

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

District Court of the United States

Subscribed and sworn to before me this _____ day of _____ 19____ FOR THE _____

Northern DISTRICT OF California

Southern DIVISION

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 IGLES,
 as Secretary of the Interior; DILLON S. MYER, as
 Director, War Relocation Authority; RAYMOND R. BEST,
 as Project Director, Tule Lake Center, and CIVIL MILITARY
 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

To the above named Defendant:

You are hereby summoned and required to serve upon

plaintiff's attorney, whose address

1721 Mills Tower,
San Francisco, 4,
California,

WAYNE M. COLLINS, Esquire,

an answer to the complaint which is herewith served upon you, within sixty ~~twenty~~ 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 Paoli
Deputy Clerk.

Date:

[Seal of Court]

Date:

[Seat of Court]

By W. J. [Signature]
Deputy Clerk
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

10 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 _____ days after service of this 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
Deputy United States Marshal.

Subscribed and sworn to before me, a _____

FOR THE _____

this _____

day of _____

Seal of the United States Marshal

[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.

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Wm's Copy

Equity - A. List

(Approvals Rec'd)

916

W

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

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

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

1	Masaye Niimi,	Fumiko Okita,
	Shinichi Niimi,	Hatsuto Okita,
2	Mitsuru Nishiguchi,	Miyako Okura,
	Hiroshi Nishikawa,	Tokito Okura,
3	Hiroshi Nishikawa,	Fred Okusako,
	Kiyoshi Nishikawa,	Kaoru Okusako,
4	Sumiko Nishikawa,	Betty Kazuye Omi,
	Yutaka Nishikawa,	George Omi,
5	Hiroaki Nishimura,	Hirao Henry Omi,
	Ichiro Nishimura,	Midori Margaret Omura,
6	Yoshito Nishimura,	Thomas Hoju Omura,
	Fumio Nishino,	Yoshito Osaki,
7	Shizuko Nishio,	Mayjiro Oshima,
	Yoshito Nishio,	Mutsuko Oshima,
8	Masa Nishioka,	Kaoru Ono,
	Ayao Nishiyama,	Den Oshita,
9	Kazuo Nishimoto,	Eiji Oshita,
	Katsumi Nishiyama,	Atsuyuki Ota,
10	Tomie Nishiyama,	Sakaye Ota,
	Kenji Nitta,	Tokuo Ota,
11	Kiyoshi Nitta,	Utako Ota,
	Masato Nitta,	Fred Iwamatsu Otsuka,
12	Meri Nitta, nee Yamaichi,	Fumiko Otsuka,
	Shigeo Nitta,	Sachiyo Otsuka,
13	Shizuno Nitta,	Akira Oye,
	Masato Noda,	Kiyomi (Masui) Ozaki,
14	Narihiko Noguchi,	Yoshio Ozaki,
	Tom Takashi Nozaki,	Kikuo Ozeki,
15	Kinichi Oba,	Tetsuya Ryono,
	Yoshimi Kiyomi Oba,	Masami Sadakane,
16	Mitsuru Oba,	Yoshiyuki Sadakane,
	Minoru Oba,	Sachiko Saito,
17	Arisu Oda,	Takashi Saito,
	Nobuo Oda,	Motoaki Sakaguchi,
18	Masao Oda,	Harry Masakatsu Sakai,
	Sachiko Oda,	Hiroshi Sakai,
19	Tokio Oda,	Teruko Sakai,
	Fumiye Ogawa,	Bill Shigeru Sakamoto,
20	Joji Ogawa,	Hideaki Sakamoto,
	Frank Kazuo Ogino,	Hisashi Sakamoto,
21	Akira Okada,	Kimiye Sakamoto,
	Haruyo Okada,	Kiyoyuki Sakamoto,
22	Isao Okada,	Yoshio Sakamoto,
	Minoru George Okamida,	Elsie Shizuko Sakata,
23	Fusako Okamoto,	Haruko Sakata,
	Jack Hisao Okamoto,	Mitsumasa R. Sakata,
24	Kikuye Okamoto,	Shizuko Sakata, nee Kiyama,
	Koichi Okamoto,	Ted Atsushi Sakata,
25	Mineyoshi Okamoto,	Elsie Kiyoko Sano,
	Nobuko Okamoto,	Emiko Sano,
26	Sadako Okamoto,	Matsuo Saruwatari,
	Takeo Okamoto,	Hideo Sasaki,
27	Takeshi Okamoto,	Kaname Sasaki,
	Taro Bill Okamoto,	Yukio Sasaki,
28	Thomas Tomio Okamoto,	Marjorie Hisako Sato,
	Yoshio Okamoto,	Mark Kinya Sato,
29	Akira Okamura,	Tadao Sato,
	Masayuki Okano,	Dan Yukio Satowa,
30	William Masaharu Okano,	George Hiroshi Sawamura,
	Shigeru Okawa,	Toshiko Lucille Seki,
31	Jimme Masaru Okida,	Hachiro Roy Sera,
	Hisako Doris Okimura,	Akiko Shibata,
32	Shizuko Okino,	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	Chiyeko Tahira,	Sasuke Teraoka,
	Kiyoshi Tahira,	Hideo Tochioka,
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,	Shigeo Yamamoto,
	Masayoshi Tomooka,	Shigeru Yamamoto,
2	Yoshito Tomooka,	Shigeru Yamamoto,
	Hisako Tomotoshi,	Shigeru Yamamoto,
3	Kikue Kay Tomotoshi,	Shizuo Yamamoto,
	Akira Toya,	Shizumi Yamamoto,
4	Dianne Sumiko Toyama,	Shizuko Mabel Yamamoto,
	Haruno Grayce Toyama,	Takeo James Yamamoto,
5	Tadae Toyoji,	Tatsuya Yamamoto,
	Tatsutarō Toyama,	Teruko Mary Yamamoto,
6	George Fumio Tsuetaki,	Teruto Yamamoto,
	Paul Kenjiro Tsuetaki,	Yoshikiyo Yamamoto,
7	Chiyoshi Tsujimoto,	Yoshiye Yamamoto,
	Kusuo Tsujimoto,	Shigeo Yamane,
8	Masao Tsukida,	Tadao Yamane,
	Kenichi Tsushima,	Taugio Albert Yamaoka,
9	Koichi Uyeno,	Yukio Yamaoka,
	Harry Wataru Uchida,	Kazuo Yamasaki,
10	Asaki Umawatari,	Sakae Yamasaki,
	Yatsue Umeda,	Shunji Yamasaki,
11	Ichiro Ushio,	Sumiye Yamasaki,
	Shizuko Ushio,	Takato Yamasaki,
12	Fusao Utsurogi,	Tsugio Yamasaki,
	Tatsuo Tom Utsurogi,	Nobuo Yamashita,
13	Seiyon Richard Uyeda,	Sadae Yamashita,
	Tadao Uyeda,	Tadao Yamashita,
14	Hiroshi Uyehara,	Tatto Yamashita,
	Mitsugi Uyeki,	Susumu Yasuzawa,
15	Atsushi Uyemoto,	Fujiko Yamato, nee Ikezoe,
	Miyoko Uyemoto,	Natsuki Yamato,
16	Susumu Uyemura,	Chester Makoto Yamauchi,
	Roland Mitsugi Uwaizumi,	Morio Yanabu,
17	William Shigezo Wada,	Kimiye Yasuda,
	Shingo Wada,	Masami Yasuda,
18	Toru Wada,	Akira Yasui,
	Nobuki Wakabayashi,	Masako Yasui,
19	Asako Watanabe,	Henry Kenji Yokoi,
	Ben Watanabe,	Tomiko Yokoi,
20	Hiroshi Watanabe,	Bessie Tomiye Yokoo,
	Katsuye Watanabe,	Arthur M. Yokotake,
21	Kay Watanabe,	Kiyoshi Yokotake,
	Kin Watanabe,	Miyoko Yokotake, nee Hara,
22	Tomi Watanabe,	Tetsuo Yomogida,
	Kikue Yabitsu,	Kiku Yoshida,
23	Yoshiharu Yabitsu,	Minoru Yoshijima,
	Tamio Yabu,	Albert Shigeyuki Yoshikawa,
24	Tamotsu Yagi,	Ibhiro Yoshimi,
	Bill Akira Yagi,	Yuriko Yoshimi,
25	George Yagi,	Arata Yoshimura,
	George Yoshinori Yagi,	George Yoshimura,
26	Soko Yaka,	Isamu Yoshimura,
	Yoshio Yamabe,	Misao Yoshimura,
27	Ben Yamada,	Toshi Yoshimura,
	Kazuo Yamada,	Yoshio Yoshimura,
28	Masakazu Yamada,	Shizue Yoshimura,
	Takashi Yamada,	Ryoji Yoshino,
29	Yoshiye Yamada,	Naoharu Yugawa,
	Jimijiso Yamaichi,	Sanami Yugawa,
30	Masaru Yamaichi,	Hiroshi Jack Yuoka,
	Kazuo Yamamoto,	Tayeko Yuoka,
31	Kiyoshi Yamamoto,	
	Mitsuye Yamamoto,	
32	Miyuki Yamamoto,	

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Masako Kajikawa,
Hiroshi Kuramoto,
Yoshiye Kuramoto,
Manao Matsushima,
Masaye M. Moriuchi,
Tadakatsu Ogata,
Kaoru Ono,
Masaru Takashiba,
Hide Tateoka,
Asaye Toki,
Terry Toki,
Tsukasa Tomita,
Kikuyo Yagi,

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

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 Gytoku,	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 Matsuoka,	Yoshiye Tanaka,
22	Samuel Matsuoka,	Chizuru Tomimatsu,
	Minoru Matsutani,	Kiyoshi Tomoike,
23	Margaret Hisaye Matsumoto,	Isamu Tomooka,
	Henry Haruji Mayeda,	Suyeo Tomooka,
24	Tetsuya Mizumoto,	Yukiko Toya,
	Michio Mizuno,	Wayne Iwao Toyama,
25	Sam Takashi Mizusaki,	Hisako Toyota,
	Tom Tamio Miyaoka,	Kimiko Toyota,
26	Minoru Mochizuki,	Noboru Tsuchida,
	Shizu Mori,	Ami Tsuchihashi,
27	Hideo Herbert Morioka,	Akira Ueda,
	Toshiko Morishige,	Fumiko Uyeki,
28	Yuriko Morita,	Ritsu Uyeno,
	Fusaye Moriuchi,	Yukio Uyeno,
29	Masaye Molly Moriuchi,	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 Chiyeko Yoshida,
3 Isamu Yoshimi,
4 Niro Yoshimi,
5 Saburo Yoshimi,
6 Tadao Dick Yoshimi,
7 Shige Kishiyama,
8 Ruby Miyoko Okamoto,
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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,

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17 Plaintiffs,

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

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42 Defendants.
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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.

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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.

1
2 Each plaintiff, contrary to his or her will and desire,
3 is unlawfully interned, detained for the purpose of an involuntary
4 removal or deportation to Japan and restrained of his or her
5 liberty by the Officer in Charge, United States Department of
6 Justice, Immigration and Naturalization Service, at the Tule Lake
7 Center, situated within the jurisdiction of this Court, at Newell,
8 Modoc County, California, said Officer in Charge acting under the
9 order or orders of the Attorney General of the United States and
10 presently being one, Ivan Williams, defendant herein; and the
11 said Attorney General and said Officer in Charge, acting under his
12 order or orders, has announced and given notice of intention
13 summarily to remove and deport each plaintiff involuntarily to
14 Japan;

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

31 Said Officer in Charge at the Tule Lake Center, the
32 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 heretofore 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(i), 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

1 That the defendants, and each of them, at all times herein
2 mentioned have treated and have threatened to treat and still
3 treat and threaten to treat and will continue to treat the plain-
4 tiffs, and each of them, as alien enemies; that defendants and
5 each of them have threatened and still threaten to remove and
6 deport plaintiffs and each of them involuntarily and against their
7 consent and desire from the United States to Japan and they and
8 each of them will so do unless restrained and enjoined from so
9 doing by order of this Court; and plaintiffs and each of them are
10 informed and believe and therefore allege that the defendants
11 and each of them threaten to and, unless restrained and enjoined
12 from so doing by this Court, will remove plaintiffs and each of them
13 from the jurisdiction of this court into parts of the United States
14 unknown to them in preparation for said deportations to Japan;
15 and plaintiffs are informed and believe and therefore allege that,
16 unless restrained and enjoined by order of this court, the defend-
17 ants will commence their deportations of plaintiffs on or about
18 November 15, 1945.
19

20
21 WHEREFORE, plaintiffs pray for a temporary restraining
22 order, for an injunction pending suit and for judgment.
23

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

26 I

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

30 II

31 (1) The signing of the renunciation applications by
32 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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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.

Wayne M. Collins

28
29 WAYNE M. COLLINS
 1721 Mills Tower
 San Francisco, 4, California
 GARFIELD-1218

30 Attorney for Plaintiffs.
31

32

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 2nd day of November, 1945.

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

31 (Seal)
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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

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

Attorney for Plaintiffs,

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. _____

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

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

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

DATED: November 13, 1945.

A. F. St. Sure

United States District Judge.

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

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

Defendants.

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

Upon reading the verified complaint of the plaintiffs
herein and

GOOD CAUSE APPEARING THEREFOR:

Defendants and each of them are ordered to show cause,
if any they have, on the _____ day of November, 1945 at the hour
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,

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

Dated this _____ day of November, 1945.

United States District Judge

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

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

No. _____

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.
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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(i) 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(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

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

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

8
9 TADAYASU ABO, et al.,)
10 Plaintiffs,)
11 vs.)
12 TOM CLARK, etc., et al.,)
13 Defendants.)

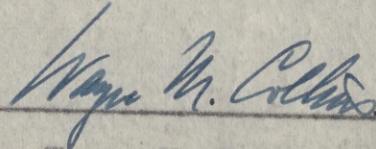
No. 25294

Cons. No. 25294-S

14
15
16 STIPULATION

17
18 It is hereby stipulated between ATSUME MASUI of Block 1715-D,
19 Tule Lake Center, one of the plaintiffs in the above-entitled
20 complaint, that said Atsume Masui hereby releases the defendants
21 in the said complaint, and each of them, from any and all provi-
22 sions therein contained which seek, as to him individually, any
23 restraining order, injunction pendente lite and/or permanent in-
24 junction against defendants or any of them from removing him from
25 the jurisdiction of the above-entitled Court and/or deporting him
26 from the United States to Japan.

27 Dated: December 7, 1945.

28
29 

30 Wayne M. Collins,
31 Attorney for Plaintiffs.

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

SO ORDERED:

December 7, 1945.

By:



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.

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

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

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

By: Robert H. Muller.

Assistant U.S. Attorney.

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

FOREIGN
FILED

DEC 11 1945
DEC 11 1945

W. CALBREATH, 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.,	}	No. 25294-S
Plaintiffs,		
-vs-	}	Cons. No. 25294-S
TOM CLARK, etc., et al.,		
Defendants.)	

STIPULATION

It is stipulated between FRED IWAMATSU OTSUKA of Block 1519-B, Tule Lake Center, one of the plaintiffs in the above-entitled complaint, and defendants that said Fred Iwamatsu Otsuka hereby releases the defendants in 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 11, 1945.

Wayne M. Collins

Wayne M. COLLINS,
Attorney for Plaintiffs.

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

By: *R. B. Mc Miller*
Assistant U.S. Attorney.

SO ORDERED:
December 11, 1945.

A. T. St. John

UNITED STATES DISTRICT JUDGE.

ORIGINAL
FILED

DEC 20 1945

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

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

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

9	TADAYASU ABO, et al.,)	
10)	No. 25294-S
11)	
12	-vs-)	Cons. No. 25294-S
13	TOM CLARK, etc., et al.,)	
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14 WITHDRAWAL AND DISMISSAL

16 FRED IWAMATSU OTSUKA of Block 1519-B, Tule Lake Center, who
17 is one of the plaintiffs in the above-entitled complaint to re-
18 scind renunciations of nationality, etc., hereby withdraws as one
19 of the plaintiffs in said action and hereby dismisses his indivi-
20 dual complaint included in said class action, said withdrawal and
21 dismissal being without prejudice to him.

22 Dated: December 17, 1945.

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

24 SO ORDERED:
25 December ____, 1945.

26 UNITED STATES DISTRICT JUDGE.

27 Receipt of a copy of the above Withdrawal and Dismissal is
28 admitted this ____ day of December, 1945.

29 TOM C. CLARK, Attorney Gen. of U.S.
30 FRANK J. HENNESSY, U.S. Attorney, de-
31 fendants:
32 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. District 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

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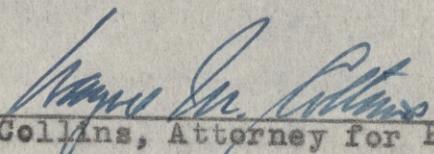
and included as plaintiffs in said class action, and

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

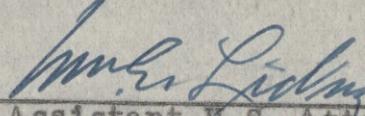
WHEREAS it is agreed by the parties hereto and said Attorney General that such plaintiffs shall not file individual written statements on any applications for any such mitigation hearings or be required to make oral statements at such hearings reserving their rights which would increase to an enormous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

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

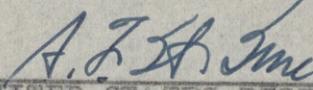
Dated: December 31, 1945.


Wayne M. Collins, Attorney for Plaintiffs.

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

By: 
Assistant U.S. Attorney.
Attorneys for Defendants.

SO ORDERED:
December 31, 1945.


UNITED STATES DISTRICT JUDGE.

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

TADAYASU ABO, et al.

Plaintiffs,

252948

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

Defendants.

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

Upon reading the verified complaint of the plaintiffs
herein and

GOOD CAUSE APPEARING THEREFOR:

Defendants and each of them are ordered to show cause,
if any they have, on the _____ day of November, 1945 at the hour
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 departing 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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