

9:6 HIURA, FAYE MIYOKO

1948-1957

78/177
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ACTIVE LIST

Nakamura, Yaji,
Tokuyama-shi, Yamaguchi-ken,
JAPAN.
June 16, 1948.

Mr. Wayne M. Collins,
Mills Tower, 220 Bush St.,
San Francisco, California.

Dear Sir:

I would like your help to reclaim my U.S.
Citizenship.

Name: FAYE MIYOKO HIURA

Present Residence: Nakamura, Yaji, Tokuyama-shi,
Yamaguchi-ken, JAPAN.

Date and Place of Birth: April 14, 1923,
Florin, California.

Place of Renunciation: 1307-A-2,
Tule Lake Center,
Newell, California.

Yours truly,

Faye M. Hiura

Sent in with HIURA, MASAO

INSTRUCTIONS FOR THE PREPARATION OF ANSWERS

This affidavit should be prepared in accordance with the instructions of your particular court and should be sworn to in person. If you are uncertain as to matters related to your affidavit with "uncertain". When you state that you signed the affidavit, you are the result of fear, you should state in each instance, with the greatest possible particularity, what was feared and why. If it is stated that the facts were caused by threats from individuals or groups or individuals, the names of the threats, the names of the individuals making them, if known, and the time, place and occasion for the making of the threats should be given.

If more space is needed for answers to particular questions, separate sheets of plain white paper should be used. Each separate sheet so used should be plainly marked with the number of the question being answered and your name.

1. Name FAYE HURA		Date of Birth April 14th, 1923	
2. If born prior to December 1, 1924	(A) Have you ever renounced Japanese nationality? No	When N/A	Where N/A
3. If born since December 1, 1924	(A) Was your name ever registered with a Japanese Consulate for the purpose of reserving your Japanese nationality? N/A		
If so, did you thereafter renounce your Japanese nationality?	When N/A	Where N/A	
4. State periods of visits to Japan and purpose of each visit: N/A			
Date		Purpose	
From	To		
5. Give details concerning any formal education in Japan: N/A			
School		Period of Attendance	
		From	To
Specify subjects studied (attach additional sheet if necessary).			
6. Have you ever made application for repatriation to Japan? Yes If so, give date I don't remember the date our reasons for so applying: First I was worried I'll be separated from mother and followed my husband after being married, afraid of being separated.			
7. (A) Have you ever expressly indicated that you would not swear unqualified allegiance to the United States? No		Have you ever declined to answer when asked whether you would swear unqualified allegiance? Yes	
Or have you ever given a qualified answer to such question asked at War Relocation Centers?.....If so, give your reasons: N/A			
(B) If your answer to any of the questions in (A) is affirmative, then did you ever subsequently change your mind and express your willingness to swear an unqualified allegiance or would you have been willing to do so if an opportunity had been afforded you?.....If so, state when you changed your mind and your reasons therefor: N/A			

(C) Did you ever indicate that you would not swear unqualified allegiance to the United States either expressly or by refusal to answer, or a qualified answer, knowing that by so doing you would be sent to the WRA Segregation Center at Tule Lake? 100 If so, give reasons:

I refused to answer to either question for I thought I need not do it, for I was then already sent to Tule Lake WRA Center. First, I was sent to Marysville, Assembly Center, stayed there for one month then I was sent to Tule WRA Center with out any hearings. I was then all up set from what the government did, half scared what's coming up and also I always thought that I was pure American Citizen and army said it was not compulsory and no penalties.

8. (A)	Answer		Period of Membership
	Yes	No	
WERE YOU EVER AT ANY TIME A MEMBER OF ANY OF THE FOLLOWING ORGANIZATIONS:			
Black Dragon Society (Kokuryu Kai)		X	
Central Japanese Association (Beikoku Chuo Nipponjin Kai)		X	
Central Japanese Association of Southern California		X	
Dai Nippon Butoku Kai (Military Virtue Society of Japan or Military Art Society of Japan) (Hokubei Kai)		X	
Heimusha Kai, also known as Hokubei Heieki Gimusha Kai Zaibei Nihonjin, Meiyaku Gimusha Kai, and		X	
Zaibei Heimusha Kai (Japanese residing in American Military Conscripts Assoc.) Heimusha Kai		X	
Hinode Kai (Imperial Japanese Reservists)		X	
Hinomaru Kai (Rising Sun Flag Society—a Group of Japanese War Veterans)		X	
Hokubei Zaigo Shoko Dan (North American Reserve Officers Association)		X	
Japanese Association of America (Zaibei Nihonjin Kai)		X	
Japanese Overseas Central Society (Kaigai Dobo Chuo Kai)		X	
Japanese Overseas Convention, Tokyo, Japan, 1940		X	
Japanese Protective Association (Recruiting Organization)		X	
Jikyoku Iin Kai (Current Affairs Association)		X	
Kibei Seinen Kai (Association of U. S. Citizens of Japanese Ancestry who have returned to America after studying in Japan)		X	
Nanka Teikoku Gyunudan (Imperial Military Friends Group or Southern California War Veterans)		X	
Nichibei Kogyo Kaisha (The Great Fujii Theatre)		X	
Northwest Japanese Association		X	
Sakura Kai (Patriotic Society or Cherry Association—composed of Veterans of Russo-Japanese War) (Cherry Blossom Society)		X	
Shinto Temples		X	
Sokoku Kai (Fatherland Society)		X	
Suiko Sha (Reserve Officers Association Los Angeles)		X	
Hokoku Seinen-Dan		X	
Hokoku Joshi Seinen-Dan		X	
Sokoku Kenkyu Seinen-Dan		X	
Sokuji Kikoku Hoshi-Dan		X	

(B) Give reasons for becoming a member:

N/A

(C) State nature of your activity and offices you held:

N/A

(D) If you voluntarily discontinued membership in any of the aforementioned organizations, give approximate date and reasons for so doing:

N/A

(B) If reasons given in answer to preceding question differ from reasons given to officer who held renunciation hearing, give your explanation for difference:

I do not remember what I said during the hearing for I was all up set, but I know that one thing I did not want to be separated from my husband, like the rumors that went around the camp.

(C) If you claim that your renunciation was caused by fear, you should explain fully why such fear extended from the time of the application for renunciation papers until the date of actual renunciation:

It was delay cause I was thinking of cancelling my renunciation, then again I start hearing all those rumors saying that camp will be closed within a year and will be thrown out of camp, deserted with no home, no jobs and with little money. Then I knew I'll be helpless and starved. So I thought it would be better to renounce, and stay in camp.

(D) If the fear did not extend from the date of application to the date of approval by the Attorney General, you should state whether you made any effort to withdraw your application, and if not, explain fully:

None

(E) If, after approval, you requested the Attorney General to withdraw his approval of your renunciation or to cancel your renunciation, give the reasons for the delay in making such request:

1840

I still am in such service _____; I was released from active duty on _____ and received my Discharge _____
 Answer Yes or No _____
 on _____

N/A

N/A

N/A

Serial Number

10

John R. Rinal
(Signature in full of applicant)

Matthew D. Smith, Jr.
American Vice Consul

Service No. 993

WFB:CMR

146-54-4266
93-1-1320

COPY FROM
DEPARTMENT OF JUSTICE
CIVIL DIVISION
WASHINGTON, D. C.

CS

Lloyd H. Burke, Esquire
United States Attorney
422 Post Office Building
Seventh and Mission Streets
San Francisco 1, California

APR 25 1955

Re: Faye Hime

Your ref: Abo, et al v. Brownell, et al.
Furuya, et al v. Brownell, et al. (Consolidated
actions - Civil Nos. 25294 and 25295).
Renunciation of Citizenship, Title 8 USC 801(1).

Dear Mr. Burke:

This is in response to your letter of November 15, 1954, enclosing affidavit of the above-named subject for a determination as to whether her case may be considered as coming within the coverage of the ruling of the Court of Appeals in the case of Acheson v. Murakami, 176 F. 2d, 953, in accordance with a letter from this Department dated September 21, 1953, to Mr. Wayne H. Collins.

You are advised that an affidavit of this subject was previously submitted to this Department by the Department of State with a similar request for our views. On August 7, 1952, we advised that Department that in the event of litigation involving an issue of the validity of subject's renunciation, this Department would be unable either to stipulate that her affidavit be accepted as evidence in lieu of oral testimony, or to concede that her case comes within the coverage of the above decision. The reasons for the Department's position in this respect, among others, are:

The pertinent records of the War Relocation Authority reflect that the subject refused to execute the Army-WRA registration form and that she applied for repatriation on January 17, 1944 and again on October 12, 1945, after the cessation of hostilities. At her renunciation hearing, on July 13, 1945, she stated that she desired to renounce even though she understood that she could go to Japan without renouncing her citizenship.

File No. 146-54-4266
93-1-1320

The reasons for renunciation as set forth in subject's affidavit attached to your letter, fail to counterbalance the facts above-recited and are, in no respect, similar to the allegations of fear and duress made by the renunciants in the Marakami case. We therefore adhere to the position set forth in our letter to the Department of State, that this subject's case does not come within the scope of the ruling of the Court of Appeals in the Marakami case.

In accordance with our above referred to letter of September 21, 1953, to Mr. Collins, we attach the original and three copies of the affidavit for return to Mr. Collins.

Yours very truly,

WARREN E. HUMIER
Assistant Attorney General
Civil Division

By:

Emoch E. Ellison
Chief, Japanese Claims Section

Encl. No. 97124

Affidavit and 3 copies.

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush St.
San Francisco, 4, Calif.

May 25, 1955

Mrs. Faye Miyoko Hiura
Nakamura, Yaji, Tokuyama Shi
Yamaguchi Ken, Japan

Dear Mrs. Hiura:

On April 25, 1955, the Department of Justice rejected your affidavits and denied you administrative clearance because it reached a conclusion that your renunciation of U.S. citizenship was not caused by fear, coercion or duress. It states that the reasons for its refusal to give you administrative clearance are as follows:

"The pertinent records of the War Relocation Authority reflect that the subject refused to execute the Army-WRA registration form and that she applied for repatriation on January 17, 1944 and again on October 12, 1945, after the cessation of hostilities. At her renunciation hearing, on July 13, 1945, she stated that she desired to renounce even though she understood that she could go to Japan without renouncing her citizenship."

As soon as the processing of the affidavits of other renunciants in the cases has been completed your individual case can be scheduled for an individual court trial in the U.S. District Court in San Francisco and, if you consent to have such a trial, a statement from the Clerk of the Court showing the approximate time of your trial will be sent to you to present to the U.S. Consul in Japan to enable you to return to the U.S. on a "Certificate of Identity" for your trial.

Therefore, please wait patiently until you receive the next letter from me.

Very truly yours,

WAYNE M. COLLINS
Attorney at Law
Mills Tower
220 Bush Street
San Francisco 4, California

MAR 22 1957

Dear Plaintiff-Renunciant:

Pursuant to an agreement with lawyers for the Justice Department the affidavits you heretofore sent to me for administrative processing and upon which that Department denied you administrative clearance are being returned to that Department for review and for reconsideration.

This new chance for you to obtain administrative clearance and, perhaps, to recover your citizenship may take a few months time for a final determination. The Department of Justice is acting with more speed in the processing of affidavits and has adopted a new and more liberalized policy towards renunciants and, in consequence, there is a good chance that it will grant you clearance.

Therefore, you should wait patiently until you learn from me of the decision of the Justice Department as to whether it will agree that your renunciation of U.S. citizenship will be cancelled. You will be notified by me promptly when the Justice Department informs me of its decision in your case.

Very truly yours,

INCLOSURE

Nº 97124

FROM

Department of Justice

7-849

COPY FROM
DEPARTMENT OF JUSTICE
CIVIL DIVISION
WASHINGTON 25, D. C.

rbm

GCD:CMR
146-54-4266
93-1-1320

Lloyd H. Burke, Esquire
United States Attorney
422 Post Office Building
Seventh and Mission Streets
San Francisco 1, California

MAY 9 1957

Re: Faye Hiura
Your Ref: Abo et al v. Brownell et al.
Furuya et al v. Brownell et al. (Consolidated
actions - Civil Nos. 25294 and 25295). Renuncia-
tion of Citizenship, Title 8 U.S.C. 801(i).

Dear Mr. Burke:

This is in response to your letter of April 4, 1957, resubmitting affidavit of the above-named renunciant for a determination, pursuant to the liberalized standards, as to whether her case may be considered as coming within the ruling of the Court of Appeals in the case of Acheson v. Murakami, 176 F. 2d, 953, in accordance with a letter from this Department, dated September 21, 1953, to Mr. Wayne M. Collins.

We have examined the affidavit, together with pertinent Governmental files, and are of the opinion that the case of subject affiant may be considered as coming within the ruling of the Court of Appeals in the Murakami case.

We have informed the Department of State of our present view by letter, three copies of which are enclosed herewith. If you disagree with our action please so advise us promptly in order that we may recall our clearance from the Department of State before action is taken thereon. If you do not disagree, please forward two of the copies to Mr. Collins, and enter into the arrangements necessary to dispose of the case in accordance with the procedure outlined in the above-mentioned letter of September 21, 1953, as modified by this Department's letter to you dated June 9, 1955. We shall appreciate your forwarding

*Approved -
JAPAN
(resubmit)*

*Letter sent to Japan
enclosed a copy of transmittal letter 5-17-57 J.*

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to this office a copy of the stipulation and judgment when record entry of the same has been accomplished.

The original and one copy of the subject's affidavit are returned to you herewith.

Yours very truly,

GEORGE COCHRAN DOUB
Assistant Attorney General
Civil Division

By:
Enoch E. Ellison
Chief, Japanese Claims Section

Enclosures: Original and
copy of affidavit; 3 copies
of letter to Department of
State.

rbm

COPY FROM
DEPARTMENT OF JUSTICE
CIVIL DIVISION
WASHINGTON 25, D. C.

GCD:CMR
146-54-4266
93-1-1320

MAY 9 1957

Department of State
Matomic Building
Washington 25, D. C.

Attention: Miss Frances Knight
Director, Passport Office

Re: Faye Hiura
Your Ref: F130

Dear Sirs:

On June 13, 1952, you forwarded to this Department a supplemental affidavit of the above-named subject, and requested an expression of our views as to whether her case might be considered as coming within the scope of the Murakami decision. On August 7, 1952, you were advised that we were of the opinion that her case could not be considered as coming within the coverage of that decision.

Pursuant to an agreement entered into with Mr. Wayne M. Collins, Attorney, to stipulate to the introduction of satisfactory affidavits submitted by plaintiffs in the case of McGrath v. Abo, 186 F. 2d, 766, as set forth in the Department's letter of September 22, 1953, to the Department of State, the subject submitted an additional affidavit as to her reasons for renouncing her citizenship. Upon reconsideration of all the evidence in this case, and the subject's additional affidavit, we are now of the opinion that her case may be considered as coming within the coverage of the decision in the Murakami case. We have advised Lloyd H. Burke, Esquire, United States Attorney, Northern District of California, of our views. In accordance with our above referred to letter of September 22, 1953, to the Department of State, we attach copy of our letter to Mr. Burke, together with copy of subject's affidavit.

Yours very truly,

GEORGE COCHRAN DOUB
Assistant Attorney General
Civil Division

By: Enoch E. Ellison
Chief, Japanese Claims Section

Enclosures: Copy of
affidavit; copy of
letter to Lloyd H. Burke, Esquire.

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1-5827

May 17, 1957

Mr. Masao Hiura
Mrs. Faye Hiura
Nakamura, Yaji, Taokuyama Shi
Yamaguchi - Ken
Japan

Dear Mr. and Mrs. Hiura:

You have been successful in the administrative remedy pursued in your case. The Justice Department has reached the conclusion that you personally renounced citizenship because of fear, coercion and duress. Therefore, it is willing to withdraw the offer of proof it made against you in the mass class equity suits whereupon a judgment can be entered in your favor in the U.S. District Court cancelling your renunciation on the ground of duress and declaring you to be a citizen of the United States.

As soon as a large enough number of persons have been cleared administratively such a judgment will be entered for you. When the judgment is entered I shall let you know by letter.

I am enclosing a copy of the transmittal letter of the Justice Department (Attorney General) which was sent to the Department of State (Passport Office.) You should take the enclosed copy of the transmittal letter promptly to the United States Consul in Japan nearest you and there apply for a U.S. passport if you have not already done so. The U.S. Consul will issue a U.S. passport to you which will show on its face that you are a citizen of the United States.

When you receive the U.S. passport from the U.S. Consul you can make your own arrangements to return to the United States. You should write and let me know your U.S. address and the time you expect to return to the United States.

If you have a spouse (wife or husband) who is an alien such person can enter the United States as a "nonquota immigrant" because you are a U.S. citizen. An application can be made to the nearest U.S. Consul in Japan for a nonquota immigrant visa for such spouse.

If your spouse (wife or husband) is a renunciant who does not recover U.S. citizenship administratively through the Justice Department or by court trial, or does not wish further to try to recover U.S. citizenship, such a spouse, nevertheless,

can elect to be an alien and can obtain a nonquota immigrant visa from the nearest U.S. Consul and can return to the U.S. because he or she is the spouse of a U.S. citizen.

If your spouse is an alien or a renunciant who does not recover citizenship but becomes an alien who returns to the United States as a nonquota immigrant he or she here in course of time becomes eligible to apply for naturalization as a U.S. citizen.

It is my conclusion that in due course of time Congress will enact a new law authorizing the return of property or its approximate value to aliens whose property was seized and confiscated during the war under the provisions of the Trading with the Enemy Act.

If you intend to remain in Japan for a while you must be careful not to commit any act whereby you might lose U.S. citizenship. You were informed by me in previous letters of various acts of expatriation whereby a U.S. citizenship can be lost.

If you have dual citizenship you can denounce (renounce) Japanese nationality. This can be done by signing a renunciation form before a Japanese consular officer in the U.S. or before an authorized Japanese government office in Japan.

Very truly yours,

Enc. Transmittal letter for each of you.
WMC:1