

511A

No. 25294-S

ABO v. CLARK

Jan, 1946

Stipulation and order

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1 WAYNE M. COLLINS,
2 1721 Mills Tower,
3 San Francisco, 4, Calif.
4 Garfield 1218.

5 Attorney for Plaintiffs.

ORIGINAL
FILED

JAN 2 - 1948

WILD CLERK, U. S. DIST. COURT
San Francisco

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

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19 TADAYASU ABO, et al., etc.,
20 Plaintiffs,
21 vs.
22 TOM CLARK, etc., et al.,
23 Defendants.

No. 25294-S

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25 STIPULATION AND ORDER

26 WHEREAS the Attorney General of the United States, through
27 the instrumentality of the United States Department of Justice, a
28 federal agency, contemplates and intends to conduct "mitigation-
29 hearings" of persons asserted to be renunciants of United States
30 nationality who are detained in the custody of the defendants at
31 the Tule Lake Center, Newell, Modoc County, California, and of
32 certain other asserted renunciants detained under his authority

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2 at the Fort Lincoln Detention Camp at Bismarck, N.D., and at the
3 Alien Internment Camp at Santa Fe, New Mexico, and including the
4 plaintiffs named in the above-entitled proceeding who are detained
5 in custody of defendants at said Tule Lake Center and also those
6 similarly detained persons who, from time to time, may be joined
7 and included as plaintiffs in said class action, and

8 WHEREAS at said such hearings which are expected to be
9 commenced during the month of January, 1946, such asserted renun-
10 cians are to be given an opportunity to show cause why they should
11 not be deported to Japan by the said Attorney General, and

12 WHEREAS it is agreed by the parties hereto and said
13 Attorney General that such plaintiffs shall not file individual
14 written statements on any applications for any such mitigation
15 hearings or be required to make oral statements at such hearings
16 reserving their rights which would increase to an enormous extent
17 the paper work of the examiners who are to conduct such hearings
18 and absorb an unusual amount of their time,

19 IT IS STIPULATED between the parties hereto and said
20 Attorney General that upon applying for or submitting to such a
21 mitigation hearing each plaintiff in the above entitled action
22 shall be deemed to have objected to such hearing upon the grounds
23 that he or she is a native born citizen of the United States and
24 not subject thereto, and that he or she does not intend the same
25 to operate as or constitute a waiver of any constitutional, statu-
26 tory, or other legal right or remedy asserted in the above entitled
27 action by him or her, or in any wise to bar or prejudice his or
28 her right to maintain said action.

29 IT IS FURTHER STIPULATED that the stipulation dated
30 December 31, 1945, executed by William E. Licking for defendants,
31 and the order of Court made thereon and filed herein on December 31,
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1 1945, be vacated and set aside.

2 Dated: January 2, 1946.

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5 Wayne M. Collins,
6 Attorney for Plaintiffs.

7 TOM C. CLARK, Attorney General of
8 United States

9 IVAN WILLIAMS,

10 FRANK J. HENNESSY, United States Attorney,

11 Defendants

12
13 By Robert O. McMillan
14 Assistant United States Attorney,

15 Attorneys for Defendants.

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17 SO ORDERED:

18 January 2, 1946.

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20 United States District Judge.
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1 WAYNE M. COLLINS,
2 1721 Mills Tower,
3 San Francisco, 4, Calif.
4 Garfield 1218.

5 Attorney for Plaintiffs.

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With Clerk, U. S. Dist. Court
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8 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 TADAYASU ABO, et al., etc.,

13 Plaintiffs,

14 -vs-

15 TOM CLARK, etc., et al.,

16 Defendants.

No. 25294-S

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18
19 STIPULATION AND ORDER

20 IT IS STIPULATED between the parties hereto that the defend-
21 ants herein may have to and including the 11th day of February,
22 1946, within which to answer or plead to the complaint of
23 plaintiffs herein, or to make such motion as they may be advised.

24 Dated: January 2, 1946.

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27 _____
Wayne M. Collins,
Attorney for Plaintiffs.

28 TOM G. CLARK, Attorney General of the U.S.
FRANK J. HENNESSY,
United States Attorney,

29 By: Robert B. McMillan
Assistant United States Attorney.

30 SO ORDERED:
31 January _____, 1946.

Attorneys for Defendants.

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UNITED STATES DISTRICT JUDGE.