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Nov. 25294 & 25295

ABO & FURUYA V. PERLMAN

1952

\* U.S. Court of Appeals

78/177

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

April 28, 1952

Attorney General  
Department of Justice Building  
Washington 25, D. C.

Attn: Enoch E. Ellison, Esq.

Gentlemen:

In re: Abo and Furuya v. Philip B. Perlman,  
etc., et al., Nos. 25294-5.

Enclosed find proposed form of "Order, Judgment  
and Decree In Conformity with Decision, Opinion,  
and Mandate of the United States Court of Appeals  
for the Ninth Circuit" in the above-entitled causes.

The names of the 1,004 are not attached to this  
proposed form but will be included in the form when  
finalized. They will be listed in alphabetical order  
by names, together with their birth dates. The part  
thereof which forms the actual judgment is substantially  
in the same language as the original judgment of the  
District Court which has been affirmed as to them  
by the Court of Appeals. If you have any suggestions  
concerning the proposed form or approve of it, I would  
thank you to notify me immediately so that the judgment  
can be entered forthwith.

Very truly yours,

Copy: Hon. Chauncey Tramutolo  
U.S. Attorney  
San Francisco, Calif.



5/13/52  
 This should be  
 for Mr. [unclear]  
 at d/c of Mr. [unclear]  
 [unclear] [unclear] [unclear]  
 [unclear] [unclear] [unclear]

Dear Mr. Tramutolo:

This is in response to your letter of April 28, 1952, with which you enclosed a draft of order in execution of the mandates to the Court of Appeals in the above causes and expressed the opinion that it appeared to be in rather broad terms. You further asked to be informed of any changes desired. With a letter under the same date Wayne M. Collins, Esq., transmitted to this office a further draft of such order which was in some respects different from the draft forwarded to you. It is noted that a copy of his letter was transmitted to you.

After careful consideration of these proposed drafts we feel that your comment is justified and equally applicable to both drafts. Not only do the proposed drafts go considerably beyond the requirements of the mandate, but, in our view, they are inconsistent with the express provisions of the opinion of the Court of Appeals to which the mandates refer. You will note that in its opinion the Court of Appeals specifically ordered that the judgments be amended in certain respects. *McGrath v. Abo, etc.*, 186 F. 2d 766. The pertinent language is as follows:

"Since these class suits are on behalf of those detained by the Attorney General for deportation to Japan, and since there is no evidence showing that at any time of the filing of the complaint the Secretary of State, the Secretary of the Interior and the Secretary of the Treasury and those under the authority of each were participating in the internment for deportation, the court erred in awarding the plaintiffs judgment against any other than the Attorney General and those under his authority. It is ordered that the judgments be amended in this regard. (p. 771, underscoring supplied).



May 13, 1952

Dear Mr. Tramutolo:

This is in response to your letter of April 28, 1952, with which you enclosed a draft of order in execution of the mandates to the Court of Appeals in the above causes and expressed the opinion that it appeared to be in rather broad terms. You further asked to be informed of any changes desired. With a letter under the same date Wayne M. Collins, Esq., transmitted to this office a further draft of such order which was in some respects different from the draft forwarded to you. It is noted that a copy of his letter was transmitted to you.

After careful consideration of these proposed drafts we feel that your comment is justified and equally applicable to both drafts. Not only do the proposed drafts go considerably beyond the requirements of the mandate, but, in our view, they are inconsistent with the express provisions of the opinion of the Court of Appeals to which the mandates refer. You will note that in its opinion the Court of Appeals specifically ordered that the judgments be amended in certain respects. *McGrath v. Abo, etc.*, 186 F. 2d 766. The pertinent language is as follows:

*Rest of cases,  
I purp  
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"Since these class suits are on behalf of those detained by the Attorney General for deportation to Japan, and since there is no evidence showing that at any time of the filing of the complaint the Secretary of State, the Secretary of the Interior and the Secretary of the Treasury and those under the authority of each were participating in the internment for deportation, the court erred in awarding the plaintiffs judgment against any other than the Attorney General and those under his authority. It is ordered that the judgments be amended in this regard. (p. 771, underscoring supplied).



" . . . the judgments below are affirmed as to each plaintiff who was incompetent and each who was <sup>UNDER</sup> ~~over~~ the age of 21 years at the time of his or her signing of the formal documents of renunciation, the judgments to be amended to state the name of each such person. (p. 772, underscoring supplied).

"Of 58 designants, the offer of proof is solely that they went to Tule Lake to be with family members. We think such proof would not overcome the presumption of coercion. The judgments in their favor are affirmed and are ordered amended to state their names. (p. 774, underscoring supplied).

"The judgments are reversed as to all the designated adult and competent plaintiffs other than the 58 last discussed, and the cause is remanded for further proceedings in accord with this opinion. (P. 774, underscoring supplied)."

It is important to note that it was not the intention of the Court of Appeals to order the entry of new judgments in favor of plaintiffs as to whom the action of the District Court was affirmed but, rather, to amend the old judgment. This is important because the original judgment declared, as of the date of its entry, that plaintiffs were citizens of the United States and, since some of them may since have expatriated themselves, it is clear that the amended judgment should continue to speak as of the date of the original entry. Moreover, there is further reason why the judgment should continue to speak as of its original date, which may or may not have been in the minds of the appellate court. Since the issuance of the injunction contained in the original judgment the circumstances have so changed, that it would now be improper for the court to issue it. As you know, on Monday, April 28, 1952, the declared war with Japan came to an end. This meant that the authority of the Attorney General, and those acting under his direction, to take action against any of the plaintiffs under the



OR ( Alien Enemy Act (50 U.S.C. 21-24) was terminated. See Jaegler v. Carusi, 342 U.S. 374. Accordingly, on April 30, 1952, the Acting Attorney General issued orders vacating the removal orders previously outstanding against 302 of the plaintiffs. (These orders were sent to Mr. Collins, into whose custody these plaintiffs had been released and it is understood that the habeas corpus cases will have been dismissed by him prior to the time that you receive this letter.) Although this injunction appears to be subject to dissolution if the need should arise (U.S. v. Swift & Co., 286 U.S. 106, 114; Sunbeam Furniture Corp., et al. v. Sunbeam Corp., 191 F. 2d 731, 732) it would seem inappropriate to deal with this question in the order executing the mandate; but for this reason also, such order should clearly show that it is confined to the execution of the mandate in amending the original judgment in accordance with the directions of the Court of Appeals.

For the foregoing reasons, the drafts submitted by Mr. Collins appear to be almost entirely unacceptable and, in the event that agreement can not be reached, should be vigorously opposed.

Enclosed is a draft of order in execution of the mandate which, we believe, would execute exactly the above quoted orders contained in the opinion of the Court of Appeals. You will note that the plaintiffs who are to receive the benefit of the decision of the Court of Appeals are not divided into categories as done in the opinion but that space is provided for an alphabetical



listing of all of them. In this we have followed the suggestion of Mr. Collins, who, we understand, is preparing such a listing, because the division of the plaintiffs into categories might lead to confusion in that a number of the plaintiffs fall into more than one category.

It is understood that the list being prepared by Mr. Collins includes the names of plaintiffs as to whom we have previously authorized you to withdraw the defendants' offers of proof. I suppose we could object to the inclusion of such names on the ground that technically the Court of Appeals did not order amendment of the judgments to include the names of such persons. However, the court (at pg. 771) spoke with approval of the administrative procedure whereby such plaintiffs were recognized as citizens for the purpose of issuance of passports and, since the administrative action was taken in most of the cases prior to the issuance of the opinion, unquestionably they would have been express recipients of the benefits of the decision if such action had been a matter of court record at that time. They are, therefore, clearly within the coverage of the Court of Appeals decision and, we think, by consent of the parties, can properly be given the benefit of the mandate if merely included in such general listing.

If the plaintiffs whose citizenship has been administratively recognized are included in the order executing the mandate, there will be no need to withdraw the offers of proof in their cases. If, however, for any reason, their names are not included in the order, the offers should not be withdrawn at this time but such withdrawal should await clarification of the course that



this litigation will take in the future. In view of the lapse of time since the administrative action in their cases it may be desirable to inquire of the State Department as to whether or not they have since become expatriated. This problem will, of course, be obviated by leaving the judgment of April 12, 1949, in effect as to them.

7 With reference to the draft of proposed order executing mandate enclosed herewith, a question may arise as to why the names of defendants dismissed from the action should be given <sup>but</sup> by the names of the remaining defendants omitted. As to this you will note that the judgment of April 12, 1949, does not list the names of any defendant and that the order of the Court of Appeals held that the judgment was improper as to "the Secretary of State, the Secretary of the Interior and the Secretary of the Treasury and those under the authority of each." Accordingly, it appears more appropriate to name the defendants who are to be dismissed from the action than to name those who remain. Furthermore, the naming of the remaining defendants would probably lead to theoretical controversy as to the exact coverage of the Court of Appeals decision, the resolution of which is entirely unnecessary to the execution of the mandate and of no importance to the plaintiffs who are to receive the benefit of the Court of Appeals decision.

A further question may be raised as to the express retention of the original date of the judgment, i.e., April 12, 1949, in the quoted amendment. For reasons heretofore explained it is



important that the amendments ordered by the Court of Appeals speak as of the original date of the judgment. The reiteration of that portion of the original judgment appears to accomplish this result. If, for any reason, the court should decline to include that part of the proposed amendment you should vigorously urge upon it the necessity of showing in some fashion that the amendment speaks as of the earlier date and not as of the date of the execution of the mandate.

In summation it is our position that the order executing the mandate should (with the one exception mentioned) be limited strictly to carrying out the orders of the Court of Appeals. If the attorney for the plaintiffs desires to get more into the record at this time he should do so by filing a separate paper, by submitting a separate proposed stipulation or by filing an appropriate motion. If the court should elect to sign an order in a form similar to the drafts which Mr. Collins has submitted, our objections thereto both as to substance and form, should be made a matter of record.

Please keep me fully advised of developments in this matter and promptly forward by air mail a conformed copy of the order of execution actually entered.

Sincerely yours,

Holmes Baldridge  
Assistant Attorney General



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7 ORDER, JUDGMENT AND DECREE EXECUTING MANDATE  
8 OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
9 -----  
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11 In compliance with the Mandate of the United States Court  
12 of Appeals for the Ninth Circuit entered in this cause on  
13 October 17, 1951,

14 (a) It is Ordered that the Final Order, Judgment and Decree  
15 of this Court entered in this cause on April 12, 1949, and modified  
16 by an order of this Court entered in this cause on May 2, 1949,  
17 insofar as it pertained to the following named defendants sued in  
18 their representative capacities herein, to-wit, Dean Acheson, as  
19 Secretary of State, John W. Snyder, as the Secretary of the  
20 Treasury, Julius A. Krug, as the Secretary of the Interior, Dillon  
21 S. Myer, as Director, War Relocation Authority, and Raymond R.  
22 Best, as Project Director, Tule Lake Center, be and the same  
23 hereby is set aside.

24 (b) It is Further Ordered that the Final Order, Judgment  
25 and Decree of this Court, entered in this cause on April 12, 1949,  
26 and modified by an order of this Court entered in this cause on  
27 May 2, 1949, be, and the same hereby is amended to read as follows:  
28

29 "IT IS ORDERED, ADJUDGED AND DECREED as and for a final  
30 order, judgment and decree against the defendants herein,  
31 excepting those specified in paragraph (a) hereinabove, and in  
32 favor of each and all of the One Thousand Four (1,004)



1 specifically named plaintiffs listed and set forth in the  
2 following thirty-two (32) pages and of whom 985 are plaintiffs  
3 in proceeding No. 25294 herein and of whom 19 are plaintiffs in  
4 proceeding No. 25295 herein, consolidated therewith, to-wit:-

5  
6 (Here follows alphabetical list of 1,004 plaintiffs  
7 and their birth dates)

8 as follows:-

9 1. That the application for renunciation of United States  
10 nationality and citizenship heretofore executed by each of the  
11 plaintiffs hereinabove specifically named in paragraph (b) hereof,  
12 the renunciation of his or her United States nationality and  
13 citizenship and the order of the defendant Attorney General  
14 approving each such application and renunciation are, and each  
15 of said things is, wholly illegal, contrary to law and public  
16 policy, null and void ab initio, and they are, and each of said  
17 things is, hereby cancelled and set aside.

18 2. Each of the plaintiffs hereinabove specifically named in  
19 paragraph (b) hereof at birth and ever since then has been and now  
20 is a native born national and citizen of the United States of  
21 America and domiciled therein and each is entitled to the full  
22 and complete exercise and enjoyment of all his or her rights,  
23 privileges, liberty and immunities of United States nationality  
24 and citizenship.

25 3. That the remaining defendants, other than those herein-  
26 above specifically named in paragraph (a) hereof, are, and each  
27 of them is, and their agents, servants, employees and representa-  
28 tive are, and each of them is, hereby permanently enjoined from  
29 detaining, imprisoning or interning the plaintiffs whose names  
30 are listed in paragraph (b) hereof or any of them and from  
31 restraining them or any of them of liberty and from removing  
32



1 them or any of them to Japan or elsewhere and from interfering  
2 with their freedom of movement within the United States and right  
3 of access to their homes in the United States from abroad and  
4 from interfering with their full and complete exercise and  
5 enjoyment of each and all of their rights, privileges and  
6 immunities of United States nationality and citizenship."

7 (c) It is Further Ordered that as to the plaintiffs in this  
8 cause, excepting those hereinabove specifically listed by name  
9 in paragraph (b) hereof, the Order, Judgment and Decree of this  
10 Court entered on April 12, 1949, hereby is set aside and that,  
11 as to such remaining plaintiffs in this cause, further proceedings  
12 be had in this cause in accordance with the said Mandate of the  
13 said United States Court of Appeals entered in this cause on  
14 October 17, 1952.

15 Done in Open Court this \_\_\_\_ day of May, 1952.  
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It is stipulated between the parties hereto that the proposed form of judgment herewith presented to the Court in the above-entitled cause correctly states the names of the plaintiffs therein entitled to ~~(entry of a)~~ final judgment therein in their favor in accordance with the provisions of the Mandate of the United States Court of Appeals for the Ninth Circuit entered in this cause on October 17, 1952.



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

April 28, 1952

Attorney General  
Department of Justice Building  
Washington 25, D. C.

Attn: Enoch E. Ellison, Esq.

Gentlemen:

In re: Abo and Furuya v. Philip B. Perlman,  
etc., et al., Nos. 25294-5.

Enclosed find proposed form of "Order, Judgment  
and Decree In Conformity with Decision, Opinion,  
and Mandate of the United States Court of Appeals  
for the Ninth Circuit" in the above-entitled causes.

The names of the 1,004 are not attached to this  
proposed form but will be included in the form when  
finalized. They will be listed in alphabetical order  
by names, together with their birth dates. The part  
thereof which forms the actual judgment is substantially  
in the same language as the original judgment of the  
District Court which has been affirmed as to them  
by the Court of Appeals. If you have any suggestions  
concerning the proposed form or approve of it, I would  
thank you to notify me immediately so that the judgment  
can be entered forthwith.

Very truly yours,

Copy: Hon. Chauncey Tramutolo  
U.S. Attorney  
San Francisco, Calif.



June 20, 1952

Honorable James P. McGranery  
Attorney General of the United States  
Department of Justice,  
Washington, D. C.

Dear Mr. McGranery:

In re: Abo et al., Furuya, et al., vs.  
McGranery, et al., Cons. No. 25294-5,  
USDC, San Francisco.

On May 29, 1952, the litigation above-mentioned terminated as to some 1,004 of the Nisei plaintiffs whose renunciations have been cancelled and whose U.S. citizenship has been established.

I wish to express to you and to members of your staff and especially to Robert B. McMillan and Edgar R. Bonsall, Assistant U.S. Attorneys for this District, Frank J. Hennessy, once U.S. Attorney for this District, and Chauncey Tramutolo, his successor in office, my appreciation for the courtesies extended to me during the course of this prolonged and arduous litigation.

You should take justifiable pride in the fact that you have efficient and competent representatives of their caliber handling the affairs of your Department in this area.

Very truly yours,



August 5, 1952

Honorable James P. McGranery  
Attorney General of the United States  
Washington, D. C.

Attention: Holmes Baldridge, Esq.  
Assistant Attorney General.

Gentlemen:

In re: Abo, et al., v. McGranery, No. 25294;  
and Furuya v. McGranery, No. 25295  
(Consolidated No. 25294), U.S. District  
Court, San Francisco.

Your "Petition To Expunge Stipulations Of  
Substitution And To Vacate Orders Thereon" in the  
above entitled causes was denied by order of the  
Court this 5th day of August, 1952.

In consequence, I would be grateful were you to  
inform me of the result of your consideration of the  
proposals made in my letter to you of July 3, 1952,  
which outlined a plan for a disposition of the  
plaintiffs' cases which still are active.

Very truly yours,



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

July 3, 1952

Honorable James P. McGranery  
Attorney General of the United States  
Washington, D. C.

Attention: Enoch E. Ellison, Esquire.

Gentlemen:

In re: Abo, et al., v. McGranery, No. 25294; and  
Furuya v. McGranery, No. 25295 (Consolidated  
No. 25294), U.S. District Court, San Francisco.

I submit to you herewith for consideration alternative proposals for a disposition of the individual cases involved in the above-entitled equity proceedings. I believe that both of the proposals I suggest are fair and reasonable and that either would constitute a workable plan whereby a large number of the individual cases, if not all of them, would be disposed of within a reasonable period of time and leave a minimum, if any, to be determined by individual court hearing. My first proposal, outlined in the three following numbered paragraphs, is as follows: --

1. You should specify those particular renunciant plaintiffs, if any, as to whom you can produce relevant admissible evidence in court which you, in good faith, believe would convince the trial court that he or she acted freely and voluntarily in renouncing U.S. nationality and thereby expressed disloyalty to the United States, unaffected by the conditions of detention and duress at the time of renunciation. You should withdraw your offers of proof as to the remaining plaintiffs and permit judgment cancelling their renunciations and the orders approving them to be entered in their favor.

2. As to each plaintiff you specify, under paragraph 1 hereinabove, you should withdraw your offers of proof and permit judgment cancelling his or her renunciation and the order approving it, upon submission to you of proof; (a) that such plaintiff has served or is serving in the military or naval forces of the United States; or (b) that such plaintiff has been or is employed by the federal government and has been found, upon investigation by a federal agency, to be a good security risk and loyal to our Government; or (c) that



such plaintiff is one to whom the State Department has issued a passport after an application therefor has been made and the special affidavit required of renunciants has been executed by him or her.

3. As to any plaintiff specified by you under paragraph 1 hereof and as to whom you do not, under paragraph 1 or 2 hereof, withdraw your offers of proof and permit judgment in his or her favor to be entered, I will cause him or her to submit to you a personal affidavit for examination, upon a form mutually to be decided upon, accompanied where it is deemed necessary or desirable by statements from witnesses and other evidence, explaining the causes and reasons, whether deemed justifiable or not, why he or she renounced U.S. nationality. The affidavit, statements and other evidence, thus submitted, are to be considered and weighed in good faith by you, and, if such convinces you that he or she did not act freely and voluntarily in renouncing citizenship you are to withdraw your offers of proof as to such plaintiffs and permit judgment to be entered in his or her favor. However, if, after such examination and consideration of such personal affidavit, statements and other evidence, you conclude that the personal affidavit of such a plaintiff is not consistent with the facts contained in the government files and that you can submit to the trial court relevant admissible evidence that such plaintiff acted freely and voluntarily in renouncing U.S. nationality and thereby expressed disloyalty to the United States, unaffected by the conditions of detention and duress at the time of renunciation, the affidavit, statements and other evidence which have been submitted to you are to be returned to me with the understanding that such affidavit, statements and other evidence shall not be introduced in evidence or offered in evidence by you at any trial of his or her individual case except by his or her consent thereafter first being had and obtained.

My second or alternative proposal, outlined in the three following numbered paragraphs, is as follows:

1. You should withdraw your offers of proof and permit judgment cancelling the renunciations and orders approving them as to all the remaining plaintiffs who are listed in Exhibits Numbers V, VI, XIII, XV, XVI, XVIII, XIX and XX specified in your Designations filed Feb. 25, 1949, in proceedings Nos. 25294-5.

2. Next, you should withdraw your offers of proof and permit judgment cancelling the renunciation of any plaintiff then remaining in the cases, and the order approving it, upon submission to you of proof (a) that such plaintiff has served or is serving in the military or naval forces of the United States; or (b) that such plaintiff has been or is employed by the federal government and has been found, upon investigation



by a federal agency, to be a good security risk and loyal to our Government; or (c) that such plaintiff is one to whom the State Department has issued a passport after an application therefor has been made and the special affidavit required of renunciants has been executed by him or her.

3. I will then cause each of the then remaining plaintiffs listed in Exhibits I, II, III, IV, VII, VIII, IX, X, XI, XII, XIV and XVII specified in your Designations filed Feb. 25, 1949, to submit to you a personal affidavit for examination, upon a form mutually to be decided upon, accompanied where it is deemed necessary or desirable by statements from witnesses and other evidence, explaining the causes and reasons, whether deemed justifiable or not, why he or she renounced U.S. nationality. The affidavit, statements and other evidence, thus submitted, are to be considered and weighed in good faith by you, and, if such convinces you that he or she did not act freely and voluntarily in renouncing citizenship you are to withdraw your offers of proof as to such plaintiffs and permit judgment to be entered in his or her favor. However, if, after such examination and consideration of such personal affidavit, statements and other evidence, you conclude that the personal affidavit of such a plaintiff is not consistent with the facts contained in the government files and that you can submit to the trial court relevant admissible evidence that such plaintiff acted freely and voluntarily in renouncing U.S. nationality and thereby expressed disloyalty to the United States, unaffected by the conditions of detention and duress at the time of renunciation, the affidavit, statements and other evidence which have been submitted to you are to be returned to me with the understanding that such affidavit, statements and other evidence shall not be introduced in evidence or offered in evidence by you at any trial of his or her individual case except by his or her consent thereafter first being had and obtained.

Very truly yours,



May 13, 1952

Attorney General  
Department of Justice Building  
Washington 25, D. C.

Attn: Enoch E. Ellison, Esq.

Gentlemen:

In re: Abo and Furuya v. Philip B. Perlman,  
etc., et al., Nos. 25294-5.

I believe that the order executing the mandate of the Court of Appeals which you propose is unsatisfactory largely because you request the dismissal therein of certain persons who as of April 12, 1949, were among defendants therein.

The original judgment of April 12, 1949, was against all the defendants then in the cases. The Court of Appeals affirms the judgments against the Attorney General and those acting under him. No evidence was adduced showing that the other defendants, the Secretary of State, Secretary of Treasury, Secretary of the Interior, Director of War Relocation Authority and Project Director were participating in the internment for deportation. In consequence, the Court of Appeals ordered that the judgments be amended as to them, that is to say, that no judgment be taken against them for want of evidence having been introduced against them. The Court of Appeals did not order a dismissal as to these defendants. It is possible that evidence against those defendants or one or more of them yet may be introduced in cases involving plaintiffs whose individual cases have been ordered re-opened. I believe, therefore, that those defendants ought not to be dismissed from the case at this stage of the proceedings but that the judgment as to them should be set aside.

I have already had prepared an alphabetical list of the 1,004 plaintiffs and their respective birth dates.



That number includes 985 plaintiffs in proceeding No. 25294 and 19 in Proceeding No. 25295. Inasmuch as both actions were consolidated it seems to me that the judgments in both cases should contain the lists of 1,004 persons. Otherwise the records may tend to become confused. If this is agreeable to you, I would be grateful if you would let me know.

In consequence I have prepared the enclosed form of proposed order which I believe will prove acceptable to you. It will render it unnecessary for you to file the lists of the 877, 58, 19, 8 and 132 renunciants which contain duplication of names which might confuse the records. If it is acceptable I would thank you to notify me and also Mr. Bonsall of that fact so that a stipulation reading as does the enclosed proposed one may be executed when the order is to be presented for signature.

Very truly yours,

Copy: Hon. Chauncey Tramutolo  
U.S. Attorney  
Attn: Edgar Bonsall, Esq.  
San Francisco, Calif.



May 13, 1952

Hon. Chauncey Tramutolo  
U. S. Attorney  
Post Office Building  
San Francisco, Calif.

Attn: Edgar R. Bonsall, Esq.

Gentlemen:

Re: Abo and Furuya v. Philip B. Perlman,  
etc., et al., Nos. 25294-5.

Enclosed find copy of letter and proposed  
form of order I have forwarded this date to  
the Justice Department in the above-entitled  
cases.

Very truly yours,



C A P T I O N

ORDER EXECUTING MANDATE

In compliance with the mandate of the United States Court of Appeals for the Ninth Circuit entered in this cause on October 17, 1951, it is

ORDERED that the FINAL ORDER, JUDGMENT AND DECREE of this Court, entered in this cause on April 12, 1949, and modified by an order dated May 2, 1949, be, and the same hereby is amended to read as follows:

"It is Ordered, Adjudged and Decreed as follows:

*then*  
*order*  
"1. That this action be and the same hereby is dismissed as to defendants Dean G. Acheson, as the Secretary of State; John W. Snyder, as the Secretary of the Treasury; Julius A. Krug, as the Secretary of the Interior; Dillon S. Myer, as Director, War Relocation Authority; and Raymond R. Best, as Project Director, Tule Lake Center;

"2. That Final judgment be and the same hereby is entered against the remaining defendants and in favor of each plaintiff specifically identified below, as follows:

[Here, in alphabetical order, list the names and birth dates of all plaintiffs entitled to judgment under the decision of the United States Court of Appeals.]

"3. That the application for renunciation of United States nationality and citizenship heretofore executed in 1944 or 1945 by each plaintiff identified above, the renunciation of his or her United States nationality and citizenship and the order of the defendant Attorney General approving each such application and renunciation are, and each of said things is, wholly illegal, contrary to law and public policy, null and void ab initio, and they are, and each of said things is, hereby cancelled and set aside.



"4. That each of the above-identified plaintiffs at birth and ever since then has been and now is a native born national and citizen of the United States of America and domiciled therein and each is entitled to the full and complete exercise and enjoyment of all his or her rights, privileges, liberty and immunities of United States nationality and citizenship.

"5. That the remaining defendants are, and each of them is, and their agents, servants, employees and representatives are, and each of them is, hereby permanently enjoined from detaining, imprisoning or interning the plaintiffs or any of them and from restraining them or any of them of liberty and from removing them or any of them to Japan or elsewhere and from interfering with their freedom of movement within the United States and right of access to their home in the United States from abroad and from interfering with their full and complete exercise and enjoyment of each and all of their rights, privileges and immunities of United States nationality and citizenship.

"Done in Open Court this 12th day of April, 1949."

It is further ORDERED that the FINAL ORDER, JUDGMENT AND DECREE of this Court entered in this cause on April 12, 1949, be and the same hereby is vacated as to all plaintiffs who are not specifically identified therein.

Done in Open Court this                      day of May, 1952.

U. S. District Judge.



ADDRESS REPLY TO  
"THE ATTORNEY GENERAL"  
AND REFER TO  
INITIALS AND NUMBER

AHB/EEE

93-1-1320

UNITED STATES  
DEPARTMENT OF JUSTICE  
WASHINGTON 25, D. C.

yrj

May 9, 1952

AIRMAIL

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

Re: Abo et al v. Perlman  
Furuya v. Perlman  
Nos. 25294-5

Dear Mr. Collins:

This is in reply to your letter dated April 28, 1952, with which you enclosed a proposed form of Order, Judgment and Decree in Conformity with Decision, Opinion, and Mandate of the United States Court of Appeals for the Ninth Circuit in the above-entitled causes.

You state that the names of the plaintiffs who are to receive the benefit of the mandate have been omitted but will be supplied in alphabetical order by names, together with their birth dates. You further state that, if we have any suggestions concerning the proposed form or approve of it, you would appreciate being notified immediately so that the judgment can be entered forthwith.

The proposed form enclosed with your letter has been carefully considered and you are informed that this office can perceive no objection to the listing of the plaintiffs to be covered by the order in the fashion described in your letter. I regret to inform you, however, that we are in disagreement with the general form of the proposed order. It is suggested that you discuss the possibility of agreeing upon an order with the United States Attorney who will have received our suggestions in the matter by the time that you receive this letter.

Sincerely yours,

*Holmes Baldridge*  
HOLMES BALDRIDGE  
Assistant Attorney General

cc: United States Attorney  
San Francisco, Calif.



Wayne M. Collins  
Attorney at Law  
Mills Tower, 220 Bush Street  
San Francisco 4, California  
Telephone Garfield 1-1218

October 15, 1952

Honorable James P. McGranery  
Attorney General of the United States  
Washington, D. C.

Attention: Holmes Baldridge, Esq.,  
Assistant Attorney General.  
Enoch E. Ellison, Esq.,  
Attorney, Justice Department.

Gentlemen:

In re: Abo, et al. v. McGranery, No. 25294;  
and Furuya v. McGranery, No. 25295  
(Consolidated No. 25294), U.S. District  
Court, San Francisco.

On July 3, 1952, I submitted to you certain proposals concerning a disposition of the remainder of the plaintiffs' cases in the above-entitled causes. On August 5, 1952, I again wrote you concerning said matters. I would be grateful if you would inform me whether or not you intend to entertain those proposals for a disposition of the cases.

Very truly yours,