

4:14

No. 25294-S

ABD. V. CLARK

Nov. 13, 1945

complaint  
orders & stipulations

78/177  
C

ORIGINAL COMPLAINT

No. 25294 - S

Filed: November 13, 1945



[SEAL]

Day of

# District Court of the United States

Subscribed and sworn to before me this FOR THE this

Northern DISTRICT OF California  
Southern DIVISION

SOLARCO

ITSAOJ

25294S

CIVIL ACTION FILE No.

TADAYASU ABO, YUKIKO ABO, et al.,

Plaintiffs,

-vs-

TOM CLARK, AS Attorney General of the United States;  
FRANK J. HENNESSY, as United States Attorney for the  
Northern District of California, and, as such the  
head of the United States Department of Justice in  
said District; JAMES F. BYRNES, as the Secretary of  
State; FRED VINSON, as the Secretary of the Treasury;  
UGO CARUSI, as the Commissioner of the United States  
Immigration and Naturalization Service; IRVING M.  
WIXON, as the District Director of the United States  
Immigration and Naturalization Service, United States  
Department of Justice, and, as such, the head of the  
United States Immigration and Naturalization Service  
for the Northern District of California; JAMES E.  
MARKHAM, as the Alien Property Custodian; HAROLD ICKES,  
as Secretary of the Interior; DILLON S. MYER, as  
Director, War Relocation Authority; RAYMOND R. BEST,  
as Project Director, Tule Lake Center, and CIVIL WAR  
WILLIAMS, as the Officer in Charge, United States  
Department of Justice, Immigration and Naturaliza-  
tion Service, Tule Lake Center, Newell, Modoc County,  
California,

Defendant

Defendants.

SUMMONS

10

To the above named Defendant:

You are hereby summoned and required to serve upon

WAYNE M. COLLINS, Esquire,

plaintiff's attorney, whose address

1721 Mills Tower,  
San Francisco, CA,  
California,

SUMMONS IN CIVIL ACTION

Return this not later than

after service.

Approved for Plaintiff.

U.S. DEPARTMENT OF JUSTICE 10-413-1

an answer to the complaint which is herewith served upon you, within sixty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

C. W. CALBREATH

Clerk of Court.

By

A. J. De Paolo  
Deputy Clerk.

Date:

[Seal of Court]



Date:

[Seal of Court]

By CLERK OF COURT  
Clerk of Court

against you for the relief demanded in the complaint.

summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken

in answer to the complaint which is herewith served upon you, within

days

days after service of this

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

District Court of the United States

DISTRICT OF \_\_\_\_\_

DIVISION \_\_\_\_\_

To the above named Defendant:

Defendant

SUMMONS IN CIVIL ACTION

Returnable not later than \_\_\_\_\_  
after service.

Attorney for Plaintiff.

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the

day of

19 ,

I received the within summons

SUMMONS

MARSHAL'S FEES

Travel \$ \_\_\_\_\_

Service \_\_\_\_\_

By \_\_\_\_\_ DIVISION

DISTRICT OF \_\_\_\_\_

Deputy United States Marshal.

Subscribed and sworn to before me, a

FOR THE

this

day of

Seal of the District Court of the United States

[SEAL]

SUMMONS IN A CIVIL ACTION

NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.



No. 25294-J.

Wm C. Copy

Equity - A. List

(Approvals Rec'd)

(916)

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

Attorney for Plaintiffs,

ORIGINAL  
FILED

NOV 13 1945

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

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

-----



1 Tadayasu Abo,  
 Yukiko Abo,  
 2 Tetsuko Tay Akitsuki,  
 Rintaro Akiyama,  
 3 Helen Ayako Akune,  
 Tom Isamu Akune,  
 4 Norio Ambo,  
 Hajime Jimmie Amemiya,  
 5 Takanori Thomas Amemiya,  
 Rinko Amino,  
 6 Toshio Amino,  
 Sadao Aoki,  
 7 George Matsumi Arashige,  
 Harumi Arashige,  
 8 Daniel Aredas,  
 Seiso Arita,  
 9 George Ariura,  
 Isamu Arizumi,  
 10 Yoshiko Arizumi,  
 Chiai Asaka,  
 11 Hidenori Asano,  
 Yoshio Asari,  
 12 Fumiko Bozono,  
 Sadao Bozono,  
 13 Katsumi Doi,  
 Tetsuo Doi,  
 14 Tokiko Doi,  
 Toshio Doi,  
 15 Noboru Doioka,  
 Tomae Fujii,  
 16 Toshio Fujii,  
 Frank Mitsunori Fujimura,  
 17 Kiyoshi Fujita,  
 Tokunori Fujita,  
 18 Isamu Fujitani,  
 Kiyoko Fujitani,  
 19 Hiroko Fukagawa,  
 Tadasu Fukushima,  
 20 Lilly Yuriko Fukuwa,  
 Ted Hiroshi Fukuwa,  
 21 Hiroto Fukuwa,  
 Hideo Furukawa,  
 22 Hisayo Furuyama,  
 Tomigi Furuyama,  
 23 Masami Furukawa,  
 John Noboru Furumoto,  
 24 George Shigeru Furuta,  
 Shigecko Edna Furuya,  
 25 Toshio Frederick Furuya,  
 Riichi Fuwa,  
 26 Hiroshi Genishi,  
 Arata Goto,  
 27 Yoshino Gotow,  
 Frank Kenyu Goya,  
 28 Umeo Hamada,  
 Luiko Hamaguchi,  
 29 Yoshiaki Hamaguchi,  
 Masakazu Hamaguchi,  
 30 Tomiko Hamasaki,  
 Minoru Hara,  
 31 Nobuko Hara,  
 Yukio Hara,  
 32 George Minoru Harada,  
 Kaiso Fred Harada,

Akira Hashimoto,  
 Fumio Hata,  
 Kiyomi Hata,  
 Yasuo Hata,  
 Nobuo Hatae,  
 Fumio Hatakeyama,  
 Shizue Hatakeyama,  
 Isao Arthur Hattori,  
 Seichiro Hayashi,  
 Fumio (Frank) Hayamizu,  
 Edward Masateru Hayashi,  
 Hiroko Hayashi,  
 Minoru Hayashi,  
 Miye Hayashi,  
 Hitoshi Hayashida,  
 Yasuo Hayashimoto,  
 Kiyoshi Hidaka,  
 Shigeo Higaki,  
 Akira Higashi,  
 Anna Fusako Higashi,  
 Hisako Higashi, nee Umemoto,  
 Katsuto Higashi,  
 Misako Maxine Higashi,  
 Mitsuko Higashi,  
 Motoshi Higashi,  
 Shigeki Higashi,  
 Susumu Higashi,  
 Kimiko Hirata,  
 Masami Hirata,  
 Minoru Hirata,  
 Hideo Hiromoto,  
 Yuriko Hiromoto,  
 Atsushi Hirose,  
 Chiyome Honda,  
 Hiroshi Honda,  
 Hisashi Honda,  
 Katsuki Honda,  
 Koichi Honda,  
 Mitsuru Honda, nee Minakata,  
 Yasuo Honda,  
 Chiaki Hori,  
 Kiyoshi Hori,  
 Masao Hori,  
 Matsue Lillian Hori,  
 Takako Hori, Nee Kawabe,  
 Tatsuo Hori,  
 Sumito Horio,  
 Iwao Horiuchi,  
 Teruo Horomoto,  
 Tadayuki Igawa,  
 Kayo Iida,  
 Fumiko Ikeda,  
 Fuyono Ikeda,  
 Masao Ikeda,  
 Tadashi Ikemoto,  
 Tom Tamotsu Ikeda,  
 Michiko Ikoma,  
 Riichi Imada,  
 Henry Masao Imahara,  
 Mitsuru Imahara,  
 Kameo Imamoto,  
 Katsuyo Imamoto,  
 Tokio Inouye,  
 Tokiye Inouye,  
 Masao Ioka,



1 Masao Iriyama,  
 2 Ben Tsutomu Ishida,  
 3 Kei Ishihara,  
 4 Tsutomu Ishida,  
 5 Masayoshi Ito,  
 6 Shizue Ito,  
 7 Yuriko Ito,  
 8 Teiso Itamura,  
 9 Yayoi Tom Ito,  
 10 Yoshio Iwamae,  
 11 Tatsumi Obelle Iwasaki,  
 12 Morio Iwamoto,  
 13 Shizuye Izuhara,  
 14 Kazuji Izumi,  
 15 Jiro Kadoya,  
 16 Goro Kagehiro  
 17 Satoru Kagehiro  
 18 Masaru Kakigi,  
 19 Noburo Kaku,  
 20 Tatsuro Richard Kaku,  
 21 Yoshiro Kaku,  
 22 Makoto Kamada,  
 23 Yoshimi Kamei,  
 24 Yoshiye Kamei,  
 25 Kiyoshi Kameta,  
 26 Kaoru Kameyama,  
 27 Yozen Kameyama,  
 28 Fumio Kaminaka,  
 29 Teruo Kamoto,  
 30 Yoichi Kanechika,  
 31 Hiroshi Kaneko,  
 32 Hisashi Kaneko  
 Yoshihori Kaneko,  
 Masuo Kano,  
 Hajime Kariya,  
 Michiko Susie Kariya,  
 Masayuki Karimoto,  
 Hiroshi Kashiwagi,  
 Ryo Kashiwagi,  
 Fred Teruki Kataoka,  
 Larry Seichi Kataoka,  
 Kayoko Katayama,  
 Takashi Katayama,  
 Hanako Kato, nee Kameta,  
 Kosei Kato,  
 Terumitsu Ben Kato,  
 Hanae Kato,  
 Harumi Kato,  
 Kenji Kato,  
 Kumi Kato,  
 Masanori Kato,  
 Michio Kato,  
 Motoichi Kato,  
 Roy Toshio Kato,  
 Tom Tsutomu Kato,  
 Yuji Kato,  
 Takashi Kawahara,  
 Sadako Kawahara, nee Okamoto,  
 Takako Kawahara,  
 Tamotsu Tom Kawahara,  
 Ellen Kiyoko Kawamoto,  
 Hideko Kawasaki,  
 Tomiko Kawasaki,

Eiko Kawata,  
 Kazuya Kikkawa,  
 Keiichi Kimura,  
 Kiyoki Kimura,  
 Michiko Kimura,  
 Kiyoshi Kimura,  
 Mary Shizuko Kimura,  
 Edna Kinoshita,  
 Ben Kishiyama,  
 Reo Kitagawa,  
 Kenso Kiyohiro  
 Shizuye Kiyohiro,  
 Takeo Kitsuda,  
 Yoshio Kiyohiro,  
 Takeshi Kiyomura,  
 Yoshio Kiyonaga,  
 Minoru Kiyota,  
 Misako Koda,  
 Kiyomi Kokawa,  
 Masame Kokawa,  
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 Takeshi Kosugi,  
 Kichiya Kotow,  
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 Sakae Kudo,  
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 Rutaro Maeda,  
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 Nobuji Masai,  
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 Yaeko Masuda, nee Uyeno,  
 Atsume Masui,  
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 Fumio Edward Masuoka,  
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 David Tsutomu Matsumura,  
 Isamu Matsumura,  
 Mitsue Matsumura,



1 Kouichi Matsuoka,  
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 2 Wataru Matsuoka,  
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 3 Shigetaka Harry Matsutani,  
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 4 Tamiye Matsuyama,  
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 6 Shigeo Mikuni,  
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 7 Tameo Mitsuda,  
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 8 Shinichi Miyake,  
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 9 Mary Kimiyo Miyagawa,  
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 10 Alice Fumiye Miyamoto,  
 Alice Yaeko Miyamoto,  
 11 Charles Toshio Miyamoto,  
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 12 Roy Hideo Miyamoto,  
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 13 Thomas Soma Miyamoto,  
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 14 Kazue Miyata,  
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 15 Shigeso Miyata,  
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 17 Tadao Ray Mizuno,  
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 18 George Mori,  
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 20 Hiroko Morio,  
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 21 Mariko Morioka,  
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 25 Katsuichi Morioka,  
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 26 Yukio Morita,  
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 27 Seiichi Morita,  
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 28 Masaru Motoyama,  
 29 Shizuo Motoyama,  
 Takashi Motoyasu,  
 30 Jimmy Hiroshi Murakami,  
 June Shimizu Murakami,  
 31 Yoshichika Murakami,  
 Yoshitaka Murakami,  
 32 Takeo Murakawa,

Ted Hitoshi Murano,  
 Fujiko Ruth Murata,  
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 Yukie Nakanishi,  
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 Katsumi Frank Nakano,  
 Tsuneo Nakano,  
 Masaharu Nakano,  
 Toshio Nakano,  
 Haruo Nakasako,  
 Itsuo Nakasako,  
 Kenichi Nakashioya,  
 Takeshi Nakatsu,  
 Kaoru Nakawaki,  
 Suzuko Nakawaki,  
 Ted Sakaye Nakayama,  
 Jane Sumiko Nakano,  
 Takeo Nakazono,  
 Yoshiko Nakazono,  
 Fujiye Namekata,  
 Kenichi Namekata,  
 Shigeo Namekata,  
 Iwao Namekawa,  
 Hatsuye Mary Narasaki,  
 Megumi Narimatsu,  
 Roger Narimatsu,  
 Shikuko Narimatsu,



1 Masaye Niimi,  
 2 Shinichi Niimi,  
 Mitsuru Nishiguchi,  
 3 Hiroshi Nishikawa,  
 Hiroshi Nishikawa,  
 4 Kiyoshi Nishikawa,  
 Sumiko Nishikawa,  
 5 Yutaka Nishikawa,  
 Hiroaki Nishimura,  
 6 Ichiro Nishimura,  
 Yoshito Nishimura,  
 7 Fumio Nishino,  
 Shizuko Nishio,  
 Yoshito Nishio,  
 8 Masa Nishioka,  
 Ayao Nishiyama,  
 9 Kazuo Nishimoto,  
 Katsumi Nishiyama,  
 10 Tomie Nishiyama,  
 Kenji Nitta,  
 11 Kiyoshi Nitta,  
 Masato Nitta,  
 12 Meri Nitta, nee Yamaichi,  
 Shigeo Nitta,  
 13 Shizuno Nitta,  
 Masato Noda,  
 14 Narihiko Noguchi,  
 Tom Takashi Nozaki,  
 15 Kinichi Oba,  
 Yoshimi Kiyomi Oba,  
 16 Mitsuru Oba,  
 Minoru Oba,  
 17 Arisu Oda,  
 Nobuo Oda,  
 18 Masao Oda,  
 Sachiko Oda,  
 19 Tokio Oda,  
 Fumiye Ogawa,  
 20 Joji Ogawa,  
 Frank Kazuo Ogino,  
 21 Akira Okada,  
 Haruyo Okada,  
 22 Isao Okada,  
 Minoru George Okamida,  
 23 Fusako Okamoto,  
 Jack Hisao Okamoto,  
 24 Kikuye Okamoto,  
 Koichi Okamoto,  
 25 Mineyoshi Okamoto,  
 Nobuko Okamoto,  
 26 Sadako Okamoto,  
 Takeo Okamoto,  
 27 Takeshi Okamoto,  
 Taro Bill Okamoto,  
 28 Thomas Tomio Okamoto,  
 Yoshio Okamoto,  
 29 Akira Okamura,  
 Masayuki Okano,  
 30 William Masaharu Okano,  
 Shigeru Okawa,  
 31 Jimme Masaru Okida,  
 Hisako Doris Okimura,  
 32 Shizuko Okino,

Fumiko Okita,  
 Hatsuto Okita,  
 Miyako Okura,  
 Tokito Okura,  
 Fred Okusako,  
 Kaoru Okusako,  
 Betty Kazuye Omi,  
 George Omi,  
 Hirao Henry Omi,  
 Midori Margaret Omura,  
 Thomas Hoju Omura,  
 Yoshito Osaki,  
 Mayjiro Oshima,  
 Mutsuko Oshima,  
 Kaoru Ono,  
 Den Oshita,  
 Eiji Oshita,  
 Atsuyuki Ota,  
 Sakaye Ota,  
 Tokuo Ota,  
 Utako Ota,  
 Fred Iwamatsu Otsuka,  
 Fumiko Otsuka,  
 Sachiko Otsuka,  
 Akira Oye,  
 Kiyomi (Masui) Ozaki,  
 Yoshio Ozaki,  
 Kikuo Ozeki,  
 Tetsuya Ryono,  
 Masami Sadakane,  
 Yoshiyuki Sadakane,  
 Sachiko Saito,  
 Takashi Saito,  
 Motoaki Sakaguchi,  
 Harry Masakatsu Sakai,  
 Hiroshi Sakai,  
 Teruko Sakai,  
 Bill Shigeru Sakamoto,  
 Hideaki Sakamoto,  
 Hisashi Sakamoto,  
 Kimiye Sakamoto,  
 Kiyoyuki Sakamoto,  
 Yoshio Sakamoto,  
 Elsie Shizuko Sakata,  
 Haruko Sakata,  
 Mitsumasa R. Sakata,  
 Shizuko Sakata, nee Kiyama,  
 Ted Atsushi Sakata,  
 Elsie Kiyoko Sano,  
 Emiko Sano,  
 Matsuo Saruwatari,  
 Hideo Sasaki,  
 Kaname Sasaki,  
 Yukio Sasaki,  
 Marjorie Hisako Sato,  
 Mark Kinya Sato,  
 Tadao Sato,  
 Dan Yukio Satowa,  
 George Hiroshi Sawamura,  
 Toshiko Lucille Seki,  
 Hachiro Roy Sera,  
 Akiko Shibata,  
 Kazuye 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,
8	Junko Shimizu,	Shigeiko Dorothy Taketomo,
	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 Shirai,	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,
	Chiyoko 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,	Kazuei Tate,
27	Mary Tabuchi,	Kiyomi Tatsukawa,
	Kiyoshi Tachibara,	John Ichiro Tatsukawa,
28	Kiyono Tada,	Tsuneko Tatsukawa,
	Mitoshi Tada,	Hiroshi Teramoto,
29	Chiyeo Tahira,	Sasuke Teraoka,
	Kiyoshi Tahira,	Hideo Tochoka,
30	Chizuke Takahashi,	Ayako Tokoro,
	Takashi Takahashi,	Hisako Tomimatsu,
31	Masato Takahashi,	Haruko Tomiyama,
	Mizuho Takahashi,	Kaneyoshi Tomiyama,
32	Shigeo Takahashi,	James Saburo Tomooka,



1 Kikuye Tomooka,  
 Masayoshi Tomooka,  
 2 Yoshito Tomooka,  
 Hisako Tomotoshi,  
 3 Kikue Kay Tomotoshi,  
 Akira Toya,  
 4 Dianne Sumiko Toyama,  
 Haruno Grayce Toyama,  
 5 Tadae Toyoji,  
 Tatsutaro Toyama,  
 6 George Fumio Tsuetaki,  
 Paul Kenjiro Tsuetaki,  
 7 Chiyoshi Tsujimoto,  
 Kusuo Tsujimoto,  
 8 Masao Tsukida,  
 Kenichi Tsushima,  
 9 Koichi Uyeno,  
 Harry Wataru Uchida,  
 10 Asaki Umawatari,  
 Yatsue Umeda,  
 11 Ichiro Ushio,  
 Shizuko Ushio,  
 12 Fusao Utsurogi,  
 Tatsuo Tom Utsurogi,  
 13 Seiyon Richard Uyeda,  
 Tadao Uyeda,  
 14 Hiroshi Uyehara,  
 Mitsugi Uyeki,  
 15 Atsushi Uyemoto,  
 Miyoko Uyemoto,  
 16 Susumu Uyemura,  
 Roland Mitsugi Uwaizumi,  
 17 William Shigezo Wada,  
 Shingo Wada,  
 18 Toru Wada,  
 Nobuki Wakabayashi,  
 19 Asako Watanabe,  
 Ben Watanabe,  
 20 Hiroshi Watanabe,  
 Katsuye Watanabe,  
 21 Kay Watanabe,  
 Kin Watanabe,  
 22 Tomi Watanabe,  
 Kikue Yabitsu,  
 23 Yoshiharu Yabitsu,  
 Tamio Yabu,  
 24 Tamotsu Yagi,  
 Bill Akira Yagi,  
 25 George Yagi,  
 George Yoshinori Yagi,  
 26 Soko Yaka,  
 Yoshio Yamabe,  
 27 Ben Yamada,  
 Kazuo Yamada,  
 28 Masakazu Yamada,  
 Takashi Yamada,  
 29 Yoshiye Yamada,  
 Jimijiso Yamaichi,  
 30 Masaru Yamaichi,  
 Kazuo Yamamoto,  
 31 Kiyoshi Yamamoto,  
 Mitsuye Yamamoto,  
 32 Miyuki Yamamoto,

Shigeo Yamamoto,  
 Shigeru Yamamoto,  
 Shigeru Yamamoto,  
 Shigeru Yamamoto,  
 Shizuo Yamamoto,  
 Shizumi Yamamoto,  
 Shizuko Mabel Yamamoto,  
 Takeo James Yamamoto,  
 Tatsuya Yamamoto,  
 Teruko Mary Yamamoto,  
 Teruto Yamamoto,  
 Yoshikiyo Yamamoto,  
 Yoshiye Yamamoto,  
 Shigeo Yamane,  
 Tadao Yamane,  
 Taugio Albert Yamaoka,  
 Yukio Yamaoka,  
 Kazuo Yamasaki,  
 Sakae Yamasaki,  
 Shunji Yamasaki,  
 Sumiye Yamasaki,  
 Takato Yamasaki,  
 Tsugio Yamasaki,  
 Nobuo Yamashita,  
 Sadae Yamashita,  
 Tadao Yamashita,  
 Totto Yamashita,  
 Susumu Yasuzawa,  
 Fujiko Yamato, nee Ikezoe,  
 Natsuki Yamato,  
 Chester Makoto Yamauchi,  
 Morio Yanabu,  
 Kimiye Yasuda,  
 Masami Yasuda,  
 Akira Yasui,  
 Masako Yasui,  
 Henry Kenji Yokoi,  
 Tomiko Yokoi,  
 Bessie Tomiye Yokoo,  
 Arthur M. Yokotake,  
 Kiyoshi Yokotake,  
 Miyoko Yokotake, nee Hara,  
 Tetsuo Yomogida,  
 Kiku Yoshida,  
 Minoru Yoshijima,  
 Albert Shigeyuki Yoshikawa,  
 Ihhiro Yoshimi,  
 Yuriko Yoshimi,  
 Arata Yoshimura,  
 George Yoshimura,  
 Isamu Yoshimura,  
 Misao Yoshimura,  
 Toshi Yoshimura,  
 Yoshio Yoshimura,  
 Shizue Yoshimura,  
 Ryoji Yoshino,  
 Naoharu Yugawa,  
 Sanami Yugawa,  
 Hiroshi Jack Yuoka,  
 Tayeko Yuoka,



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,

14 adults, individually, and as constituting  
15 a class, and as representatives of a class,

16  
17 And



1	Genshyo Ambo,	Miyoko Nakano, nee Yoshimoto,
	Eizo Arakawa,	Kaoru Nakata,
2	Hideko Arita, nee Takahashi,	Kikuye Nakanishi,
	Tadashi Fujioka,	Eichi Richard Nakayama,
3	Yoshiaki Fukuda,	Kazuko Namekata,
	Takashi Fukushima,	Chiyeke Narasaki,
4	Oscar Chikara Fukuda,	Sugio Nishiguchi,
	Jun Roy Furumoto,	Yoshio Nishikawa,
5	Virginia Shizuye Furumoto,	Yutaka Nishikawa,
	Masakazu Frank Gyotoku,	Emiko Nitta, nee Taguchi,
6	Kazumi Hama,	Miyeko Nitta,
	Ben Hara,	Yoshie Negi,
7	Chiyeke 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	Kazu 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 Sakaue,
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 Kuwabara,	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 Matsuoaka,	Yoshiye Tanaka,
22	Samuel Matsuoaka,	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 Yagi,
	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,
	Ida Kazuyo Nakanishi,	Toshimi Yamasaki,



1 Mamoru Yamaichi,  
2 Chiyeke Yoshida,  
3 Isamu Yoshimi,  
4 Niro Yoshimi,  
5 Saburo Yoshimi,  
6 Tadao Dick Yoshimi,  
7 Shige Kishiyama,  
8 Ruby Miyoko Okamoto,

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

Plaintiffs,

15 -vs-  
16

17 TOM CLARK, as Attorney General of the United States;  
18 FRANK J. HENNESSY, as United States Attorney for the  
19 Northern District of California, and, as such, the  
20 head of the United States Department of Justice in  
21 said District; JAMES F. BYRNES, as the Secretary of  
22 State; FRED VINSON, as the Secretary of the Treasury;  
23 UGO CARUSI, as the Commissioner of the United States  
24 Immigration and Naturalization Service; IRVING M.  
25 WIXON, as the District Director of the United States  
26 Immigration and Naturalization Service, United States  
27 Department of Justice, and, as such, the head of the  
28 United States Immigration and Naturalization Service  
29 for the Northern District of California; JAMES E.  
30 MARKHAM, as the Alien Property Custodian; HAROLD ICKES,  
31 as Secretary of the Interior; DILLON S. MYER, as  
32 Director, War Relocation Authority; RAYMOND R. BEST,  
as Project Director, Tule Lake Center; and IVAN WILLIAMS,  
as the Officer in Charge, United States Department of  
Justice, Immigration and Naturalization Service, Tule  
Lake Center, Newell, Modoc County, California,

Defendants.

-I-



1                    COMPLAINT TO RESCIND RENUNCIATIONS OF NATIONALITY,  
2                    TO DECLARE NATIONALITY, FOR DECLARATORY JUDGMENT  
3                    AND FOR INJUNCTION

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

6                    I

7                    This suit arises under the laws and the constitution of  
8 the United States and particularly under the provisions of the  
9 14th Amendment of the Constitution and the provisions of Title 8  
10 USCA, sec. 601 (a), and Title 8 USCA, sec. 903, and Title 28 USCA,  
11 sec. 400, and this court has original jurisdiction to entertain  
12 the suit by virtue of the provisions of Title 28 USCA, sec. 41 (1),  
13 Title 8 USCA, sec. 903, and Title 28 USCA, sec. 400. The matter  
14 in controversy exceeds, exclusive of interests and costs, the sum  
15 of Three Thousand Dollars as to each plaintiff.

16                    II

17                    That defendant TOM CLARK is and at all times herein  
18 mentioned was the duly appointed, acting and qualified Attorney  
19 General of the United States; that defendant FRANK J. HENNESSEY  
20 is and at all times herein mentioned was the duly appointed, act-  
21 ing and qualified United States Attorney of the Northern District  
22 of California, and as such is the head of the U. S. Department of  
23 Justice in said district; that defendant JAMES F. BYRNES is and  
24 at all times herein mentioned was the duly appointed, acting and  
25 qualified Secretary of State; that defendant FRED VINSON is and  
26 at all times herein mentioned was the duly appointed, acting and  
27 qualified Secretary of Treasury; that defendant UGO CARUSI is and  
28 at all times herein mentioned was the duly appointed, acting and  
29 qualified Commissioner of the United States Immigration and  
30 Naturalization Service; that defendant IRVING M. WIXON is and at  
31 all times herein mentioned was the duly appointed, acting and  
32 qualified District Director of and head of the United States



1 Immigration and Naturalization Service, U.S. Department of Justice,  
2 for the Northern District of California; that at all of said times  
3 and now the following defendants were and are as follows:

4 JAMES E. MARKHAM, the Alien Property Custodian; HAROLD ICKES, the  
5 Secretary of the Interior; DILLON S. MYER, the Director, War  
6 Relocation Authority; RAYMOND R. BEST, the Project Director, Tule  
7 Lake Center; and the defendant IVAN WILLIAMS, the duly appointed,  
8 acting and qualified Officer in Charge, United States Department  
9 of Justice, Immigration and Naturalization Service, Tule Lake  
10 Center, Newell, Modoc County, California.

11 III

12 Each plaintiff is a person having Japanese ancestry, and at  
13 all times herein mentioned has been domiciled in and a resident of  
14 the United States, a native-born American, a citizen and national  
15 of the United States and subject to the jurisdiction thereof, as  
16 provided by the 14th Amendment of the Constitution, the provisions  
17 of Title 8 U.S. Code, sec. 601 (a), and as defined in Title 8 U.S.  
18 Code, sec. 501(a) and 501(b); none of the plaintiffs at any time  
19 whatever has been and none is an alien enemy and none at any time  
20 has been an alien; none at any time has been and none is a native,  
21 citizen, denizen or subject of Japan or of any hostile nation,  
22 government or country; none has at any time been and none is a  
23 danger to the public peace or safety and none has at any time been  
24 accorded a judicial hearing upon any charge or accusation that he  
25 or she was or is such a danger and, on the contrary the Department  
26 of Justice, in 1945, made a finding and declaration that each  
27 plaintiff was not hostile to and was not a danger to the public  
28 peace or safety; each plaintiff at all times herein mentioned and  
29 ever since his or her said birth in this country has been and now  
30 is loyal and devoted to the United States; and, by virtue of the  
31 circumstances hereinafter set forth, each is a resident within the  
32 jurisdiction of this Court.



IV

That plaintiffs jointly and severally bring and maintain this proceeding under the procedure and practice conforming to the practice in actions at law or suits in equity and pursuant to the provisions of Rules 1, 20, 23(1), 23(2), 23(3), 18(a), 18(b), 19(a) and 19(b) of the Rules of Civil Procedure for the District Courts of the United States, uniting and joining in this single petition for the following reasons and purpose, among others, to-wit: (1) For the convenience and interest of the plaintiffs and defendants; (2) to promote the orderly, convenient and efficient administration of justice; (3) to avoid and prevent a multiplicity of suits; (4) because plaintiffs jointly and severally assert rights to release and discharge from the unlawful internment and detention in which they are held and because their rights thereto arise out of the same series of occurrences; (5) because there are several points of litigation and questions of law and of fact arising in said proceeding that are common to each and all of them; (6) because said proceeding is also a class action and the character of the rights sought to be enforced for the persons and class of persons on whose behalf the same is brought and those who hereafter may be joined as plaintiffs herein is joint, common, and several; and (7) because there are common questions of fact and of law affecting the several rights involved and a common relief is sought by each plaintiff against defendants.

The questions and issues of fact involved herein which are common to each and all of plaintiffs are: (1) Whether the plaintiffs are native-born American citizens and nationals of the United States or stateless persons or alien enemies, it being apparent that if plaintiffs are not alien enemies their internment was and is unlawful and they are entitled to immediate release therefrom, such internment and detention lawfully being applicable only to alien enemies during the actual period of time in which



1 the United States is engaged in the prosecution of war and then  
2 only provided the internment and detention of specified alien  
3 enemies is commanded by the President of the United States and  
4 his authority so to do is invoked under and arises from the Alien  
5 Enemy Act; and (2) whether the renunciations of nationality  
6 signed by plaintiffs are void and invalid as having been signed  
7 under duress, menace, fraud and undue influence, as hereinafter  
8 alleged, and as having been rescinded, the political status of  
9 the plaintiffs depending upon a determination of the legality or  
10 illegality thereof;

11 Among the questions of law involved herein, which are  
12 common to each and all of the plaintiffs herein, are the following,  
13 to-wit: (1) The constitutionality and validity of Title 8 USCA  
14 sec. 801(1), and the nationality regulations adopted pursuant  
15 thereto, on their face and as construed and applied to plaintiffs  
16 who contend the same are unconstitutional and void for being  
17 repugnant to the provisions of the 4th, 5th, 6th, 8th, 9th, 10th,  
18 13th and 14th Amendments of the Constitution and to the following  
19 provisions of the Constitution, viz., Article I, sec. 1; sec. 8  
20 subd. 4; sec. 9, subd. 3; Article III, sec. 1, and sec. 3 subds.  
21 1 and 2; and Article IV, sec. 2 subd. 1; and (2) whether the  
22 Alien Enemy Act, Title 50 USCA, secs. 21 and 22, which defendants  
23 assert was invoked against plaintiffs and under which defendants  
24 assert plaintiffs were and are interned as alien enemies, was  
25 lawfully invoked against them and was and is lawfully applied to  
26 them, and the constitutionality and validity of said Alien Enemy  
27 Act on its face and also as construed and applied to the plaintiffs  
28 who contend the said Act was unlawfully invoked against them and  
29 was and is unlawfully applied to them and also that it is uncon-  
30 stitutional and void on its face and as construed and applied to  
31 them for being repugnant to each of the aforementioned amendments  
32 and provisions of the Constitution.



V

Each plaintiff, contrary to his or her will and desire, is unlawfully interned, detained for the purpose of an involuntary removal or deportation to Japan and restrained of his or her liberty by the Officer in Charge, United States Department of Justice, Immigration and Naturalization Service, at the Tule Lake Center, situated within the jurisdiction of this Court, at Newell, Modoc County, California, said Officer in Charge acting under the order or orders of the Attorney General of the United States and presently being one, Ivan Williams, defendant herein; and the said Attorney General and said Officer in Charge, acting under his order or orders, has announced and given notice of intention summarily to remove and deport each plaintiff involuntarily to Japan;

The United States Department of Justice has publicly announced the early closing of the said Tule Lake Center where persons of Japanese descent and the plaintiffs, as such, heretofore, have been and now are detained by the Government, and has ordered each plaintiff and all other persons of like ancestry, there interned, who have signed applications for renunciation of U.S. nationality, upon a mere notice of approval thereof being given by an Assistant Attorney General of the Department of Justice, detained and restrained of his or her liberty for deportation purposes and has publicly announced that commencing on and after November 15, 1945, each plaintiff and all persons who have signed such renunciation applications will be forcibly removed and deported to Japan, and that plaintiffs and all such persons so scheduled for such removal and deportation to Japan will be so deported without any notice being given and without any hearings being accorded any of them thereon;

Said Officer in Charge at the Tule Lake Center, the defendant Ivan Williams, acting under the orders of the Attorney



1 General of the United States, under a claim of color of authority  
2 of the Alien Enemy Act, Title 50 USCA, sec. 21, asserts each of  
3 said plaintiffs is an alien enemy and that as such each has been  
4 and is interned and restrained of his or her liberty and is held  
5 and scheduled for such an involuntary removal or deportation  
6 thereunder to Japan, albeit that such assertion that plaintiffs  
7 are alien enemies or that any of them is an alien enemy is a false  
8 and fictitious assertion, claim and assumption wholly unsupported  
9 by fact and by law and is a gross mistake and error of fact and  
10 of law.

11 VI

12 Each plaintiff for a long period of time has been and now  
13 is interned and detained at said Tule Lake Center and now is under  
14 an order of removal or deportation to Japan, as each is informed  
15 and believes and therefore alleges, by reason of a claim that each,  
16 by a renunciation of United States nationality, thereby became an  
17 alien enemy and subject to such internment, detention and removal  
18 or deportation under the provisions of the Alien Enemy Act, Title  
19 50 USCA, sec. 21, the facts out of which such claim arises being  
20 as follows:

21 Each plaintiff has had, in his or her ancestral line, an  
22 unknown number of ancestors who, at some remote time in the past,  
23 were born in a geographical area over which a Japanese sovereign  
24 ruled and over whom such sovereign claimed, asserted and enforced,  
25 through the then instrumentalities of police power, a temporal  
26 jurisdiction. Solely because of said type of ancestry each  
27 plaintiff, pursuant to proclamations, commands and orders of  
28 General John L. DeWitt, then Commander of the Western Defense  
29 Command and Fourth Army, during the year 1942, first was imprisoned  
30 in the immediate vicinity of his or her then home, situated within  
31 the geographical area embraced by the Western Defense Command, then  
32 driven into and imprisoned in stockades called Assembly Centers,



1 thereafter transported to concentration camps called War Relocation  
2 Centers and there confined for approximately three years, and  
3 thereafter imprisoned in the Tule Lake Center, Newell, Modoc  
4 County, California, said imprisonment having been continuous from  
5 1942 to date, all without a charge of crime or accusation of crime  
6 having been lodged against any of them, and without any hearing  
7 having been given them on the reasons for such treatment and in  
8 spite of the fact that the Attorney General of the United States  
9 in 1945 caused each to be notified that he or she had been found  
10 to be a person not dangerous to the security of the United States;

11 That during the entire period of his or her unlawful  
12 imprisonment, commencing in 1942, and continuing ever since, as  
13 aforesaid, each plaintiff has been and still is deprived of sub-  
14 stantially all his or her rights, liberties, privileges and  
15 immunities guaranteed by the Constitution to him or her as a native-  
16 born citizen and national of the United States and subject to the  
17 jurisdiction thereof, as also those guaranteed to him or her as a  
18 person thereunder, said deprivations having been committed by  
19 governmental authorities under a claim of color of authority of  
20 the United States;

21 During the preceding period of 1945, at said Tule Lake  
22 Center, each plaintiff signed an application for renunciation of  
23 United States nationality, as provided for by Title 8, USCA,  
24 sec. 801(i), and the Rules and Regulations adopted by the Depart-  
25 ment of Justice under the Nationality Act of 1940, as amended,  
26 said Rules being more particularly designated as Sections 316.1  
27 to 316.9, inclusive, of Chapter I, sub-chapter D, part D, of  
28 Nationality Regulations; that none of said applications has been  
29 approved by the Attorney General of the United States, nor has  
30 he ever issued an order approving any of them, as is required by  
31 Title 8 USCA, sec. 801(i) and Rule 316.7 of the Nationality  
32 Regulations, before such becomes effective; that each plaintiff



1 has received a letter from a representative of the Department of  
2 Justice stating that his or her renunciation has been approved  
3 by the Attorney General as not contrary to the interests of the  
4 national defense, and informing each that he or she no longer is  
5 a citizen of the United States and is not entitled to any of the  
6 rights and privileges of such citizenship;

7 The signing of said applications for renunciation was  
8 neither under oath nor real nor free nor voluntary on the part of  
9 any of said plaintiffs but was caused by and was the result of  
10 duress, menace, fraud, undue influence, mistakes of fact and of  
11 law and was the product of the fear, coercion and intimidation  
12 under which each then and there was held and subjected to and  
13 under which he or she labored, all as hereinafter set forth;

14 In signing said renunciation applications, none of the  
15 plaintiffs was informed, knew, intended or expected, by reason  
16 thereof to be interned, detained and restrained of his or her  
17 liberty as an "alien enemy" or otherwise, and none was informed,  
18 knew, intended, or expected that he or she would be involuntarily  
19 removed or deported to Japan by reason thereof and, on the contrary,  
20 was led to believe by the Government, its agents, servants and  
21 employees, that the signing thereof was not final, but tentative,  
22 and subject to being rescinded and revoked.

## 23 VII

24 The internment and detention of each plaintiff and the  
25 restraint upon the liberty of each, as aforesaid, and the threaten-  
26 ed, imminent and impending involuntary removal and deportation of  
27 each to Japan, as aforesaid, are, and each of said things, is, in  
28 violation of the Constitution and laws of the United States, as  
29 hereto~~fore~~ stated, and deprives each of the due process of law  
30 guaranteed by the 5th Amendment of the Constitution, in the follow-  
31 ing particulars, to-wit:

32 A: The unconstitutionality and illegality of the internment



1 and detention of each plaintiff and the restraint upon his or her  
2 liberty;

3 (1) That none of the applications for renunciation  
4 of nationality signed by plaintiffs has at any time whatsoever  
5 been approved by the Attorney General of the United States nor has  
6 an approval nor an order approving any of the said applications  
7 at any time been made by him nor has he at any time passed upon  
8 or considered any of them as required by the provisions of Title 8  
9 USCA, sec. 801(1), and by the provisions of secs. 316.1 to 316.9,  
10 inclusive, of Part 316, sub-chapter D, Chapter I of Nationality  
11 Regulations, before a renunciation therein provided for becomes  
12 effective;

13 (2) That at the time each plaintiff signed said  
14 renunciation application the United States was engaged in the  
15 prosecution of a war and, by reason thereof, any approval of a  
16 renunciation of nationality by any of the plaintiffs necessarily  
17 would have been contrary to the interests of national defense and  
18 to the sovereignty of the United States and violative of the  
19 provisions of Article III, section 3, subdiv. 1 of the Constitution;

20 (3) That the hearing accorded each plaintiff upon his  
21 or her application for renunciation was nothing but a perfunctory  
22 pseudo-hearing or command appearance before a hearing officer  
23 designated by the then Attorney General of the United States and  
24 was wanting in each and all of the elements of a fair and impartial  
25 hearing, and in the incidents thereof, in that each plaintiff was  
26 deprived of the benefits of independent advice and counsel and of  
27 the assistance of counsel in and about said hearing, was denied the  
28 right to be confronted by any evidence and to examine witnesses  
29 against him or her or to produce witnesses in his or her behalf,  
30 albeit none of the plaintiffs waived his or her rights thereto;  
31 that at each such pseudo-hearing, the hearing officer's recommenda-  
32 tion on each application was based, either in whole or in part,



1 upon secret information and data available to and used by the  
2 hearing officer but which was withheld, concealed and kept secret  
3 from each plaintiff, as provided by the provisions of Section 316.6  
4 of the Nationality Regulations of the Department of Justice, and  
5 any approval thereof, had any approval or order approving any of  
6 said renunciations been issued or made by the Attorney General  
7 of the United States, necessarily would have been based wholly or  
8 partially thereon;

9 (4) The provisions of Title 8 USCA, sec. 801(1), are  
10 unconstitutional and void for uncertainty and also for containing  
11 an improper delegation of legislative and judicial powers to the  
12 Attorney General of the United States, in violation of the pro-  
13 visions of Article I, sec. 1, and Article III, sec. 1, of the  
14 Constitution.

15 B: The Unconstitutionality and Illegality of the Removal  
16 and Deportation of Each of Plaintiffs:

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

20 (2) No warrant for the deportation of any of the  
21 plaintiffs has at any time issued from the President of the United  
22 States or from any court, judge or justice, as is a prerequisite  
23 to involuntary removal or deportation under Title 50 USCA, sec. 24;

24 (3) No complaint at any time whatever has been filed  
25 against any of the plaintiffs, as required by Title 50 USCA,  
26 sec. 23, nor has any of the plaintiffs ever had a judicial hearing  
27 on such removal or deportation, in any court of competent juris-  
28 diction, nor has any such court at any time issued any order of  
29 removal or deportation against any of the plaintiffs, all of which  
30 are jurisdictional prerequisites to removal or deportation in  
31 involuntary removal or deportation proceedings under the said  
32 Alien Enemy Act;



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

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

28                   (6) That neither a declared nor an undeclared war  
29 now exists between the United States and any foreign nation or  
30 government; that no invasion or predatory incursion is being  
31 perpetrated, attempted or threatened against the territory of the  
32 United States by any foreign nation or government; that the United  
States is now at peace with the world;



VIII

That the defendants, and each of them, at all times herein mentioned have treated and have threatened to treat and still treat and threaten to treat and will continue to treat the plaintiffs, and each of them, as alien enemies; that defendants and each of them have threatened and still threaten to remove and deport plaintiffs and each of them involuntarily and against their consent and desire from the United States to Japan and they and each of them will so do unless restrained and enjoined from so doing by order of this Court; and plaintiffs and each of them are informed and believe and therefore allege that the defendants and each of them threaten to and, unless restrained and enjoined from so doing by this Court, will remove plaintiffs and each of them from the jurisdiction of this court into parts of the United States unknown to them in preparation for said deportations to Japan; and plaintiffs are informed and believe and therefore allege that, unless restrained and enjoined by order of this court, the defendants will commence their deportations of plaintiffs on or about November 15, 1945.

WHEREFORE, plaintiffs pray for a temporary restraining order, for an injunction pending suit and for judgment.

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

I

Plaintiffs incorporate herein paragraphs I to VI, inclusive, and paragraphs VII B (5) and VIII of their first Cause of Action, as if fully set forth in this cause of action.

II

(1) The signing of the renunciation applications by each plaintiff was neither under oath nor real nor free nor voluntary, but was caused by and was the result of duress, menace,



1 fraud, undue influence, mistakes of fact and of law and was the  
2 product of the fear, coercion and intimidation under which each  
3 then and there was held and subjected to by the government and  
4 by group and gangs, and by individuals, as hereinafter set forth:

5 (a) Commencing with their unwarranted and  
6 unjustified evacuation from their homes in 1942, as aforesaid,  
7 and continuously since then to date, the United States government,  
8 acting by and through its agents, servants and employees, and as  
9 the jailor, custodian and guardian of plaintiffs, its wards, has  
10 discriminated and still discriminates against the plaintiffs and  
11 each of them simply because of their descent from persons of  
12 Japanese origin, and, ever since their unlawful imprisonment in  
13 the vicinity of their homes immediately preceding their said  
14 evacuation and continuously thereafter during their imprisonment  
15 in concentration camps and during their internment in the Tule Lake  
16 Center, has unlawfully confined them and members of their families  
17 and subjected them and members of their families there confined  
18 to governmental duress, menace, fraud and undue influence and  
19 harassment and held and still holds them in a continual mental  
20 state of fear and terror simply because of their Japanese ancestry;  
21 the United States government, pursuant to its said policy and  
22 program of discrimination and in furtherance thereof, steadily  
23 and systematically has subjected them to a course of abusive  
24 treatment during said period of time; pursuant to said policy and  
25 program it has, by said continuous imprisonment without according  
26 them or any of them a hearing on the reasons therefor, regarded,  
27 classed and treated them as though they were alien enemies; all  
28 the males among them of draft age, including the many who have  
29 served faithfully in our armed forces and hold honorable dis-  
30 charges therefrom, the many others who were transferred to and now  
31 are in the enlisted reserve and subject to being called for active  
32 duty and the many who repeatedly have volunteered to enlist in the



1 Army but were refused and denied the right to serve and to fight  
2 for and defend this country by prejudiced and hostile draft boards  
3 and by draft boards denying them such rights upon governmental  
4 orders and who are still denied this birthright, were classified  
5 "4-C" under the Selective Training and Service Act of 1940, that  
6 is, as "alien enemies", by draft boards acting upon governmental  
7 orders, without good cause and without justification and in viola-  
8 tion of their rights as American citizens, simply because they were  
9 of Japanese descent; by reason whereof, plaintiffs and all of  
10 said persons of like descent likewise confined to said Center were  
11 led to believe and feared and had good cause to believe and fear  
12 that the Government of the United States viewed them as alien  
13 enemies and desired and intended to deprive them of the right to  
14 remain in and to fight for this country and to imprison them for  
15 an indefinite period of time and thereafter to remove and banish  
16 them and their families and all like descended persons from the  
17 United States; that the government, after having encompassed  
18 their ruin by the aforesaid evacuation and their subsequent con-  
19 tinuous confinement, led plaintiffs to believe that the alien  
20 Japanese members of their families were scheduled and held for  
21 removal and deportation to Japan and that the citizen members of  
22 said families would be detained in this country and thereby caused  
23 alien parents, who feared the splitting of their families, to  
24 coerce their citizen children into signing renunciation applications,  
25 and led plaintiffs to believe that the signing of said applications ✓  
26 was a matter commanded by the Government, compliance with which  
27 was a prerequisite to their right and that of their families to  
28 remain in the protective and security of said Center and to prevent ✓  
29 a disuniting of their families and to save themselves and their  
30 families from physical harm and violence were they to be released  
31 and sent back into civil life in communities where hostility to  
32 persons of Japanese ancestry reigned and where they feared they



1 would suffer great physical harm and probable loss of life from  
2 lawless elements; and the government very recently has initiated  
3 the practice of permitting aliens to leave said Center and return  
4 to their former homes while it holds their children who have  
5 signed said renunciation applications for involuntary removal and  
6 deportation to Japan and now also compels those who have been  
7 released from confinement and those who were lucky enough to have  
8 escaped it altogether, including those of our soldiers of Japanese  
9 ancestry returning from the battlefields of Europe and the Pacific  
10 who have parents, wives, sisters, brothers or children interned  
11 in said Center and scheduled for deportation to Japan, to the  
12 choice of an involuntary banishment from the United States to  
13 accompany them to preserve family unity or to remain here separated  
14 from them; that the signing of said applications and the pseudo-  
15 hearing held thereon was a trap designed by the Government of the  
16 United States to cause and result in the involuntary deportation  
17 of each signer to Japan and of the involuntary removal of members  
18 of his or her family to Japan and thus to result in a mass banish-  
19 ment of persons of Japanese descent from the United States, which  
20 design and purpose, at all times heretofore was withheld, concealed  
21 and kept secret from the signers and plaintiffs; and, by reason  
22 of said governmental duress, menace, fraud, and undue influence,  
23 and the threats, coercion and intimidation practiced upon each  
24 plaintiff and members of his or her family each plaintiff was  
25 compelled by the government to sign a fictitious renunciation of a  
26 citizenship of which each already, in fact, had been deprived by  
27 the Government of the United States;

28 (b) That neither at the time each plaintiff  
29 signed an application for renunciation at the pseudo-hearing held  
30 thereon at said Center nor at any time prior thereto during his or  
31 her unlawful confinement, was he or she a free agent in any sense  
32 of the words but then and there was unlawfully confined and



1 restrained of his or her liberty and was held in duress by the  
2 United States government, its agents, servants and employees, as  
3 the jailor, custodian and guardian of plaintiffs, its wards, and  
4 by it and its agents, servants, and employees, knowingly was  
5 permitted to be exposed and subjected to the duress, menace, fraud  
6 and undue influence practiced upon and against each plaintiff by  
7 organized terroristic groups and gangs of persons, likewise there  
8 confined, who were fanatically pro-Japanese and committed to for-  
9 saking this country and who were engaged in and allowed to engage  
10 in a continuous campaign to engender, develop and promote loyalty  
11 to Japan among the internees;

12 That said groups and gangs there were engaged  
13 in and were permitted to engage in a generalized campaign of  
14 lawlessness prior to the time said renunciation hearings were held  
15 and at the time of said hearings had established and then and  
16 thereafter maintained a veritable rule and reign of terror over  
17 plaintiffs, their families and internees residing in said Center;  
18 they preached and practiced sedition; they endeavored, by all  
19 means at their command, to proselyte to the cause of the enemy the  
20 plaintiffs, their families and other loyal internees there residing;  
21 they actively engaged in the engendering, development and promotion  
22 of loyalty to the cause of Japan which they openly and notoriously  
23 espoused; they informed plaintiffs that plaintiffs and their  
24 families were regarded by the United States government as alien  
25 enemies and that it had scheduled them and their families for  
26 deportation to Japan; they informed plaintiffs and internees at  
27 said Center that innumerable acts of physical violence had occurred  
28 to persons who had been relocated in civil life and that their lives  
29 would be in jeopardy, because of community hostility, if any  
30 succeeded in being returned to civil life in this country; they  
31 threatened the plaintiffs and internees that if any of them talked  
32 to, communicated with or associated with any of the Caucasians in



1 and about said Center those so doing would be assaulted by goon-  
2 squads, gangsters and hoodlums sponsored and commanded by them;  
3 they sent in spurious letters to the Department of Justice  
4 requesting applications be forwarded to internees whose names  
5 they signed to such letters and then informed the receivers that  
6 the government demanded that each receiver sign it; they main-  
7 tained and operated schools in said Center to coach the victims  
8 of their fraud, menace, deceit and undue influence into giving  
9 false and untrue answers to questions the hearing officers were  
10 to propound to them at the hearings on renunciation applications;  
11 they informed plaintiffs, as did governmental announcements  
12 publicly made just prior to the time said hearings were held in  
13 1945, that the deportation of each plaintiff and that of alien  
14 members of his or her family, on an exchange ship, was imminent  
15 and impending, and said groups and gangs informed and threatened  
16 each plaintiff that he or she would be deported in any event and  
17 that if he or she failed to sign an application for renunciation  
18 the security of each and that of their families upon arrival in  
19 Japan would be endangered because the pro-Japanese leaders of  
20 said nationalistic pressure groups and gangs would report them  
21 to the Japanese government as being dangerous alien enemies to  
22 Japan and as American spies and that they would there be seized  
23 and punished as such; they maintained an elaborate system of  
24 black-listing and espionage over the internees in said Center;  
25 that said groups and gangs threatened, coerced and intimidated  
26 plaintiffs into signing said renunciation applications by means  
27 of threats, displays, shows, exhibitions and demonstrations of  
28 force and violence and by threats against their lives and by  
29 threats of inflicting great physical injury upon them and upon  
30 members of their families in the event he or she failed to obey  
31 their mandates and to sign such renunciation applications and  
32 thereby compelled each of them to sign such renunciation application;



1 that each plaintiff believed in and feared and had good cause  
2 and reason to fear that said threats would be carried into  
3 execution and that he or she and his or her family would be exposed  
4 to physical violence and probably loss of life if he or she failed  
5 to heed said threats and failed to obey the mandates of said  
6 pressure groups and gangs and thereby was compelled to sign such  
7 renunciation application; that by reason of said rule of terror  
8 prevailing over said Center which, together with the failure of  
9 the government to take steps to prevent, halt and put a stop there-  
10 to and to accord them protection against the same, and by reason  
11 of the duress practiced by the Government against them, as afore-  
12 said, the plaintiffs and other internees in said Center were kept  
13 in a constant state of fear, fright, mass hysteria and terror and,  
14 by reason thereof, and because of the absence of protection against  
15 the terroristic activities of said groups and gangs being afforded  
16 by the government which was their due many loyal and innocent  
17 internees were driven into becoming nominal but inactive members  
18 of such groups simply to save themselves and their families from  
19 danger, physical violence and probable loss of life from such  
20 sources, and plaintiffs were compelled involuntarily to sign said  
21 renunciation applications by reason thereof;

22 That at all times during said rule and reign  
23 of terror imposed upon the internees in said Center the United  
24 States government, and its agents, servants and employees, were  
25 aware of and knew of the purposes and activities of said groups  
26 and gangs and of the duress, menace, fraud and undue influence  
27 said groups and gangs practiced upon and against plaintiffs, members  
28 of their families and other internees in said Center, but condoned  
29 the same and was responsible for, and actually aided and abetted  
30 the same by permitting such activities and by failing to prevent  
31 and to stop the same and by failing to arrest and prosecute the  
32 leaders and active members thereof and to put a stop to their



1 criminal activities and lawlessness and by failing to invoke the  
2 federal sedition and espionage laws or other criminal laws against  
3 them and by failing to segregate such criminal elements from the  
4 plaintiffs and other loyal internees and to isolate them;

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

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

27 (2) Prior to the time of the filing of this complaint  
28 each plaintiff, twice in writing, notified the Attorney General  
29 of the United States, his agents and representatives, and the  
30 defendants, of the circumstances under which he or she signed  
31 such renunciation application, and that he or she withdrew, re-  
32 tracted, rescinded, revoked, cancelled and annulled his or her



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

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

26 I

27 Plaintiffs incorporate herein Paragraphs I, II, III, IV and  
28 VI of said complaint as if fully set forth in this cause of action.

29 II

30 That all of the plaintiffs named in this cause of action were  
31



1 under the age of twenty-one (21) years at the time of signing of  
2 said renunciation applications, said plaintiffs including the  
3 minors above-named appearing by next of friend and guardian ad  
4 litem and many other plaintiffs who since said time have attained  
5 their majority; and by reason of the minority of said plaintiffs  
6 at the time of signing said renunciation applications and also by  
7 reason of the aforesaid rescissions and disaffirmances by them  
8 and each of them said alleged renunciations are of no legal  
9 effect whatsoever and said plaintiffs are still citizens and  
10 nationals of the United States and are not subject to internment,  
11 detention, restraint and deportation to any foreign country.

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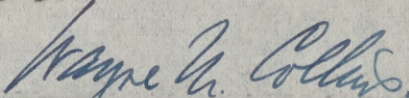
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1           WHEREFORE, the plaintiffs, and each of them, pray for a  
2 temporary restraining order and for an injunction pendente lite  
3 and for a permanent injunction prohibiting defendants, and each  
4 of them, their agents, servants, employees and representatives,  
5 and each of them, from removing the plaintiffs, or any of them,  
6 from the jurisdiction of this court and from removing or deporting  
7 them or any of them from the United States to Japan or to any  
8 foreign country, or from taking any steps in furtherance of any  
9 such removal or deportation, pending the final judgment in this  
10 suit; and each plaintiff prays that his or her said application  
11 for renunciation of United States nationality be ordered to be  
12 delivered up and cancelled and be declared null, void and of no  
13 effect; that any approval thereof made by the defendant Attorney  
14 General of the United States or order issued by him approving the  
15 same, if any ever was made, be cancelled and be declared null,  
16 void and of no effect; that it be declared and adjudged that  
17 he or she is not an alien enemy; that he or she be declared to be  
18 a national of the United States and a citizen thereof; that it be  
19 adjudged and decreed that he or she is a native-born citizen and  
20 national of the United States; that it be adjudged and decreed  
21 that his or her internment, detention and restraint is illegal  
22 and void and that each be ordered released therefrom; that any  
23 and all orders for his or her removal or deportation be ordered  
24 cancelled; for an order and judgment declaring his or her rights  
25 in the premises; that each have his or her costs of suit; and  
26 that each have such other and further relief as may be just.

27           DATED: November 5, 1945.

28 

29           WAYNE M. COLLINS  
30           1721 Mills Tower  
31           San Francisco, 4, California  
32           GARfield-1218

Attorney for Plaintiffs.



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

4 HARRY UCHIDA, being first duly sworn, deposes and says:  
5 That he is one of the plaintiffs in the foregoing complaint named;  
6 that he is confined and detained at the Tule Lake Center, Newell,  
7 Modoc County, California, as alleged therein; that he makes this  
8 affidavit and verification of said complaint on his own behalf  
9 as such a plaintiff and on behalf of each and all the plaintiffs  
10 in said complaint, each of whom likewise is confined and detained  
11 at said Tule Lake Center by defendants, as alleged therein, and  
12 each of whom has authorized him so to do, and because it is  
13 impracticable to have the same verified by each of them by reason  
14 of the aforesaid confinement and detention of each, their large  
15 number and the long period of time which would be required and be  
16 consumed to have such done and because of the shortness of time  
17 due to the threatened and imminent involuntary removal and deport-  
18 ation of each and all of said plaintiffs, as alleged therein; that  
19 he personally knows the facts set forth in said complaint which  
20 apply equally to each and all of said plaintiffs; that he has  
21 read the foregoing complaint and knows the contents thereof; that  
22 the same is true of his own knowledge except as to the matters  
23 therein stated upon information or belief and as to such that he  
24 believes it to be true.

25 *Harry Uchida*  
26 Harry Uchida

27 SUBSCRIBED and SWORN to before me  
28 this 2<sup>nd</sup> day of November, 1945.

29 *He J. Thomas*  
30 Notary Public in and for the County  
31 of Modoc, State of California.

32 *(Seal)*



II.

Treason is a constitutional crime, consisting, among other things, of "adhering" to the Enemies of the United States. U.S. Constitution, Art. III, sec. 3. Treason cannot be authorized by Congress. (Where agents of the government take the initiative to induce acts, which otherwise would be criminal, the action constitutes entrapment.)

Woo Wai, v. U.S. (CCA-9), 223 Fed. 412.

Title 8 USCA, sec. 801(1) is void on its face and as applied herein for being in violation of the Constitution, Art. III, sec.3, for authorizing treason.

III.

A renunciation of nationality by a native-born American does not convert the renunciant into an alien enemy or an alien but renders him a stateless person and an inhabitant of this country. Such a renunciation would not in any event make such a person subject to removal or deportation under the provisions of the Alien Enemy Act, 50 USCA, sec. 21, et seq., or to deportation under any other statute. A stateless person is entitled to due process of law under the 5th Amendment as a "person" and is not subject to detention or removal under the Alien Enemy Act. Even the existence of a state of war does not suspend the provisions of the 5th and 6th Amendments.

U. S. v. L. Cohen Grocery Co., 255 U.S. 81

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



1 WAYNE M. COLLINS  
2 1721 Mills Tower  
3 San Francisco, 4, California

4 Attorney for Plaintiffs,  
5  
6  
7  
8

9 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 -----

12 TADAYASU ABO, et al., etc.,  
13 Plaintiffs,

14 -vs-

15 TOM CLARK, etc., et al.,  
16 Defendants.  
17 -----

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

18 ORDER APPOINTING NEXT OF FRIEND AND GUARDIAN AD LITEM  
19 FOR MINOR PLAINTIFFS

20 Upon reading and filing the verified complaint, and on the  
21 motion of Wayne M. Collins, Esq., attorney for plaintiffs, and  
22 good cause appearing therefor,

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

27 DATED: November 13, 1945.

28 A. F. St. Sure

29 \_\_\_\_\_  
30 United States District Judge.  
31  
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8 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 TADAYASU ABO, et al.

11 Plaintiffs,

12 vs.

13 TOM CLARK, as Attorney General of the United States;  
14 FRANK J. HENNESSY, As United States Attorney for the  
15 Northern District of California, and, as such, the  
16 head of the United States Department of Justice in  
17 said District; JAMES F. BYRNES, as the Secretary of  
18 State; FRED VINSON, as the Secretary of the Treasury;  
19 UGO CARUSI, as the Commissioner of the United States  
20 Immigration and Naturalization Service; IRVING M.  
21 WIXON, as the District Director of the United States  
22 Immigration and Naturalization Service, United States  
23 Department of Justice, and, as such, the head of the  
24 United States Immigration and Naturalization Service  
25 for the Northern District of California; JAMES E.  
26 MARKHAM, as the Alien Property Custodian; HAROLD ICKES,  
27 as Secretary of the Interior; DILLON S. MYER, as  
28 Director, War Relocation Authority; RAYMOND R. BEST,  
29 as Project Director, Tule Lake Center; and IVAN WILLIAMS,  
30 as the Officer in Charge, United States Department of  
31 Justice, Immigration and Naturalization Service, Tule  
32 Lake Center, Newell, Modoc County, California,

Defendants.

---

33 ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

34 Upon reading the verified complaint of the plaintiffs  
35 herein and

36 GOOD CAUSE APPEARING THEREFOR:

37 Defendants and each of them are ordered to show cause,  
38 if any they have, on the \_\_\_\_\_ day of November, 1945 at the hour  
39 of 10:00 o'clock a.m. of said day, or as soon thereafter as counsel



1 can be heard, in the court room of the above entitled court, being  
2 Room #\_\_\_\_\_ of the Post Office Building at 7th and Mission Streets,  
3 San Francisco, California, why they, their agents, servants and  
4 employees should not be enjoined pending the outcome of this suit  
5 from deporting or taking any steps to deport any of the plaintiffs  
6 outside of the territory of the United States, or removing or taking  
7 any steps to remove any of said plaintiffs out of the jurisdiction  
8 of the above entitled court and from treating any of the plaintiffs  
9 as an alien, enemy or otherwise, or from doing any act or acts in-  
10 consistent with the status of plaintiffs and each of them as  
11 citizens of the United States.

12 IT IS FURTHER ORDERED that pending the hearing and  
13 determination of this order to show cause, defendants, and each of  
14 them, is restrained from doing any of the acts enumerated herein-  
15 above upon the posting by plaintiffs of security for costs and  
16 damages in the sum of \$

17 The foregoing temporary restraining order is granted with-  
18 out notice for the reason that plaintiffs are now in custody of the  
19 defendants, their servants, agents and employees; that defendants  
20 have it within their physical power to remove plaintiffs out of the  
21 United States or out of the jurisdiction of this court and to places  
22 where said plaintiffs and each of them will be without access to  
23 any court to ask for a determination of the issues presented by the  
24 complaint herein; that it is alleged in the complaint that defendants  
25 have announced they will begin such removals not later than November  
26 15, 1945, which date is earlier than any time within which it is  
27 possible to render a final judgment in the above entitled action and  
28 which is no later than the hearing on the application for a  
29 temporary injunction and which will, in all probability, be earlier  
30 than the time at which it will be possible for this court to give  
31 a ruling upon the application of the temporary injunction; that  
32 but for the issuance of the above restraining order without notice,



1 plaintiffs, and each of them, will be deprived of all their rights  
2 as citizens, if any they have, and will be deprived of all of the  
3 matters which they seek to have adjudicated in their favor by  
4 this action and such deprivations will take place before it is  
5 possible for this court to rule upon the issues in this action.

6 Dated this \_\_\_\_\_ day of November, 1945.  
7  
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10 United States District Judge  
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1 WAYNE M. COLLINS  
2 1721 Mills Tower,  
3 San Francisco, 4, California

4 GARfield-1218

5 Attorney for Plaintiffs.

ORIGINAL  
FILED

NOV 13 1945

WILLIAM CLARK, U. S. DIST. COURT  
SAN FRANCISCO

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

11  
12 TADAYASU ABO, et al., etc.,

13 Plaintiffs,

14 -vs-

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

15 TOM CLARK, etc., et al.,

16 Defendants.  
17 -----

18  
19 POINTS AND AUTHORITIES IN SUPPORT OF COMPLAINT

20 I.

21 Where a person claims to be a citizen of the United States  
22 he cannot be deported without a judicial hearing first being had  
23 thereon.

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

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

28  
29 Deportation without a fair and impartial hearing is a  
30 denial of due process of law forbidden by the 5th Amendment.

31 Bridges v. Wixon, 323 U.S. 709.  
32



II.

Treason is a constitutional crime, consisting, among other things, of "adhering" to the Enemies of the United States. U.S. Constitution, Art. III, sec. 3. Treason cannot be authorized by Congress. (Where agents of the government take the initiative to induce acts, which otherwise would be criminal, the action constitutes entrapment.)

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IV.

Title 8 USCA, sec. 801(i), 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(i), is void for uncertainty and for delegating to the Attorney General as an executive officer a



1 discretionary authority without having set up any standards,  
2 guides or policies to which he is to conform. Such a delegation  
3 of legislative power is unconstitutional as forbidden by Art. I  
4 of the Constitution.

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

7  
8 V.

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

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

14  
15 Title 8 USCA, sec. 801(i), lodges no power in the Attorney  
16 General to approve renunciations of persons under 21 years of  
17 age. (Title 8 USCA, sec. 803(b), merely states that persons under  
18 18 years cannot be expatriated under the conditions therein  
19 specified -- nothing more.)

20 VI.

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

26 VII.

27 A loyal citizen cannot be detained.

28 Ex parte Endo, 65 S.Ct., 208.

29 Respectfully submitted,

30 Wayne M. Collins

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

32 Attorney for Plaintiffs.



ORIGINAL  
FILED

DEC 7 - 1945

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

WAYNE M. COLLINS,  
1721 Mills Tower,  
San Francisco, 4, Calif.  
Garfield 1218.  
Attorney for Petitioners.

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

TADAYASU ABO, et al.,

Plaintiffs,

vs.

TOM CLARK, etc., et al.,

Defendants.

No. 25294

Cons. No. 25294-S

STIPULATION

It is hereby stipulated between ATSUME MASUI of Block 1715-D, Tule Lake Center, one of the plaintiffs in the above-entitled complaint, that said Atsume Masui hereby releases the defendants in the said complaint, and each of them, from any and all provisions therein contained which seek, as to him individually, any restraining order, injunction pendente lite and/or permanent injunction against defendants or any of them from removing him from the jurisdiction of the above-entitled Court and/or deporting him from the United States to Japan.

Dated: December 7, 1945.

*Wayne M. Collins*

Wayne M. Collins,  
Attorney for Plaintiffs.

TOM C. CLARK, Attorney General of the U.S.,  
FRANK J. HENNESSY, U.S. Attorney, Defendants.

SO ORDERED:

December 7, 1945.

By:

*Robert H. Walker*

Assistant U.S. Attorney.

UNITED STATES DISTRICT JUDGE.



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WAYNE M. COLLINS,  
1721 Mills Tower,  
San Francisco, 4, Calif.  
Garfield 1218.  
Attorney for Plaintiffs.

ORIGINAL  
FILED

DEC 7 - 1945

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

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

TADAYASU ABO, et al.,  
  
Plaintiffs,  
  
-vs-  
  
TOM CLARK, etc., et al.,  
  
Defendants.

No. 25294  
Consol. No. 25294-S

WITHDRAWAL AND DISMISSAL

Each of the following who is one of the plaintiffs in the above-entitled complaint to rescind renunciations of nationality, to declare nationality, for declaratory judgment and for injunction, to-wit, HARUKO TOMIYAMA, Block 3403-A1, Tule Lake Center, and KANEYOSHI TOMIYAMA, Block 3403-A1, Tule Lake Center, hereby withdraws as one of the plaintiffs in said action and hereby dismisses her or his individual complaint included in said class action, said withdrawal and dismissal being without prejudice.

Dated: December 7, 1945.

*Wayne M. Collins*  
Wayne M. Collins  
Attorney for Plaintiffs.

SO ORDERED:  
December 7, 1945.

*A. H. St. John*  
UNITED STATES DISTRICT JUDGE.



1  
2  
3       Receipt of a copy of the foregoing Withdrawal and Dismissal  
4 is acknowledged this 7th day of December, 1945.

5  
6               TOM C. CLARK, Attorney General of the U.S.,

7               FRANK J. HENNESSY, U. S. Attorney, Defendants.  
8

9               By: Robert H. Muller.

10               Assistant U.S. Attorney.  
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1 WAYNE M. COLLINS,  
2 1721 Mills Tower,  
3 San Francisco, 4, Calif.  
4 Garfield 1218.  
5 Attorney for Plaintiffs.

FORENAD  
FILED

DEC 11 1945  
DEC 11 1945

C. W. CALBREATH, CLERK  
U.S. DIST. COURT  
SAN FRANCISCO

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

11 TADAYASU ABO, et al.,

12 Plaintiffs,

No. 25294-S

13 -vs-

14 TOM CLARK, etc., et al.,

15 Defendants.

Cons. No. 25294-S

16 STIPULATION

17  
18 It is stipulated between FRED IWAMATSU OTSUKA of Block 1519-B,  
19 Tule Lake Center, one of the plaintiffs in the above-entitled com-  
20 plaint, and defendants that said Fred Iwamatsu Otsuka hereby re-  
21 leases the defendants in said complaint, and each of them, from  
22 any and all provisions therein contained which seek, as to him in-  
23 dividually, any restraining order, injunction pendente lite and/or  
24 permanent injunction against defendants or any of them from re-  
25 moving him from the jurisdiction of the above-entitled Court  
26 and/or deporting him from the United States to Japan.

27 Dated: December 11, 1945.

*Wayne M. Collins*

Wayne M. Collins.  
Attorney for Plaintiffs.

30 TOM C. CLARK, Attorney Gen. of U.S.,  
31 FRANK J. HENNESSY, U.S. Attorney,  
Defendants:

By: *R. B. McArthur*  
Assistant U.S. Attorney.

32 SO ORDERED:  
December 11, 1945.

*A. L. St. John*

UNITED STATES DISTRICT JUDGE.



ORIGINAL  
FILED

DEC 20 1945

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

WAYNE M. COLLINS,  
1721 Mills Tower,  
San Francisco, 4, Calif.  
Garfield 1218.  
Attorney for Plaintiffs.

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

TADAYASU ABO, et al.,

Plaintiffs,

No. 25294-S

-vs-

TOM CLARK, etc., et al.,

Cons. No. 25294-S

Defendants.

WITHDRAWAL AND DISMISSAL

FRED IWAMATSU OTSUKA of Block 1519-B, Tule Lake Center, who is one of the plaintiffs in the above-entitled complaint to rescind renunciations of nationality, etc., hereby withdraws as one of the plaintiffs in said action and hereby dismisses his individual complaint included in said class action, said withdrawal and dismissal being without prejudice to him.

Dated: December 17, 1945.

*Wayne M. Collins*  
Wayne M. Collins, Attorney for  
Plaintiffs.

SO ORDERED:  
December \_\_\_\_, 1945.

UNITED STATES DISTRICT JUDGE.

Receipt of a copy of the above Withdrawal and Dismissal is admitted this \_\_\_\_ day of December, 1945.

TOM C. CLARK, Attorney Gen. of U.S.  
FRANK J. HENNESSY, U.S. Attorney, de-  
fendants:

By: \_\_\_\_\_  
Assistant U.S. Attorney.



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

Attorney for Plaintiffs.

ORIGINAL  
FILED

DEC 31 1945

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

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

TADAYASU ABO, et al., etc.,  
Plaintiffs,  
-vs-  
TOM CLARK, etc., et al.,  
Defendants.

No. 25294-S

STIPULATION AND ORDER

WHEREAS the Attorney General of the United States, through the instrumentality of the United States Department of Justice, a federal agency, contemplates and intends to conduct "mitigation-hearings" of persons asserted to be renunciants of United States nationality who are detained in the custody of the defendants at the Tule Lake Center, Newell, Modoc County, California, and of certain other asserted renunciants detained under his authority at the Fort Lincoln Detention Camp at Bismarck, N.D., and at the Alien Internment Camp at Santa Fe, New Mexico, and including the plaintiffs named in the above-entitled proceeding who are detained in custody of defendants at said Tule Lake Center and also those similarly detained persons who, from time to time, may be joined



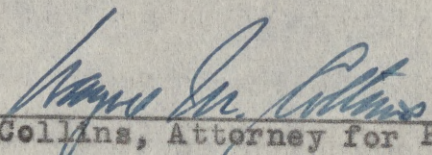
1 and included as plaintiffs in said class action, and

2 WHEREAS at said such hearings which are expected to be con-  
3 menced during the month of January, 1946, such asserted renun-  
4 cians are to be given an opportunity to show cause why they  
5 should not be deported to Japan by the said Attorney General, and

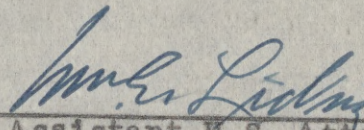
6 WHEREAS it is agreed by the parties hereto and said Attorney  
7 General that such plaintiffs shall not file individual written  
8 statements on any applications for any such mitigation hearings  
9 or be required to make oral statements at such hearings reserving  
10 their rights which would increase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

13 IT IS STIPULATED between the parties hereto and said Attorney  
14 General that neither the application of any of said such plain-  
15 tiffs to have such mitigation hearings nor their submission thereto  
16 shall operate as or constitute a waiver of any constitutional,  
17 statutory or other legal rights or remedies asserted in the above  
18 entitled proceeding by any plaintiff nor shall the same in anywise  
19 bar or prejudice their right to maintain said action.

20 Dated: December 31, 1945.

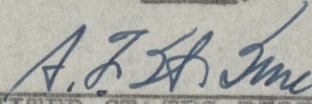
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22   
23 Wayne M. Collins, Attorney for Plaintiffs.

24 TOM C. CLARK, Attorney General of U.S.,  
25 IVAN WILLIAMS,  
26 FRANK J. HENNESSY, U.S. Attorney,  
Defendants

27 By:   
28 Assistant U.S. Attorney.  
29 Attorneys for Defendants.

30 SO ORDERED:

31 December 31, 1945.

32   
UNITED STATES DISTRICT JUDGE.



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

10 TADAYASU ABO, et al.

11 Plaintiffs,

25294\$

12 vs.

13 TOM CLARK, as Attorney General of the United States;  
14 FRANK J. HENNESSY, As United States Attorney for the  
15 Northern District of California, and, as such, the  
16 head of the United States Department of Justice in  
17 said District; JAMES F. BYRNES, as the Secretary of  
18 State; FRED VINSON, as the Secretary of the Treasury;  
19 UGO CARUSI, as the Commissioner of the United States  
20 Immigration and Naturalization Service; IRVING M.  
21 WIXON, as the District Director of the United States  
22 Immigration and Naturalization Service, United States  
23 Department of Justice, and, as such, the head of the  
24 United States Immigration and Naturalization Service  
25 for the Northern District of California; JAMES E.  
26 MARKHAM, as the Alien Property Custodian; HAROLD ICKES,  
27 as Secretary of the Interior; DILLON S. MYER, as  
28 Director, War Relocation Authority; RAYMOND R. BEST,  
29 as Project Director, Tule Lake Center; and IVAN WILLIAMS,  
30 as the Officer in Charge, United States Department of  
31 Justice, Immigration and Naturalization Service, Tule  
32 Lake Center, Newell, Modoc County, California,

Defendants.

25 ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

26  
27 Upon reading the verified complaint of the plaintiffs  
28 herein and

29 GOOD CAUSE APPEARING THEREFOR:

30 Defendants and each of them are ordered to show cause,  
31 if any they have, on the \_\_\_\_\_ day of November, 1945 at the hour  
32 of 10:00 o'clock a.m. of said day, or as soon thereafter as counsel



1 can be heard, in the court room of the above entitled court, being  
2 Room #\_\_\_\_\_ of the Post Office Building at 7th and Mission Streets,  
3 San Francisco, California, why they, their agents, servants and  
4 employees should not be enjoined pending the outcome of this suit  
5 from deporting or taking any steps to deport any of the plaintiffs  
6 outside of the territory of the United States, or removing or taking  
7 any steps to remove any of said plaintiffs out of the jurisdiction  
8 of the above entitled court and from treating any of the plaintiffs  
9 as an alien, enemy or otherwise, or from doing any act or acts in-  
10 consistent with the status of plaintiffs and each of them as  
11 citizens of the United States.

12 IT IS FURTHER ORDERED that pending the hearing and  
13 determination of this order to show cause, defendants, and each of  
14 them, is restrained from doing any of the acts enumerated herein-  
15 above upon the posting by plaintiffs of security for costs and  
16 damages in the sum of \$

17 The foregoing temporary restraining order is granted with-  
18 out notice for the reason that plaintiffs are now in custody of the  
19 defendants, their servants, agents and employees; that defendants  
20 have it within their physical power to remove plaintiffs out of the  
21 United States or out of the jurisdiction of this court and to places  
22 where said plaintiffs and each of them will be without access to  
23 any court to ask for a determination of the issues presented by the  
24 complaint herein; that it is alleged in the complaint that defendants  
25 have announced they will begin such removals not later than November  
26 15, 1945, which date is earlier than any time within which it is  
27 possible to render a final judgment in the above entitled action and  
28 which is no later than the hearing on the application for a  
29 temporary injunction and which will, in all probability, be earlier  
30 than the time at which it will be possible for this court to give  
31 a ruling upon the application of the temporary injunction; that  
32 but for the issuance of the above restraining order without notice,



1 plaintiffs, and each of them, will be deprived of all their rights  
2 as citizens, if any they have, and will be deprived of all of the  
3 matters which they seek to have adjudicated in their favor by  
4 this action and such deprivations will take place before it is  
5 possible for this court to rule upon the issues in this action.

6 Dated this \_\_\_\_\_ day of November, 1945.

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10 United States District Judge  
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