competent  
31 jurisdiction, nor has any such court at any time issued any order  
32 of removal or deportation against any of the petitioners, all

1 of which are jurisdictional prerequisites to removal or deportation  
2 in involuntary removal or deportation proceedings under the  
3 said Alien Enemy Act;

4 (4) That none of the petitioners has been allowed a  
5 reasonable period of time consistent with the public safety and  
6 according to the dictates of humanity and national hospitality  
7 within which to recover, dispose of and remove his or her goods  
8 and effects and prepare for his or her departure, all as required  
9 by Title 50 USCA, sec. 22, in involuntary removal or deportation  
10 proceedings under the said Alien Enemy Act;

11 (5) None of the petitioners has been accorded and  
12 none will be accorded any hearing with respect to his or her  
13 said involuntary removal and deportation to Japan but summarily  
14 will be removed and deported, as aforesaid, and in such summary  
15 removal and deportation en masse without any hearing having been  
16 given or intended to be given to petitioners and each of them  
17 thereon prior thereto the respondent and the United States Depart-  
18 ment of Justice have grossly discriminated against and do still  
19 continue to discriminate against them and each of them in that  
20 respondent and said Department of Justice heretofore have followed  
21 the practice and policy and now do follow the practice and policy  
22 of granting individual prior hearings in similar removal and  
23 deportation proceedings to all persons of German and Italian  
24 nationality whom the respondent and said Department of Justice  
25 have sought to remove and deport and are seeking to remove and  
26 deport under the provisions of the Alien Enemy Act; and said  
27 discriminatory treatment meted to petitioners and each of them  
28 denies them and each of them the equal protection of the laws  
29 and deprives them and each of them of the due process of law  
30 guaranteed them and each of them by the 5th Amendment of the  
31 Constitution;

32 (6) That neither a declared nor an undeclared war

1 now exist between the United States and any foreign nation or  
2 government; that no invasion or predatory incursion is being  
3 perpetrated, attempted or threatened against the territory of  
4 the United States by any foreign nation or government; that the  
5 United States is now at peace with the world;

6 (7) Many of the petitioners were minors at the time  
7 they signed the renunciations applications and many still are  
8 minors and their said renunciations have been rescinded and  
9 revoked, as hereinafter mentioned, and, consequently, the  
10 internment, detention and restraint of each of them and the  
11 threatened and intended removal and deportation of each is  
12 unconstitutional, invalid and void for each of said reasons.

13 That the written orders, records and documents  
14 relating or pertaining to any and all of the petitioners in con-  
15 nection with the matters and things set forth in this petition  
16 are in the exclusive possession, custody and control of the  
17 respondent and the United States Department of Justice, and neither  
18 the petitioners nor any of them know the nature or contents there-  
19 of and none of them <sup>has had and none now has</sup> ~~now has or at any time has had~~ access thereto  
20 and the same never have been made available to petitioners or any  
21 of them or to their counsel and the same are now withheld from  
22 them and each of them and their counsel by the respondent and said  
23 Department of Justice.

24 VII.

25 Prior to the time of the filing of this petition each  
26 petitioner, twice in writing, notified the Attorney General of  
27 the United States, his agents and representatives, and the  
28 respondent as one of his agents, of the circumstances under which  
29 he or she signed such renunciation application, and that he or  
30 she ~~withdrew, retracted,~~ rescinded, revoked, <sup>and</sup> cancelled ~~and~~  
31 ~~annulled~~ his or her said application for renunciation <sup>and renunciation</sup> of United  
32 States nationality for the reasons that the same was signed under

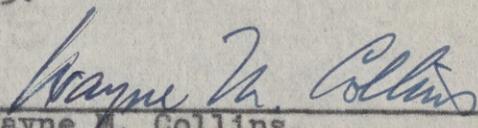
1 duress, menace, fraud, <sup>coercion</sup> undue influence and mistakes of fact and  
2 of law, as aforesaid, and informed him and them of the grounds  
3 and reasons on which said rescission and revocation was based  
4 and made but said Attorney General failed and still does fail to  
5 accept said rescission and revocation; that in each of said  
6 written notifications sent to the Attorney General of the United  
7 States each of said petitioners demanded of him and of respondent,  
8 ~~Ivan Williams~~, as the aforesaid Officer in Charge at said Tule  
9 Lake Center, that he or she be ~~released and~~ discharged from said  
10 internment, detention and unlawful restraint upon his or her  
11 liberty, asserting therein the various grounds and reasons there-  
12 for, both factual and legal, but the Attorney General of the  
13 United States, his agents and representatives, and <sup>the respondent</sup> ~~Ivan Williams~~,  
14 ~~as the Officer in Charge of said Tule Lake Center, as aforesaid,~~  
15 acting under his orders, failed and refused and do still fail  
16 and refuse to release ~~and discharge~~ each and all of said petitioners  
17 from said internment, detention and restraint and threatened  
18 removal or deportation to Japan; ~~that a copy of the last written~~  
19 ~~demand so made by each petitioner on November 1, 1945, by~~  
20 ~~registered air-mail letter, is annexed hereto, incorporated here-~~  
21 ~~in, made a part hereof, and is marked Exhibit "1";~~

22 None of the petitioners is held by virtue of any complaint,  
23 indictment, presentment, warrant, or quarantine law, rule,  
24 regulation, arrest or order, except as hereinabove specifically  
25 set forth;

26 That no prior application for a writ of habeas corpus in  
27 regard to the internment, detention or restraint complained of  
28 in this petition has been made by petitioners or by any of them,  
29 in this or any other court.

1                   WHEREFORE, each petitioner prays that a Writ of Habeas  
2 Corpus be granted and issued herein directed to the said Ivan  
3 Williams as the Officer in Charge, United States Department of  
4 Justice, Immigration and Naturalization Service, at the Tule Lake  
5 Center, Newell, Modoc County, California, commanding him to have  
6 the body of each petitioner before the above-entitled Court at  
7 a time to be specified therein, to do and receive what then and  
8 there shall be commanded by the Court concerning each petitioner,  
9 together with the time and cause of the detention of each, and  
10 said writ; that each petitioner be restored to his or her liberty;  
11 that the Court find and adjudge that his or her application for  
12 renunciation of United States nationality was and is null, void  
13 and of no effect, and that any approval thereof made by the  
14 Attorney General of the United States or order issued by him  
15 approving the same, if any ever was made, was and is null, void  
16 and of no effect; that the Court find and adjudge that each  
17 petitioner is not an alien enemy and that each is a national and  
18 citizen of the United States; that the Court find and adjudge  
19 that his or her internment, detention and restraint was and is  
20 void and illegal; that any and all orders for his or her involun-  
21 tary removal or deportation to Japan or to any foreign country  
22 or elsewhere be vacated and canceled; that each have his or her  
23 costs of suit; and each petitioner prays for such other and  
24 further relief as may be just.  
25

26                   DATED: November 5, 1945.

27  
28                     
29                   Wayne M. Collins,  
30                   1721 Mills Tower,  
31                   San Francisco, 4, California.  
32                   GARFIELD-1218.

Attorney for Petitioners.

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UNITED STATES OF AMERICA )  
STATE OF CALIFORNIA ) SS  
COUNTY OF MODOC. )

HARRY UCHIDA being first duly sworn, deposes and says:  
That he is one of the petitioners in the foregoing application  
and petition for writ of habeas corpus named; that he is confined  
and detained at the Tule Lake Center, Newell, Modoc County, Calif-  
ornia, as alleged therein; that he makes this affidavit and  
verification of said application and petition on his own behalf  
as such an applicant and petitioner and on behalf of each and all  
the applicants and petitioners in said application and petition,  
each of whom likewise is confined and detained at said Tule Lake  
Center by the respondent, as alleged therein, and each of whom has  
authorized him so to do, and, because it is impracticable to have  
the same verified by each of them by reason of the aforesaid con-  
finement and detention of each, their large number and the long  
period of time which would be required and be consumed to have such  
done and because of the shortness of time due to the threatened  
and imminent involuntary removal and deportation of each and all  
of said petitioners, as alleged therein; that he personally knows  
the facts set forth in said application and petition which apply  
equally to each and all of said petitioners; that he has read the  
foregoing application and petition and knows the contents thereof;  
that the same is true of his own knowledge except as to the matters  
therein stated upon information or belief and as to such that he  
believes it to be true.

*Harry Uchida*  
\_\_\_\_\_  
Harry Uchida

SUBSCRIBED and SWORN to before me  
this 7<sup>th</sup> day of November, 1945.  
*John J. Thomas*  
\_\_\_\_\_  
Notary Public in and for the County  
of Modoc, State of California.

(Seal)

San Francisco, California.  
November 1, 1945.

HONORABLE TOM CLARK,  
Attorney General of the U.S.,  
Department of Justice Building,  
Washington, D.C.

Dear Sir:

Each of the persons whose name appears on the attached list, hereinafter referred to as the renunciant for the sake of clarity, at all times herein mentioned has been and now is interned in the Tule Lake Center situated in the vicinity of Newell, Modoc County, California. Ostensibly each of said persons there is confined as an asserted renunciant of United States nationality. Under a claim of color of authority under the Alien Enemy Act, 50 U.S. Code, sec. 21 et seq., each of them is classed, treated and detained as an alien enemy in said prison, concentration or internment camp by you or under your authority. The reason for this continued and oppressive imprisonment of said persons appears to be that at a perfunctory appearance before a government official, representative or hearing officer, presumably designated as such by the then Attorney General of the United States, each of the said persons, in the early part of 1945, signed an application for renunciation of United States nationality on a form prescribed and supplied by the Department of Justice.

The signing of said renunciation forms was not under oath. It was neither real, free nor voluntary on the part of any of the said persons but was obtained through duress, menace, fraud, undue influence and mistake of fact and of law, and through the means of each of said things, all as you heretofore have been informed by each of said person's recent letter to you revoking such renunciation.

Each of the said persons has received a letter from a representative of your Department which contains a notice stating, in substance, that said renunciation has been approved by the Attorney General as not contrary to the interests of national defense and that the signer of said renunciation form no longer is a citizen of the United States and is not entitled to any of the rights and privileges of such citizenship. Each of such letters, however, fails to specify the date when, if ever, the Attorney General himself approved the renunciation and also fails to state that an order, at any specified time or ever, actually was issued by him approving the renunciation as not contrary to the interest of national defense. It is significant that an approval of a renunciation is a finding that a renunciant is not a danger to our security. It is strange that many of such applications were revoked by the signers prior to the time any attempted approval thereof was made and that the revoking letters were ignored by your Department.

The theory offered in justification of such internment, if I am correctly informed, is that an approved renunciation, provided it was executed and approved during time of war and possessed the attributes of constitutionality and legality, automatically converted the renunciant into an alien enemy and thereupon condemned him to internment as an alien enemy under the provisions of the Alien Enemy Act. The theory is novel and unprecedented to say the least. The most that can be said of such a renunciation is that a shedding of U.S. citizenship does not clothe the renunciant with foreign citizenship but leaves him stateless. Such a person, nevertheless, is an inhabitant of this country and is entitled to the protection of constitutional safeguards. There is neither constitutional nor statutory authority or precedent justifying the internment of such a person

as an alien enemy under the provisions of the Alien Enemy Act.

None of the persons whose name appears on the attached list is an alien enemy and none at any time has been an alien enemy or an alien or a national or a citizen or a subject of any foreign, sovereign, government, power or nation. Each of said persons was born in the United States and ever since continuously has been and now is subject to the jurisdiction thereof and is a national of and a citizen of the United States, as provided by the 14th Amendment of the Constitution, and as such is entitled to all the rights, liberties, privileges and immunities of national citizenship and to those rights secured to persons by the 5th Amendment of the Constitution.

As the attorney duly authorized to represent and representing each of said persons whose name appears on the attached and annexed list which is incorporated herein, and for and on behalf of each of them, I hereby withdraw, retract, rescind, revoke, cancel and annul each of said renunciations and renunciation forms executed by each of them upon the following grounds and for the following reasons, among other grounds and reasons, to-wit:

1. That the said renunciation was invalid and void in its inception and also in its execution and has never become and cannot become effective;

2. That neither an approval nor an order approving the said renunciation has been made or issued by the Attorney General of the United States and none possessing validity can be made;

3. That neither an approval nor an order approving the said renunciation can be made by a subordinate executive officer in the absence of a specific statutory authority having been lodged by Congress in the Attorney General of the United States to delegate such a discretionary authority to be exercised by any person;

4. That the provisions of 8 USCA, sec. 801(i), and regu-

lations issued pursuant thereto, on their face and also as construed and applied to each of said persons, are unconstitutional and void for being repugnant to the 5th, 6th, 9th, 10th and 14th Amendments and in contravention of the privileges and immunities secured to each of them by the provisions of Article IV, sec. 2, of the Constitution;

5. That the application of the provisions of 8 USCA, sec. 801(i), and regulations issued pursuant thereto, to each of said persons is in excess of congressional authority lodged in Congress by Article I of the Constitution and is void as being extra-constitutional;

6. That an approval of said renunciation form, if given, and the giving of notice thereof, were, and each of said things was, in fact and in law, contrary to the interests of national defense and also contrary to the sovereignty of the United States, and for each of said reasons is invalid and void;

7. At the time said renunciation form was signed and ever since then the renunciant, together with a member or members of his or her immediate family, was and still is held in duress, then and there being unlawfully imprisoned in the said Tule Lake Center, under a claim of color of official governmental authority, and being deprived of practically all his or her constitutional rights, liberties, privileges and immunities guaranteed to him or her as a citizen and national of the United States by birth and by choice and of practically all his or her rights as a person secured by the Constitution. While thus imprisoned and held in duress renunciant was made the unwilling victim of fraud, menace and undue influence and was mistreated, discriminated against, harassed and oppressed solely by reason of the irrelevance of the nationality of his or her ancestors and their historical and geographical origin;

8. At the farcical hearing on said renunciation which, held under the aforesaid circumstances, was nothing but a perfunctory appearance, the hearing officer's recommendation thereon was based, either in whole or in part, upon secret information and data available to and used by the hearing officer but which was withheld and kept secret from renunciant, and the approval thereof and order approving said renunciation, if any ever was made, was wholly or partially based thereon and, therefore, is invalid and void as a deprivation of a fair and impartial hearing, in violation of the provisions of the 6th Amendment, and as a denial of due process of law, in violation of the provisions of the 5th Amendment;

9. That the United States government, acting by and through its officials, agents, servants and employees, as the guardian and custodian of the person of renunciant and of the persons of members of his or her immediate family, its wards, knowingly and deliberately took a gross advantage of renunciant who then and there was held in duress and in a constant state of terror and subjected to menace, fraud and undue influence and deliberately deprived renunciant of the benefit of independent advice and counsel in and about the hearing on said renunciation and the execution of said renunciation form and failed to inform renunciant that a renunciation would result in his or her deportation to Japan. The authorities confining renunciant to said prison also recently commanded renunciant to register as an alien, under pain of punishment provided for violation of the Alien Registration Act of 1940 for refusal so to do, and also demanded of many renunciants a false declaration, in a non-repatriation application, to the effect that renunciant was a person of Japanese nationality or a dual citizen despite the fact said authorities then knew, as a matter of fact and of law, that renunciant was of United States nationality and not

a dual citizen, and also refused to accept written protests against such registration and declarations;

10. The time, place and circumstances under which said renunciation form was signed by renunciant did not constitute a fair and impartial hearing or trial and, in fact and in law, constituted a denial of renunciant's constitutional guaranty of due process of law and of the equal protection of the laws, in violation of the provisions of the 6th and 5th Amendments of the Constitution and, in addition thereto, constituted an unconstitutional deprivation thereunder of all of those inalienable rights of national citizenship and of persons flowing from the facts of birth and residence in this country and which inhere in and attach to renunciant;

11. That at the time said renunciation form was signed the renunciant was not a free agent in any sense of the words but, together with members of his or her immediate family, then and there was and for a long period of time prior thereto had been and still is unlawfully confined to a concentration camp and restrained of his or her liberty, under a claim of color of authority of the United States, albeit in the absence of crime upon his or her part and without a charge or accusation of crime having been lodged against him or her. Said renunciation was exacted from renunciant while he or she was held in duress by the government acting through its officials, agents, servants and employees and while renunciant was, by them, knowingly permitted to be subjected to the menace, fraud, undue influence and duress exerted and practiced upon him or her by the government and its agents and especially by organized terroristic groups and gangs of persons, and other individuals, who were confined to said Center, which groups had established and maintained a veritable reign of terror over the internees;

12. That said renunciation was neither free nor

voluntary on the part of renunciant but was the product of fear, torment and terror induced in renunciant's mind by virtue of the governmental duress in which renunciant then and there was held which operated to deprive renunciant of freedom of choice, will and desire in and about the execution of the same; and at the time renunciation hearings were being held in said Center the government and its agents led the internees to believe and since then has led them to believe, by word and conduct, that renunciations were not final but were subject to being withdrawn and cancelled, in like manner as requests for repatriation were subject to withdrawal and cancellation, and thereby lulled them into a false sense of security and also led them to believe that renunciations would not result in a renunciant's involuntary deportation to Japan and thereby also lulled them into a false sense of security;

13. That said renunciation was neither free nor voluntary on the part of renunciant but was the product of fear, torment and terror induced in renunciant's mind by virtue of the duress in which he or she then was held and by virtue of the duress, menace, fraud and undue influence practiced upon and exercised against renunciant and members of renunciant's immediate family by terroristic groups and gangs of disloyal, subversive and fanatical persons there actively engaged in developing and promoting loyalty to Japan, and by other individuals, likewise confined to said Center, who intimidated, coerced and compelled renunciant to execute said renunciation form by threats, exhibitions and examples of physical violence against the person of renunciant and members of renunciant's family, all of which operated to deprive renunciant of freedom of choice, will and desire in and about the execution of the same. The truth of this is acknowledged in the letter of the Department of Justice

dated January 18, 1945, addressed to the respective chairman of the Sokuji Kikoku Hoshi Dan and the Hokoku Seinen Dan at the Tule Lake Center, copies of which, at the instance of your Department, were posted promiscuously in the said Center;

14. Renunciant signed said renunciation form as a result of the duress, menace, fraud and undue influence to which he or she and renunciant's family confined to said Center constantly were subjected by the government, and its agents, as renunciant's jailor and custodian, and by the aforesaid terroristic groups, gangs and individuals to whose studied and continuous campaign of terrorism and criminal oppression renunciant there helplessly was exposed and such renunciation was and is false, fictitious and void for each of said reasons;

15. That said renunciation was neither free or voluntary; the renunciant was compelled, intimidated and coerced into signing said renunciation form by reason of threats of unlawful and violent injury to the person, property and character of renunciant and to members of renunciant's family, made by disloyal, subversive and dangerous pressure groups, gangs and individuals harbored and detained in said Center. These were freely allowed and permitted by the government, as the jailor and custodian of renunciant, to menace, intimidate, coerce and terrorize renunciant and many other loyal American citizens there confined, by oral means, by displays, shows, parades, demonstrations and exhibitions of force and violence, and by threats of inflicting great physical injury and loss of life upon renunciant and other loyal American citizens there confined, thereby compelling them involuntarily to execute such renunciations. The renunciant was in constant fear, as was his or her immediate family and other loyal internees, and believed and feared, as did members of his or her family, that said threats would be carried into execution if said renunciation

was not signed. The renunciant was acting under the duress, menace, fraud and undue influence of said groups and gangs, and of other individuals confined to said Center, and by virtue thereof, signed said renunciation form under compulsion and in fear of said threats. The government failed to accord renunciant and said persons the protection against said lawlessness and terrorism although protection against the same was their due. It failed to halt or put a stop thereto and thereby contributed to the mass hysteria and terroristic state in which they were held. Of all these facts your predecessor in office, the agents of your Department and the authorities in charge of said Center then were aware;

16. That at the time said renunciation application was signed renunciant had been informed and led to believe and believed, by virtue of said imprisonment, duress and the undue influence under which he or she was laboring, that it was a matter commanded by the government, compliance with which was a prerequisite to the right to remain in the protective security of said Center, as also to prevent a disuniting of renunciant's family. In addition, you are aware of the great number of overt and covert acts committed, the misrepresentations made by and the undue influence exercised over renunciant and other internees by the said terroristic pressure groups and gangs of disloyal, subversive and criminally inclined persons, likewise there confined, who compelled the applications to be signed. For a long time prior to the signing of said application, at said time and since such groups and gangs knowingly and recklessly were permitted by the government and its agents to engage in and carry on their continuous campaign of lawlessness and terror against renunciant and other loyal internees there confined and to establish and maintain a rule of terror over them. These groups and gangs were

openly permitted and allowed to preach and practice sedition, to terrorize the internees and to endeavor to proselyte to the cause of the enemy those loyal American citizens and aliens friendly to the United States there interned. They were permitted to and did menace, intimidate and coerce thousands of loyal and law abiding internees, by means of threats and resorts to demonstrations, exhibitions and examples of individual assaults and batteries and mob violence, into compelling renunciant and thousands of others to execute said renunciation form.

The government neither prevented nor stopped the said reign of terror. It afforded the internees neither help nor protection against it. It failed to prosecute the active leaders and members of said groups and gangs for the commission of such criminal acts. By reason of said rule of terror, which kept the internees in a constant state of mass hysteria, and in the absence of protection against the same being afforded by the government, many loyal and innocent but helpless internees were driven to become nominal but inactive members of such groups simply to save themselves and their families from danger, physical violence and probable loss of life from said sources;

17. Each of said persons was informed, by public announcements made by governmental authorities just prior to the time said renunciations were signed, and concurrently therewith, that his or her deportation to Japan, along with alien members of his or her family, on an exchange ship, was imminent and impending and each and all of them, by said pressure groups and gangs active in said Center and members thereof, were threatened that if he or she failed to sign an application for renunciation the security of each and that of their families upon arrival in Japan would be endangered because the pro-Japanese leaders of said nationalistic pressure groups and gangs would report them to the Japanese

government as being dangerous alien enemies to Japan and as American spies, in which said announcements and representations he or she and his or her family and other internees detained in said Center believed and feared would be the treatment accorded them all. Said groups and gangs maintained an elaborate system of black-listing and espionage over the internees in said Center as part of the program of systematic tyranny to which they subjected the internees;

18. At the time said renunciation was signed and for weeks prior thereto active leaders and members of said pressure groups threatened said persons and each of them that if any of them talked to, associated with or communicated with any of the Caucasians within or without said Center to whose charge they were committed or with any Caucasians there employed that such persons so doing would be assaulted by terroristic gangs sponsored by said pressure groups. Each of said persons believed in and feared and had good cause and reason to believe in and fear, that said threats against him or her would be carried into execution and that he or she and their families would be exposed to physical violence and probable loss of life if he or she failed to heed said threats and refused to obey the mandates of said pressure groups.

It may interest you to learn, although I presume you long ago must have been informed, that such pressure groups and gangs maintained, operated and conducted special coaching schools in the Center for the express purpose of coaching the helpless victims of their fraud, menace, deceit and undue influence upon the questions the hearing officers were to propound to them and the answers they were to give thereto at the scheduled hearings on the renunciation applications. You have been informed, I presume, that at least one loyal internee was murdered in said Center and that it does not seem ever to have been doubted by the internees and their custodians that the murderer was an active

member of one of the terroristic groups operating therein and carrying out its mandate. You are aware that the government and its agents made little, if any, effort to suppress and none to isolate the active criminal members of such groups. You know that none of the leaders or active members of said groups and gangs were prosecuted criminally for their lawless acts. Had the federal sedition and espionage or other criminal laws been invoked against them their lawlessness would have been checked;

19. In the event of a refusal to execute such a renunciation form the renunciant, together with renunciant's immediate family, was informed, believed and feared, by reason of said duress, intimidation and coercion, and by reason of representations made by said disloyal groups, gangs, and by other individuals confined to said Center, that renunciant and members of renunciant's family would be expelled and removed from the comparative security of his or her then prison and the custody of his or her then jailors and custodians and would be driven back, friendless, propertyless and protectionless, into civil life in a community highly prejudiced against and hostile to renunciant and renunciant's family because of their descent from persons of Japanese ancestry and there would be exposed to and suffer great bodily harm, injury and probable loss of life by virtue of existing mob violence and the criminal intentions of lawless individuals who regard all persons of Japanese descent as enemies upon whom they might with impunity inflict injury.

For the said reasons renunciant was led to believe and believed that if renunciant signed said renunciation form the renunciant, together with his or her family, would be permitted, allowed and entitled to remain in the relative security afforded by said Center, renunciant's jailors and custodians until such time as the war had terminated, peace had been restored and such community

prejudice, hostility and violence subsided and ceased. In the face of said threats and while held in duress and also acting upon said representations so made, the renunciant, under the circumstances aforesaid, believed and feared and had good cause to believe and to fear that if he or she failed to execute the renunciation form renunciant and renunciant's family would be driven from said Center and would be exposed to and would suffer great harm and physical violence from said lawless sources. These are facts and matters of common knowledge of which the renunciant's jailors, custodians, the then Attorney General and the Department of Justice and its agents well were aware.

The failure of the government and its authorities and agents to segregate and isolate and prosecute the rabid and dangerous leaders and active members of said groups and gangs who were fanatically loyal to Japan and serving the cause of our enemy and who then desired and still desire to be repatriated to Japan and who should be sent there, and through such a procedure effectively to prevent them from inoculating interned loyal American citizens and friendly aliens with the virus of disloyalty, despite the repeated pleas made for such relief and protection, is, in itself, ample proof of the abusive treatment suffered by renunciant and thousands of other internees loyal to the United States and of the duress in which renunciant and they unlawfully were held;

20. Nearly all the confined male citizens of draft age in said Center, including those who had served faithfully in our armed forces and held honorable discharges therefrom, and there were hundreds of these, and many others who were transferred, by the military authorities, from active duty to the enlisted reserve and who, with such status, are still subject

to being called for active duty, were classified as "4-C" by draft boards acting upon instructions of the government. They were thus detained, treated and falsely classified as "alien enemies", that is to say, "4-C", without good cause, without justification and in violation of their rights as American citizens. By reason thereof, they were led to believe that the government of the United States regarded them not as citizens but as alien enemies. Said conduct upon the part of the government compelled them formally to make a fictitious renunciation of a citizenship of which each already, in fact, had been deprived by the government. Many of the renunciants who are confined to said Center repeatedly have tried to enlist in our armed forces but were denied the right to fight for and defend our country by prejudiced and hostile draft boards and by governmental authority and still are denied this birthright;

21. In approving renunciations, if any were approved, a gross discrimination against the family unity of the confined persons was practiced, the governmental objective being the deportation of all renunciants. In accepting the renunciation of one member of a family and refusing another the government divides and disunites the families. The purpose of this was and is to cause a mass exodus of persons of Japanese ancestry from this country. It effectuates this purpose by compelling citizens who have not renounced to the hard choice of either remaining in this country separated from their wives, husbands, brothers, sisters, parents and children or being compelled to be the victims of a forced banishment necessitated to preserve family unity. Hundreds of our heroic soldiers of Japanese ancestry are returning from the battlefields of Europe and the Pacific to find their families divided, members thereof interned in the Center and themselves faced with such a distressing and terrible choice;

22. By reason of the 1942 evacuation from the western states and the subsequent prolonged detention of renunciant and persons of like ancestry in concentration camps the renunciant was driven into becoming a refugee from unjust racial discrimination, prejudice and hate. As a consequence of the mistreatment by the government and a hostile segment of the public, both regarding and treating renunciant and persons of like ancestry as being persons of an inferior and degraded race unworthy of social acceptance on a basis of equality, the renunciant and persons of like ancestry were ostracized and forced to accept refuge from such discrimination, prejudice and hate by a retreat into the mass of persons of like ancestry held in confinement as if they were racial outcasts instinctively seeking refuge in inconspicuousness;

23. Many of the said persons whose names appear on the attached list, at the time of signing said renunciation, were minors under the age of 21 years and hence were laboring under a legal disability. Neither the provisions of the Nationality Act of 1940, as amended, nor any regulations issued pursuant thereto nor the provisions of any other statute or law authorizes a renunciation of U. S. Nationality by a minor under the age of 21 years. Neither under the provisions of 8 USCA, sec. 801(i), nor under the Nationality Regulations is there any authority lodged in the Attorney General or any executive officer to fix 18 years as the age of maturity for renunciation purposes. I wish to point out that there is no legal authority or precedent whatever for acceptance or approval of renunciations executed by persons laboring under legal disabilities. I draw your attention to the fact that not only have minors who signed renunciation forms received notice from your office that such were approved but that others who labored under legal disabilities also have received like notices. I direct your attention to the fact that

it is a matter of common knowledge in and about the Tule Lake Center that one person who was hopelessly non compos mentis at the time of signing a renunciation application, upon which a letter issued from your office giving notice of approval thereof, shortly thereafter was hurried away to a State institution for the insane;

24. None of the persons whose name appears on the attached list is a citizen, subject or national of Japan. None of them owes any allegiance to Japan or any foreign sovereign, government, power or nation. None of them has ever had, held or given any such allegiance or acknowledged or recognized any such allegiance. None of them is an alien enemy. None of them is an alien. None of them holds or has at any time ever held or accepted any dual citizenship by any act upon his or her part. It is impossible that any of them at any time could have held any dual citizenship. None of them has at any time accepted or recognized his or her status as being that of a dualistic or pluralistic citizen, such a status being impossible as having been expressly disavowed by the provisions of Title 8 U.S. Code, sec. 800, and its predecessor statute, 8 U.S. Code, sec. 15. If any of said persons at said renunciation hearings or at any time during said confinement stated he or she was a dual citizen such a statement was a mutual mistake of law and also was a mistake of fact then known to be such by the hearing officer, the government and its agents at the time and the same, if made, was made solely by reason of the aforesaid duress and undue influence, and if any such statement was made at any other time it was the product of hearsay, misinformation and guesswork and was a mistake of fact. You are aware that many of the internees at said Center took affirmative steps, prior to the time of evacuation from the west coast, to cancel a dual citizenship they never

possessed;

25. I direct your attention to the fact and principle of law that a minor or other person who is under a legal disability and hence is not sui juris could not be bound by a futile registration made by parents which may have been misunderstood by them to confer such a status. As a matter of fact and of law none of the persons whose names appear on the attached list, of whom many are under the age of 21 years, has at any time whatever held, accepted or recognized any citizenship or allegiance to any country or nation save and except that in and to the United States. Each of them recognizes but one sovereign and that sovereign is the United States to which each ever has given his or her undivided loyalty and allegiance. Unfortunately none of them was given an opportunity to demonstrate his or her loyalty affirmatively -- imprisonment and mistreatment prevented such demonstration.

V-E Day is long behind us. V-J Day has come and passed. The war long has been over, Mr. Attorney General, The detention even of alien enemies is not now authorized by the Alien Enemy Act which is operative only during wartime and can no longer be justified thereunder. It cannot be asserted with any degree of truth whatever that the Alien Enemy Act may lawfully be invoked to confine citizens, stateless persons or aliens. There now exists no legitimate reason or ground why even alien enemies long resident in this country and not hostile thereto should be confined to an internment camp. There is absolutely no reason or ground that can be offered in justification for the present detention and internment of the persons whom I represent and whose names appear on the attached list whether you view them either as citizens or as stateless persons.

Inasmuch as duress, menace, fraud, mistakes of law and fact, and undue influence caused the execution of the renuncia-

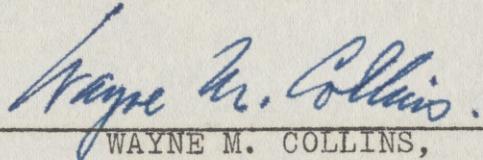
tion form on the part of each of the persons whose name appears on the attached list, of which facts you and officers of your Department have knowledge, you are empowered to accept the revocation and cancellation thereof and to withhold, withdraw and revoke any acceptance or approval of each of them, if any such acceptance ever was made or approval ever was given in any case. You are also empowered and authorized to order the release and discharge of each of said persons from internment. Each of said persons demands such a release and discharge from the custody in which he or she now is held by agents acting under your authority, direction and control.

These renunciants whom I represent are long suffering citizens. They have submitted to grosser indignities and suffered greater losses of rights and liberties than any other group of persons during the entire history of the nation, all without good cause or reason. They have been misunderstood, slandered, abused and long have been held up to public ridicule, shame and contempt. The mistreatment was initiated by an unjustified evacuation from the west coast, was intensified by imprisonment in a concentration camp for over three years, with all the attendant suffering and misery this entailed, and now these internees, faced with a loss of citizenship rights, are confronted with a threatened involuntary deportation to Japan, a country and nation to which they owe no allegiance, which has no claim upon them and with which they are not familiar. It is time this whole pernicious program of oppression was terminated. It is time the exercise of arbitrary and capricious power over them should cease. The damage done them cannot be repaired but further injury can be stopped. You have the right and the power to call halt to this program. You can prevent further mischief being done and thereby alleviate the misery these unfortunate people endure.

In the event that you fail to take immediate action on

the foregoing demands each of the persons whose name appears on the attached list, having no alternative save so to do, will institute such legal proceedings as may be lawful and of which he or she may be advised to effectuate the cancellation of his or her aforesaid renunciation form and renunciation of U. S. nationality, to prevent his or her deportation to Japan, to terminate his or her internment and to obtain release from the present restraint upon his or her liberty and to obtain whatsoever other redress law or equity may afford.

Yours very truly,



---

WAYNE M. COLLINS,  
1721 Mills Tower,  
San Francisco, 4, Calif.  
Garfield-1218.

As attorney for each of the persons whose name appears on the attached and annexed list of names.

Duplicate originals to:

State Department, Washington, D.C.  
Alien Property Custodian, Washington, D.C.  
Foreign Funds Control Section of the Treasury Department,  
Washington, D.C.  
Federal Bureau of Investigation, Washington, D.C.  
Immigration and Naturalization Service of the Department of  
Justice, Washington, D.C.  
Officer In Charge, U.S. Department of Justice Immigration  
and Naturalization Service, Tule Lake Center, Newell,  
Modoc County, California, said Officer In Charge  
presently being Ivan Williams, Tule Lake Center,  
Newell, Modoc County, California.

LIST OF NAMES

(Internees at Tule Lake Center)

|                      |                     |
|----------------------|---------------------|
| Harry W. Uchida      | Hatsuto Okita       |
| Fumiko Okita         | Yuriko Hiromoto     |
| Kazuo Hiromoto       | Kiyoshi Kimura      |
| Shizuko Kimura       | Takashi Yamada      |
| Yoshiye Yamada       | Hiroshi Yamada      |
| Jack H. Okamoto      | Bill Taro Okamoto   |
| Hiroshi Watanabe     | Yukio Uyeno         |
| Tom Tamotsu Ikeda    | Chiyeko Tahira      |
| Kayo Iida            | Ryo Kashiwagi       |
| Edward Tetsuo Yamane | Goro Kagehiro       |
| Iwao Horiuchi        | George Okamoto      |
| Minoru Mochizuki     | Katsumi Morishige   |
| Sadako Okamoto       | Yoshio Tabata       |
| Yoshinori Kaneko     | Isami Arizumi       |
| Yoshiko Arizumi      | Toshiko Morishige   |
| Yoshio Hori          | Joji Ogawa          |
| Shiro Matsuura       | Kaoru Nakawaki      |
| Hiroichi Shimizu     | Yoshio Kiyonaga     |
| Yoshichika Murakami  | Ted Hiromi Takemoto |
| Kiyoyuki Sakamoto    | Minoru Matsumoto    |
| Mamoru Shigetomi     | Tatsumi Nakamura    |
| Masato Nitta         | Meri Nitta          |
| Henry Ogawa          | Atsushi Uyemoto     |
| Shigeru Takaki       | Shigeo Yamamoto     |
| Shigeichi Tanaka     | Masaji Tanaka       |
| Masaru Yamaichi      | Jimijiso Yamaichi   |
| Kikuye Tomooka       | Nobuko Ikezoe       |
| Masako Kajikawa      | Toshio Nakano       |
| Jinsoo Tamura        | Hideaki Sakamoto    |

Jack Noboru Ota  
Miyoko Uyemoto  
Yuji Kato  
Fujiko Yamato  
Shigeyuki Kusuda  
Katsumi Nakamachi  
Fumiko Otsuka  
Mitsuru Sugai  
Isamu Nakamura  
Wataru Tanimoto  
Takeshi Kawahara  
Shinichi Nimi  
Nobuji Masai  
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Mieko Anna Nakamura  
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Shigeo Edna Furuya  
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Yoshio Yoshimura

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Kiku Yoshida  
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| Tsugio Albert Yamaoka    | Hiroharu Nakamura               |
| Mamoru Yamaichi          | Tsuyoshi Nakamura               |
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| Fumio Hatekeyama         | Kazuo Hatanaka                  |
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| George Yoshimura         | Misao Yoshimura                 |
| Akira Morio              | Hiroko Morio                    |
| Yatsue Umeda             | Akimasa Tanji                   |
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| Tomie Nishiyama          | Mary Shirai                     |
| Masaru Shibata           | Tadao Yamane                    |
| Tokio Oda                | Mitsuki Matsuoka                |
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| Yoshio Ozaki             | Minoru Oda                      |
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| Kenichi Nakashioya       | George Nakano                   |

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| Ruby Miyoko Okamoto    | George Fumio Tsuetaki  |
| George Yoshinori Yagi  | Isamu Yoshimi          |
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| Yoshihito Masuhige     | Mitsuye Yamamoto       |
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| Hatsumi Kumagai        | Shizuo Motoyama        |
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Isamu Sakauye  
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Chiyeko Harada  
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Satsuki Matsumoto  
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Haruno Grayce Toyama  
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| Shizuno Nitta            | Kiyoshi Nitta           |
| Miyeko Nitta             | Yoshiko Nakazono        |
| Takeo Nakazono           | Edward Masateru Hayashi |
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| Shizumi Yamamoto         | Sumie Yamamoto          |
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6 Petitioners.

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WILLIAMS, U. S. DIST. COURT  
SAN FRANCISCO

9 IN THE UNITED STATES DISTRICT COURT FOR THE  
10 NORTHERN DISTRICT OF CALIFORNIA

11 In the Matter of the Application

12 For

13 A Writ of Habeas Corpus by

14 TADAYASU ABO, et al., etc.,

15 Applicants,

16 And

17 TADAYASU ABO, et al., etc.,

18 Petitioners,

19 -vs-

20 IVAN WILLIAMS, as the Officer in Charge,  
21 etc.,

21 Respondent.

25296R  
No. \_\_\_\_\_

22  
23 POINTS AND AUTHORITIES IN SUPPORT OF PETITION

24 I.

25 Where a person claims to be a citizen of the United States  
26 he cannot be deported without a judicial hearing first being had  
27 thereon.

28 Ng Fung Ho v. White, 259 U.S. 276

29 Petitioners claim citizenship by birth in this country  
30 under the 14th Amendment and Title 8 USCA, sec. 601(a) and that  
31 the renunciations are void, ineffectual and should be set aside.

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IV.

Title 8 USCA, sec. 801(1), is void for containing an unconstitutional delegation of legislative power to the Attorney General of the United States. (Field v. Clark, 143 U.S. 649,692.).

Title 8 USCA, sec. 801(1), is void for uncertainty and for delegating to the Attorney General as an executive officer a discretionary authority without having set up any standards, guides or policies to which he is to conform. Such a delegation of legislative power is unconstitutional as forbidden by Art. I of the Constitution.

Panama Refining Co. vs. Ryan, 293 U.S. 388;  
Schechter Poultry Corp. vs. U.S., 295 U.S. 495.

V.

A person under twenty-one (21) years of age cannot renounce citizenship in the absence of a clear and unambiguous statutory authorization. "Rights of citizenship are not to be destroyed by an ambiguity."

Perkins v. Elg., 307 U.S. 325, 337.

Title 8 USCA, sec. 801(i), lodges no power in the Attorney General to approve renunciations of persons under 21 years of age. (Title 8 USCA, sec. 803(b), merely states that persons under 18 years cannot be expatriated under the conditions therein specified -- nothing more.)

VI.

The Alien Enemy Act, 50 USCA, sec. 21 et seq., authorizes the detention and removal of hostile alien enemies during the actual time of war, not before or afterward; and even an alien enemy is deportable in wartime only after judicial hearing in which his rights first are determined. 50 USCA, sec. 23.

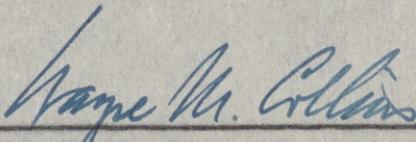
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VII.

A loyal citizen cannot be detained.

Ex parte Endo, 65 S.Ct. 208.

Respectfully submitted,



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WAYNE M. COLLINS  
1721 Mills Tower  
San Francisco, 4, California.

Attorney for Petitioners.

1 WAYNE M. COLLINS  
2 1721 Mills Tower  
3 San Francisco, 4, California.  
4 GARfield-1218.  
5 Attorney for Applicants and  
6 Petitioners.

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FILED

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HON. CHAS. J. W. ...  
Clerk of Court

9 IN THE UNITED STATES DISTRICT COURT FOR THE  
10 NORTHERN DISTRICT OF CALIFORNIA

11 In the Matter of the Application

12 For

13 A Writ of Habeas Corpus by

14 TADAYASU ABO, et al., etc.,

15 Applicants,

16 And

17 TADAYASU ABO, et al., etc.,

18 Petitioners,

19 -vs-

20 IVAN WILLIAMS, as the Officer in Charge,  
21 etc.,

22 Respondent.

25296 R  
No. \_\_\_\_\_

23 ORDER TO SHOW CAUSE

24 Upon reading and filing the verified petition for Writ of  
25 Habeas Corpus herein, and good cause appearing therefor,

26 IT IS ORDERED That the respondent, IVAN WILLIAMS, as the  
27 Officer in Charge, United States Department of Justice, Immigra-  
28 tion and Naturalization Service, Tule Lake Center, Newell, Modoc  
29 County, California, appear before this Court on the 10th day of  
30 December, 1945, Department \_\_\_\_\_, Post Office Building,  
31 7th and Mission Streets, San Francisco, California, at the hour of  
32 10:00 o'clock, A.M. of said day, to show cause, if any he has, why

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a writ of habeas corpus should not be issued herein for each and all of the petitioners named in the petition and why the relief prayed for in the said petition should not be granted and the petitioners and each of them be restored to his or her liberty, and that a copy of this Order be served upon said respondent, and a copy of the petition and this order be served upon the United States Attorney for this District, his representative herein;

And It Is Further ORDERED that the said respondent who now has the custody of said petitioners shall retain the said petitioners and each of them within the jurisdiction of this Court until its further order herein.

DATED: November 13, 1945, San Francisco, California.

A. F. St. Sure

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UNITED STATES DISTRICT JUDGE