

3:18

PRINTED & FORM LETTERS

1958

78/177

c

C
O
P
Y

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

(VIA AIRLETTER)

The Justice Department has concluded that your renunciation of U.S. citizenship was caused by fear and coercion and is willing that it be cancelled.

Until you hear from me by special letter I suggest that you should not apply yet to the U.S. Consul for a U.S. passport because, at least temporarily, the Consul will deny you a passport because you voted in a Japanese election unless you can prove to his satisfaction that your voting was caused by duress.

The U.S. Supreme Court within the next two months probably will make a final decision on the question whether voting in a foreign election constitutes an act of expatriation causing a U.S. citizen to lose his U.S. citizenship. If the Supreme Court decides that voting in a foreign election does not cause a person to lose U.S. citizenship you will not have to explain the circumstances under which you voted.

Therefore, until the Supreme Court of the United States decides this question and you receive a special letter from me you should not apply to the U.S. Consul for a U.S. passport because until and unless the Supreme Court holds that voting in a foreign election does not deprive a U.S. citizen of U.S. citizenship the U.S. Consul may make a ruling against you unless you can prove to him that your voting was caused by duress.

Very truly yours,

Smooth-Erase
Onionskin

FORM LETTER NOTIFICATION OF ADMINISTRATIVE CLEARANCE PENDING VOTING QUESTION (Transmittal letter addressed to State Dept. to be sent later).

Jan. 1958

C
O
P
Y

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

(VIA AIRLETTER)

I heretofore advised you that you have obtained administrative clearance from the Justice Department which has the effect of setting aside your renunciation of U.S. nationality.

Until you hear from me by special letter I suggest that you should not apply yet to the U.S. Consul for a U.S. passport because, at least temporarily, the Consul will deny you a passport because you voted in a Japanese election unless you can prove to his satisfaction that your voting was caused by duress.

The U.S. Supreme Court within the next two months probably will make a final decision on the question whether voting in a foreign election constitutes an act of expatriation causing a U.S. citizen to lose his U.S. citizenship. If the Supreme Court decides that voting in a foreign election does not cause a person to lose U.S. citizenship you will not have to explain the circumstances under which you voted.

Therefore, until the Supreme Court of the United States decides this question and you receive a special letter from me you should not apply to the U.S. Consul for a U.S. passport because until and unless the Supreme Court holds that voting in a foreign election does not deprive a U.S. citizen of U.S. citizenship the U.S. Consul may make a ruling against you unless you can prove to him that your voting was caused by duress.

Very truly yours,

FORM LETTER TO THOSE WHO WERE PREVIOUSLY NOTIFIED OF ADMINISTRATIVE
CLEARANCE PENDING VOTING QUESTION

Jan. 1958

The affidavit forms you recently returned to me have been examined and compared with the records in my office. The forms appeared to me to be in good order. In consequence, I have sent them to the U.S. Attorney General's office for processing through the Justice Department.

Because a very large number of affidavits of other renunciants also are being processed it may take several months before a final decision in your case is made by the Justice Department.

Therefore, I suggest that you wait patiently for the decision in your case which I shall relay to you just as soon as I receive information from the Department.

Very truly yours,

FORM LETTER TO NON-PLAINTIFF RENUNCIANTS IN JAPAN NOTIFYING
THEM OF PROCESSING OF AFFIDAVITS TO ATT. GEN.

Jan. 3, 1958

(VIA AIRLETTER)

Inasmuch as you have filed your [respective] affidavits with the U.S. Consul and in addition thereto have applied for [a] U.S. passport[s] [and have submitted further affidavits setting forth the reasons why you voted in Japan], you must await a decision from the Justice Department as to whether or not it will consent to set aside your renunciation[s] [and a decision from the State Department as to whether or not your voting will be counted against you]. When you have received [a] decision[s] from the State Department or the Justice Department I would thank you to inform me promptly.

Very truly yours,

FORM REPLY to inquiry regarding status from NON-PLAINTIFF renunciants
in Japan (Affidavits, etc. filed with U.S. Consul)

Jan. 1958

C
O
P
Y

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: GARfield 1-5827

(VIA AIRLETTER)

On the Department of Justice informed me that it had communicated with the Department of State with reference to your application for a U.S. passport and that if you will go to the U.S. Consul at you will be advised as to whether or not your passport will issue.

Very truly yours,

FORM LETTER TO NON-PLAINTIFF RENUNCIANTS RE: ADVICE FROM JUSTICE DEPARTMENT TO COMMUNICATE WITH U.S. CONSUL IN JAPAN RE PASSPORT APPLICATION (affidavits were processed by WMC through Ellison)

March 1958

U.S. Immigration and Naturalization Service
630 Sansome Street
San Francisco, California

Attention: Francis P. Boland, Esquire
Naturalization Examiner.

Gentlemen:

In re:
AR

Enclosed find original and one copy of affidavit executed by the above-named person which I would thank you to process through the Immigration Service to the Justice Department pursuant to the administrative remedy open for the purpose of setting aside his renunciation of U.S. citizenship made by him at the Tule Lake Center, Newell, California, and for the purpose of being relieved in the future from registering as an alien.

Very truly yours,

WMC:cw
Encs.

FORM LETTER for NON-PLAINTIFF RENUNCIANTS
to be sent to Immigration and Naturalization
Service enclosing prepared Affidavits.

1958

Enclosed find original and two copies of the affidavit which I have prepared for you.

I would thank you to read the answers therein and if you find them to be true, you should take the original and one copy to a Notary Public and there sign both affidavits and swear to them and have the Notary affix his signature and seal and return them to me immediately. The extra copy of the affidavit is for you to keep for future reference.

Thereafter I will forward them to the Immigration Service which will process them through the Justice Department pursuant to the administrative remedy open for the purpose of setting aside your renunciation of U.S. citizenship and for the purpose of being relieved in the future from registering as an alien.

Very truly yours,

WMC:cw
Encs.

FORM LETTER -- U.S. NON-PLAINTIFFS - 1958

(Form N-576 Immigration)

U.S. NON-PLAINTIFFS

Inasmuch as you have filed your (respective) affidavits with the U.S. Consul and in addition thereto have applied for U.S. passport(s) (and have submitted further affidavits setting forth the reasons why you voted in Japan), you must await a decision from the Justice Department as to whether or not it will consent to set aside your renunciation(s) and a decision from the State Department as to whether or not your voting will be counted against you). When you have received decision(s) from the State Department or the Justice Department I would thank you to inform me promptly.

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

On March 31, 1958, the U.S. Supreme Court held in the case of Nishikawa v. Dulles that a U.S. citizen who served in the Japanese armed forces did not lose U.S. citizenship unless he was inducted voluntarily. It also held that the U.S. Government must prove by "clear, convincing and unequivocal evidence" that his induction into the Japanese armed forces was voluntary in order for him to lose his U.S. citizenship.

Because you feared that disobedience to the Japanese conscription laws would subject you to imprisonment for violating those laws you were compelled to obey the draft order, report for induction and be inducted. Therefore, your induction into and service in the Japanese armed forces was not voluntary but was coerced. You submitted to induction only because you feared that if you complained, resisted or disobeyed you would be sent to prison and also be mistreated by the Japanese military authorities and also by the Japanese people.

If the State Department can be convinced that you were inducted only because of your fear of punishment for failure to obey the Japanese draft laws they will reach the conclusion that you acted involuntarily and that you did not lose your U.S. citizenship by serving in the Japanese armed forces. It will be necessary to convince it, however, that you acted under coercion and that you did not voluntarily submit to induction. It may be convinced by your own statement and by the affidavits of others who may be acquainted with the facts relating to your induction that you acted involuntarily.

I am preparing an Affidavit which will be sent to you for reading, correction and approval. In addition I am preparing a Brief concerning your case which I shall submit to the Review Board of the Passport Office in Washington, D.C., asking it to reopen and reconsider your case in the light of the Supreme Court decision. As soon as the affidavit is prepared I shall send it to you. In the meantime you should not apply to the U.S. Consul and you should not file any documents at that office.

Very truly yours,

FORM LETTER - TO STRANDEES RE: ARMY

April 25, 1958

(Via Airletter)

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

You have been successful in the administrative remedy pursued in your case. The Justice Department has reached the conclusion that you personally renounced your U.S. citizenship because of fear, coercion and duress.

However, because of the fact you voted in a political election in Japan, you cannot obtain final clearance until you can prove to the satisfaction of the U.S. Consul that your voting was not a voluntary act on your part. Therefor I wish to inform you as follows:

On March 31, 1958, the U. S. Supreme Court held in the case of Perez v. Brownell that an American citizen who votes in a "political election" in a foreign country loses his U.S. citizenship if he voted voluntarily even though he did not know he would lose his citizenship by so voting. However, if the voting was caused by duress, coercion or undue influence it was involuntary and would not cause him to lose U.S. citizenship.

To prove that your voting was involuntary the State Department will require evidence that you voted under duress, coercion or undue influence. It will require a statement from you, under oath, stating the reasons why you voted. Affidavits from other persons having knowledge of the fact that you were forced to vote and that you voted because of fear of punishment if you didn't can be used to support your statement.

If you voted because you were notified or heard that General MacArthur or SCAP or the U.S. or Allied military officers had ordered all residents in Japan to vote and you believed and feared that if you didn't vote that you would be punished for violating military orders your voting was involuntary. (The State Department also may take the view that voting in Japan while it was occupied by the Allied Powers did not constitute voting in a "political election" in a "foreign state.") If you voted because Japanese municipal officers notified you and you believed and feared that you as a resident must vote or be punished under Japanese law or by order of the Occupation Authorities, your voting was involuntary. If you voted because you were notified by the Occupation authorities,

would be deprived of a ration card if you didn't vote and you believed and feared you would be deprived of a ration card and might starve if you didn't vote your voting was involuntary. If you were notified to vote and you voted because of other fears of what would be done to you or what would happen to you if you failed or refused to vote your voting was involuntary.

If you already have applied to a U.S. Consul in Japan for a U.S. passport or you are about to do so it will be necessary for you to make a complete statement to the Consul, under oath, revealing the reasons why you were compelled to vote. In that statement you must explain the fears that drove you to vote in order to prove to the Consul that you were under threats or mental pressure to vote and that your voting was involuntary because it was caused by your fear of some form of punishment being inflicted upon you if you didn't vote, such as punishment by the Occupation military authorities, or by the Japanese police or other civil authorities, or by the loss of some right such as being deprived of a ration card.

You must keep a written copy of any statement you make or have made to the U.S. Consul which explains the reasons why you voted and you should send a copy of it to me.

If the U.S. Consul and the State Department can be convinced by your own statement, under oath, supported if possible by affidavits of other persons acquainted with the facts, that you voted because of your fear of punishment in some form from the Occupation authorities or from the Japanese authorities or your fear of the loss of a ration card the State Department should hold that you did not lose your U.S. citizenship and should issue a U.S. passport to you. (If the State Department denies you a U.S. Passport an application thereafter can be made for a Certificate of Identity to enable you to return to the U.S. to have a U.S. District Court decide whether or not you lost your citizenship by voting in Japan.)

I am enclosing a copy of the transmittal letter of the Justice Department to the State Department which you must keep in your possession and present to a U.S. Consul in Japan when you apply for your U.S. passport.

I would thank you to let me know by return mail whether you have applied for a U.S. passport and, if so, what decision the Consul has made on it.

Very truly yours,

WMC:ss
Encl. 1

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

On March 31, 1958, the U.S. Supreme Court held in the case of Perez v. Brownell that an American citizen who votes in a "political election" in a foreign country loses his U.S. citizenship if he voted voluntarily even though he did not know he would lose his citizenship by so voting. However, if the voting was caused by duress, coercion or undue influence it was involuntary and would not cause him to lose U.S. citizenship.

To prove that your voting was involuntary the State Department will require evidence that you voted under duress, coercion or undue influence. It will require a statement from you, under oath, stating the reasons why you voted. Affidavits from other persons having knowledge of the fact that you were forced to vote and that you voted because of fear of punishment if you didn't can be used to support your statement.

If you voted because you were notified or heard that General MacArthur or SCAP or the U.S. or Allied military officers had ordered all residents in Japan to vote and you believed and feared that if you didn't vote that you would be punished for violating military orders your voting was involuntary. (The State Department also may take the view that voting in Japan while it was occupied by the Allied Powers did not constitute voting in a "political election" in a "foreign state".) If you voted because Japanese municipal officers notified you and you believed and feared that you as a resident must vote or be punished under Japanese law or by order of the Occupation authorities, your voting was involuntary. If you voted because you were notified by the Occupation authorities, or by Japanese civil authorities or by Japanese neighbors that you would be deprived of a ration card if you didn't vote and you believed and feared you would be deprived of a ration card and might starve if you didn't vote your voting was involuntary. If you were notified to vote and you voted because of other fears of what would be done to you or what would happen to you if you failed or refused to vote your voting was involuntary.

If you already have applied to a U.S. Consul in Japan for a U.S. passport or you are about to do so it will be necessary for you to make a complete statement to the Consul, under oath, revealing the reasons why you were compelled to vote. In that statement you must explain the fears that drove you to vote in order to prove to the Consul that you were under threats or mental pressure to vote

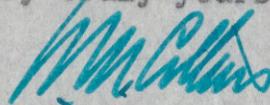
and that your voting was involuntary because it was caused by your fear of some form of punishment being inflicted upon you if you didn't vote, such as punishment by the Occupation military authorities, or by the Japanese police or other civil authorities, or by the loss of some right such as being deprived of a ration card.

You must keep a written copy of any statement you make or have made to the U.S. Consul which explains the reasons why you voted and you should send a copy of it to me.

If the U.S. Consul and the State Department can be convinced by your own statement, under oath, supported if possible by affidavits of other persons acquainted with the facts, that you voted because of your fear of punishment in some form from the Occupation authorities or from the Japanese authorities or your fear of the loss of a ration card the State Department should hold that you did not lose your U.S. citizenship and should issue a U.S. passport to you. (If the State Department denies you a U.S. Passport an application thereafter can be made for a Certificate of Identity to enable you to return to the U.S. to have a U.S. District Court decide whether or not you lost your citizenship by voting in Japan.)

I would thank you to let me know by return mail whether you have applied for a U.S. passport and, if so, what decision the Consul has made on it.

Very truly yours,



WMC:ss

April 28, 1958

On March 31, 1958, the U.S. Supreme Court held in the case of Nishikawa v. Dulles that a U.S. citizen who served in the Japanese armed forces did not lose U.S. citizenship unless he was inducted voluntarily. It also held that the U.S. Government must prove by "clear, convincing and unequivocal evidence" that his induction into the Japanese armed forces was voluntary in order for him to lose his U.S. citizenship.

Because you feared that disobedience to the Japanese conscription laws would subject you to imprisonment for violating those laws you were compelled to obey the draft order, report for induction and be inducted. Therefore, your induction into and service in the Japanese armed forces was not voluntary but was coerced. You submitted to induction only because you feared that if you complained, resisted or disobeyed you would be sent to prison and also be mistreated by the Japanese military authorities and also by the Japanese people.

If the State Department can be convinced that you were inducted only because of your fear of punishment for failure to obey the Japanese draft laws they will reach the conclusion that you acted involuntarily and that you did not lose your U.S. citizenship by serving in the Japanese armed forces. It will be necessary to convince it, however, that you acted under coercion and that you did not voluntarily submit to induction. It may be convinced by your own statement and by the affidavits of others who may be acquainted with the facts relating to your induction that you acted involuntarily.

On March 31, 1958, the U.S. Supreme Court held in the case of Perez v. Brownell that an American citizen who votes in a "political election" in a foreign country loses his U.S. citizenship if he voted voluntarily even though he did not know he would lose his citizenship by so voting. However, if the voting was caused by duress, coercion or undue influence it was involuntary and would not cause him to lose U.S. citizenship.

To prove that your voting was involuntary the State Department will require evidence that you voted under duress, coercion or undue influence. It will require a statement from you, under oath, stating the reasons why you voted. Affidavits from other persons having knowledge of the fact that you were forced to vote and that you voted because of fear of punishment if you didn't can be used

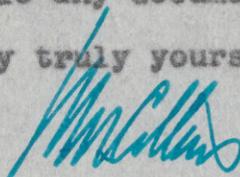
to support your statement.

If you voted because you were notified or heard that General MacArthur or SCAP or the U.S. or Allied military officers had ordered all residents in Japan to vote and you believed and feared that if you didn't vote that you would be punished for violating military orders your voting was involuntary. (The State Department also may take the view that voting in Japan while it was occupied by the Allied Powers did not constitute voting in a "political election" in a "foreign state".) If you voted because Japanese municipal officers notified you and you believed and feared that you as a resident must vote or be punished under Japanese law or by order of the Occupation authorities, your voting was involuntary. If you voted because you were notified by the Occupation authorities, or by Japanese civil authorities or by Japanese neighbors that you would be deprived of a ration card if you didn't vote and you believed and feared you would be deprived of a ration card and might starve if you didn't vote your voting was involuntary.

If the State Department can be convinced by your own statement, under oath, supported if possible by affidavits of other persons acquainted with the facts, that you voted because of your fear of punishment from the Occupation authorities or from the Japanese authorities or your fear of the loss of a ration card the State Department should hold that you did not lose your U.S. citizenship and should issue a U.S. passport to you. (If the State Department denies you a U.S. Passport an application thereafter can be made for a Certificate of Identity to enable you to return to the U.S. to have a U.S. District Court decide whether or not you lost your citizenship.)

I am preparing an Affidavit which will be sent to you for reading, correction and approval. In addition I am preparing a Brief concerning your case which I shall submit to the Review Board of the Passport Office in Washington, D.C. asking it to reopen and reconsider your case in the light of the Supreme Court decisions. As soon as the Affidavit is prepared I shall send it to you. In the meantime you should not apply to the U.S. Consul and you should not file any documents at that office.

Very truly yours,



WMC:cw

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

Enclosed find a certified copy of the "Final Order, Judgment And Decree" in mass equity suit entitled Abo, et al., etc., v. Rogers, etc., et al., Consolidated Number 25294, in the U.S. District Court for the Northern District of California, Southern Division, which forever cancels your renunciation and declares you to be a native born citizen of the United States.

The original judgment of the district court was in your favor. The defendants appealed and the Court of Appeals for the Ninth Circuit ordered the case re-opened as to you and certain other plaintiffs. My appeal to the U.S. Supreme Court to review and affirm the district court's decision as to you was denied on October 8, 1951. Thereafter, pursuant to an agreement I entered into with lawyers for the Justice Department, an administrative procedure was agreed upon which provided that in the event you were successful therein a final judgment as to you could be entered in your favor in the U.S. District Court. Inasmuch as you were successful in the administrative procedure the lawyers for the Justice Department and defendants, pursuant to the said agreement, stipulated that a final judgment be entered in court in your favor.

The entry of this conclusive judgment brings to an end the litigation I commenced on your behalf to cancel your renunciation and to have you declared to be a native born citizen of the United States. The judgment cancels your renunciation from the beginning. This means your renunciation was void from the time it was made and, in consequence, you always have been and still are a U.S. citizen.

The conclusive judgment is against the Attorney General of the United States, the U.S. Attorney for the Northern District of California, the Commissioner of Immigration, and the District Director of the U.S. Immigration and Naturalization Service for the Northern District of California.

You now are free to exercise and enjoy all the rights, privileges and immunities of United States citizenship. You now may register as a voter and vote at elections. You can purchase and lease land and buildings, hold public office, obtain civil service positions and public employment on the same basis as any other citizen. You now can obtain licenses on the same basis and at the same rates as other citizens. You now can obtain a U.S. passport to travel abroad and to re-enter the United States without filling out the special affidavit form which is required of renunciants whose status has not yet been completely determined. In States where old age pension laws provide pensions only for citizens you will, in course of time, become eligible for such old age pensions because you are a citizen of the United States. You can be taxed only on the same basis as other citizens. You cannot be classed or treated as an alien. You cannot be required to register as an alien or to apply for an alien registration card.

If you are in Japan you can apply to the nearest U.S. Consul for a U.S. passport. There you can use the enclosed certified copy of the conclusive judgment in your favor to prove your renunciation has been cancelled and that you are a native-born citizen of the United States.

If your spouse (wife or husband) is an alien or is a renunciant in Japan who has not recovered or does not recover U.S. citizenship such spouse, nevertheless, is eligible to enter the U.S. for permanent residence purposes on a "nonquota immigrant visa", which can be obtained from the nearest U.S. Consul in Japan, and after returning to the U.S. will become eligible for naturalization as a U.S. citizen in due course of time.

If you are in Japan you should take care that you do not commit any act of expatriation whereby you might lose your U.S. citizenship. Section 349 of the U.S. Immigration & Nationality Act of 1952, (Title 8 U.S. Code, Section 1481) as amended, specifies that a U.S. citizen loses U.S. nationality by any of the following acts, viz: (1) obtaining naturalization in a foreign country; (2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; (3) entering or serving in the armed forces of a foreign state unless first authorized in writing by the U.S. Secretary of State; (4) accepting, serving in, or performing any of the duties of any office, post or employment under the government of a foreign state if he has or acquires the nationality of such foreign state or if such office, post or employment requires an oath, affirmation or declaration of allegiance to such state; (5) voting in a political election in a foreign state; (6) making a formal renunciation of U.S. nationality before a U.S. diplomatic or consular officer in a foreign state; (7) making a formal written renunciation of U.S. nationality in the U.S. during time of war in such form as may be prescribed by the U.S. Attorney General; (8) deserting the armed forces of the U.S. in time of war if convicted thereof by a court martial and is dismissed from such service; (9) committing any act of treason against the U.S. or attempting by force to overthrow or bear arms against the U.S. if and when convicted thereof by a court martial or by a court of competent jurisdiction and (10) departing from or remaining outside the U.S. in time of war or national emergency for the purpose of evading or avoiding training or service in the armed forces of the U.S.

For your information you are deemed to be a dual citizen (i.e. a citizen of both Japan and the U.S.) if you were born in the U.S. before December 1, 1924, and you never thereafter renounced Japanese nationality. You are also deemed to be a dual citizen if you were born in the U.S. since December 1, 1924, if your name was registered with a Japanese Consulate within 14 days of your birth for the purpose of giving or reserving Japanese nationality for you.

Therefore, if you are a dual citizen and you now are in the U.S. I suggest that you communicate with the office of the Japanese Consulate nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are a dual citizen and you now are in Japan I suggest that you communicate with the Japanese Foreign Office in Tokyo or one of its regional offices in the Prefectural Office Building nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are in Japan I wish to advise you against having your name registered in a family Koseki and against doing anything else that might cause you to lose your U.S. citizenship or to raise a question as to your U.S. citizenship.

Further, if you are a dual citizen and you are in Japan and while there you voluntarily seek or claim benefits of Japanese nationality you will lose your U.S. Citizenship unless you take an oath of allegiance to the U.S. before a U.S. diplomatic or consular officer and also have your residence in the United States, within the 3 year period prescribed by Section 350 of the U.S. Immigration and Nationality Act of 1952 (McCarran Act), (Title 8 U.S. Code Section 1482), which provides that:

A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter (after December 24, 1952) having a continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of 22 years unless he shall -

- (1) prior to the expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Secretary of State; and
- (2) has given up his residence in Japan and resides in the U.S. (There are certain exemptions as to this residence requirement about which you may make inquiry to the nearest U.S. Consul in Japan.)

I do not know precisely just what benefits of Japanese nationality that Act refers to which, if voluntarily sought or claimed by a dual national while in Japan, would deprive him of U.S. citizenship if he does not take the oath of allegiance to the U.S. and does not reside in the U.S. before the 3 year period expires. Therefore, if you are in Japan and if you are considered to be a dual citizen you must not voluntarily seek or claim any benefits of Japanese nationality in the future. This means you must not take or perform any affirmative act whatsoever in Japan with the intent or purpose of obtaining, enjoying or fulfilling some right, privilege, immunity, advantage or profit of a Japanese citizen. For example, you must not apply for a Japanese passport or identity card or register as a Japanese national or hold real property (land or buildings) in a zone where only Japanese citizens are authorized to hold such property; you must not seek a scholarship available only to Japanese citizens; you must not register in a family Koseki or do anything to obtain a benefit reserved for Japanese citizens; and you must not claim exemption from taxes on foreigners or foreigners property in Japan on the ground that you are a Japanese citizen. If you are a dual citizen and do any such voluntary act in the future you thereby may lose U.S. citizenship. In any event, if you are a dual citizen by birth and you are in Japan and intend to remain there for a period of time you should consult the nearest U.S. Consul in Japan for information and advice as to what steps you must take to avoid losing U.S. citizenship under this law.

The only organization which was friendly to the renunciants and tried to help them was the American Civil Liberties Union of Northern California of which Ernest Besig is director. Its office is situated at 503 Market Street, San Francisco, California. This organization steadily gave favorable publicity to the cause of the renunciants and gave the mass lawsuits its moral support. If you wish to show your appreciation for what it did you can become one of its members or a subscriber to its publication.

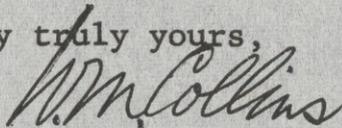
All the renunciants owe a debt of gratitude to your Tule Lake Defense Committee and its members Harry Uchida, Tetsujiro Nakamura, George Tsuetaki, Eddie Masuoka, Hiroyuki Taketaya, Harry T. Takeuchi, Yas Honda, Yoshiro Kaku, Toraichi Kono, Roger Narimatsu, Masaru Yamaichi, Sam Iseri, Ben Watanabe, Roy Shiraishi, Takeo Yamamoto, Arata Hayashida and other hard-working members of the Committee. If it had not been for the complete devotion and splendid work of your Committee your case probably could not have been brought to a successful conclusion. It was your Committee that fixed the amount of individual contributions and raised and sustained the common defense fund of the renunciants and transmitted the funds to me in trust to defray all the costs and expenses necessitated such as stenographers, postage, printing, stationery and travel expenses and legal fees to me for my services. It was your Committee that made it possible for the cases to be prosecuted in the District Court, to defend against the appeals to the Circuit Court, to appeal to the Supreme Court, for everyone to take advantage of the administrative remedy that is resulting in the cancellation of so many renunciations and to make some provision for individual court hearings to bring the remaining causes to conclusion.

You need not be ashamed of the fact that you once renounced citizenship. You did so because the government took advantage of you while it held you in duress and deprived you of practically all the rights of citizenship. You had no opportunity to make a free choice in the matter. Inasmuch as your renunciation is declared by the conclusive judgment to have been void you do not have to reveal to anyone that you once renounced citizenship. The records of your voided renunciation in possession of the Attorney General of the U.S. are not open to public inspection. My records are confidential and are not subject to examination. The only other records of your renunciation are those of the Court and consist chiefly of pleadings.

I am delighted that this litigation has terminated successfully for you. It is my hope that finally all those still in the mass suits likewise may have their renunciations cancelled by court judgment and their citizenship recovered.

You should keep the enclosed certified copy of the conclusive judgment in your favor as a memento of the ordeal you have undergone and also as a document which demonstrates that you are a citizen of the United States.

Very truly yours,



P.S. An alien child of a U.S. citizen also is entitled to enter the United States for permanent residence purposes on a "non-quota immigrant visa" which can be applied for at the nearest U.S. Consul's office in Japan or the U.S. Immigration Service office in the U.S. and, after coming to the U.S. and residing here for the required period of time, becomes eligible to apply for naturalization as a U.S. citizen.

OPENING SENTENCE TO BE MODIFIED AS APPLICABLE:

In reply to your letter of ... , ...

Pursuant to our telephone conversation of ... , ...

Inasmuch as you are a party-plaintiff in the class suit entitled Abo et al. v. Rogers et al. and you have the opportunity to recover your citizenship, ...

The information contained in the questionnaire [and sample affidavit form] you recently returned to me is inadequate in some respects by Justice Department standards. Therefore we are enclosing herewith another Personal Questionnaire Form [and Affidavit Form] ...

The affidavit forms you sent to me for administrative processing are inadequate in some respects by Justice Department standards. Therefore ...

... , we are enclosing herewith a Personal Questionnaire Form and Affidavit Form which we would thank you to fill out completely to the best of your recollection and ability and return to this office promptly. All questions must be answered fully to the best of your recollection.

It is suggested that you carefully read each of the questions, study each question and make every effort to recollect the happenings at the time of your renunciation, the reasons for your conduct, and problems that confronted you and any worries and fears which concerned you. This Questionnaire is for my own personal use and is confidential so do not hesitate to give full, true and correct answers and to mention names. The giving of names will assist me and will not do any harm either to you or the persons you name.

[The enclosed "Outline of Events Leading to Renunciation of Citizenship" is sent to you to assist you in the preparation of your answers. Please do not use the wording of this material but put your answers in your own words.]

When you have completed your answers to all the questions please return the forms promptly to this office. If you will do this promptly I will prepare a proper affidavit from the information in the questionnaire and affidavit form and from materials in my files and send it to you for examination and to have it sworn to before a notary public. Then I will have it processed through the Justice Department and if that Department grants you administrative clearance I can have a judgment entered in court cancelling your renunciation of U.S. citizenship and declaring you to be and at all times to have been a U.S. citizen.

Very truly yours,

Encs.

FORM LETTER TO THOSE NOT PROCESSED - in reply to inquiry regarding status, etc.

Civil Division
U.S. Department of Justice
Washington 25, D.C.

Attn: Enoch E. Ellison, Esq.
Chief, Japanese Claims Section

Dear Mr. Ellison:

Re: Abo et al. and Furuya et al. v.
Rogers et al. (Consolidated cases)
Civil No. 25294-G

....., born [and his wife,
....., born] whose affidavits
were delivered to the U.S. Attorney's office in San Francisco
on, for administrative processing in
Abo et al. v. Rogers et al., No. 25294, desire[s] to make a
visit to Japan because [his father is quite ill in Japan and
his son would like to see him before his father passes away]
[.....'s is ailing, his (her)
having passed away in Japan (last year) after a prolonged
illness] [..... wishes to take with (her) the ashes
of (her) (mother) who passed away]. [etc.]

In consequence I would be grateful if you would be
good enough to process [his] affidavits to determine whether
you would grant [him] administrative clearance so that if
cleared [he] will be enabled to [pay his last visit to his
father].

Very truly yours,

FORM LETTER TO JUSTICE DEPARTMENT REQUESTING PREFERENCE IN
ADMINISTRATIVE PROCESSING

May 1958

George Cochran Doub, Esq.
Assistant Attorney General
Civil Division
U.S. Department of Justice
Washington 25, D.C.

Attn: Enoch E. Ellison, Esq.
Chief, Japanese Claims Section

Dear Mr. Ellison:

Re: Abo et al. and Furuya et al. v.
Rogers et al. (Consolidated cases)
Civil Nos. 25294 and 25295.

I wish to inform you that the name of,
born, included in your letter of
....., listing plaintiffs in the above-entitled
action who have been documented or recognized as United
States nationals, was omitted from the Stipulation and
also from the Judgment entered on
The reason for omitting the name of
was that although [he] was joined on the day of
....., [he] was dismissed therefrom on,
pursuant to [his] request to be withdrawn.

Very truly yours,

cc: Charles Elmer Collett, Esq.
Assistant United States Attorney
422 Post Office Building
Seventh and Mission Streets
San Francisco 1, California

FORM LETTER TO JUSTICE DEPARTMENT RE: OMISSION OF NAME FROM
STIPULATION AND JUDGMENT RE THOSE DOCUMENTED
OR RECOGNIZED AS U.S. NATIONALS.

May 1958

In reply to your letter of,
I wish to inform you that

(EXAMPLES OF ANSWERS TO BE MODIFIED AS APPLICABLE
FOR THOSE WITHOUT FINAL JUDGMENT):

the balance of your contribution to the renunciant
defense fund is \$.....

you may make your contribution to the renunciant
defense fund in the manner therein described.

it would be quite all right for you to make your
contribution on the installment plan to the costs,
expenses and attorneys fees involved in the litigation.

(FOR THOSE WITH JUDGMENT ENTERED):

your balance is \$.....

it would be quite all right for you to make your
payments on the installment plan.

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

May 16, 1958

Enclosed find [an original and two copies of] a proposed affidavit which I have prepared for you from the material and questionnaire that you sent to me. I would thank you to read the affidavit and if there are any errors contained therein I would thank you to let me know what those errors are immediately by airmail and I will prepare a new affidavit for you.

However, if the affidavit contains a true and correct statement of the facts, I would thank you to take the [original] affidavit to the nearest U.S. Consul and there sign it in the presence of the U.S. Consul and swear to it and have the Consul sign the same and attach his seal. Thereupon you should return the [original] affidavit [and the two copies thereof, each containing your signature,] to me and I will forward the material to the Passport Review Board in Washington, D.C., along with an appeal and Brief On Appeal from the Consul's previous denial to you of a U.S. passport and his issuance to you of a Certificate of Loss of U.S. Nationality. [It is my belief that you are entitled to the issuance of a U.S. passport and that there is a likelihood that the Passport Review Board will order it to be issued after it reviews the appeal to which I will attach the affidavit that you return to me.]

Very truly yours,

WMC:fd

FORM LETTER TO STRANDEES ENCLOSING PROPOSED AFFIDAVIT (via airmail)

May 16, 1958

In reply:

For those processed
within recent
months

May 1958

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

Dear

As I previously informed you, your affidavit has been sent to the Justice Department. 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 when the Justice Department informs me of its decision in your case.

Very truly yours,

WMC:fd

In reply to:

~~For~~ those processed
a year or so
ago

May 22, '958

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

The Justice Department has not yet made
a determination in your case. As soon as I
have a reply from the Justice Department I will
let you know. It is my belief that the Justice
Department soon will act on your case.

Very truly yours,

WMC:fd

I would thank you to inform me whether or not the U.S. Consul has notified you that a "non-quota immigrant" visa will be delivered to you. If he has then you should request from me a dismissal of you from the pending class suits. Further, you must not apply for a Japanese passport until after the U.S. Consul notifies you that he will deliver to you a "non-quota immigrant" visa.

The reason I suggest this to you is that if the U.S. Consul should deny to you a "non-quota immigrant" visa thereafter it would be possible to continue the administrative processing of your case or to have you return to the United States on a Certificate of Identity for trial purposes provided you have not been dismissed from the law suit. Once you are dismissed from the law suit there is no possibility of being rejoined. Once you have applied for a Japanese passport you will have committed another act of expatriation and will be barred from claiming U.S. citizenship in the pending law suit.

Very truly yours,

SAMPLE FORM LETTER FOR THOSE WISHING DISMISSAL (TO RETURN
TO US. ON "NON-QUOTA IMMIGRANT" VISA)

June 1958

(VIA AIRLETTER)

The original and two copies of an appeal from the issuance to you of the certificate of the loss of U.S. nationality coupled with motions to reopen and reconsider your application for a U.S. passport and for the issuance thereof have been filed with the Board of Review of the Passport Office of the State Department in Washington, D.C. As soon as the State Department makes a decision I will notify you thereof promptly. It may take from one to three months for a decision to be rendered.

(Inasmuch as the affidavit of was signed before a notary public in Japan it may be that the Board of Review yet may require that affidavit to have affixed thereto a U.S. Consul's certificate stating that the person who administered the oath was a Japanese public official).

(Inasmuch as the statement of was signed by him and stamped with his personal seal it may be that the Passport Office may consider it inadequate because it was not sworn to before a notary public and thereafter had attached thereto a certificate of a U.S. Consul showing that the notary was a Japanese public official). (The Passport Office, however, informed that in the event that it considers the affidavit to be defective for such a reason it will give us an opportunity to have the deficiency supplied by the execution of a new affidavit containing verification by a notary public and a certificate of a U.S. Consul attached thereto, or by having a new affidavit drawn up sworn to by said person before a U.S. Consul).

(WMC to dictate further as applicable.)

Very truly yours

FORM LTR - NOTIFYING STRANDEES OF FILING OF APPEAL AND MOTIONS.

July 1958

Enclosed find an original of a proposed affidavit which I have prepared for you from the material and questionnaire that you sent to me. I would thank you to read the affidavit and if there are any errors contained therein I would thank you to let me know what those errors are immediately by airmail and I will prepare a new affidavit for you.

However, if the affidavit contains a true and correct statement of the facts, I would thank you to take the original affidavit to the nearest U.S. Consul and there sign it in the presence of the U.S. Consul and swear to it and have the Consul sign the same and attach his seal. Thereupon you should return the original affidavit to me promptly.

[In some cases WMC dictates further as applicable.]

Very truly yours,

Enc.

FORM LETTER - to Strandees enclosing one (original) affidavit for execution and return to WMC

July 1958

✓

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: Garfield 1-5827

I would thank you to notify me of what decision
the U.S. Consul and State Department have made on your
application for a U.S. passport and whether or not the
U.S. Consul has issued to you a U.S. passport.

Very truly yours,

WMC:fd

FORM LETTER - FOLLOW-UP TO THOSE CLEARED ADMINISTRATIVELY PENDING
VOTING, KOSEKI, ETC. QUESTIONS (passport applications
made)

July 1958

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: GARfield 1-5827

I would thank you to notify me by return mail whether or not you have applied to the nearest U.S. Consul for a U.S. passport and, if so, what decision he has made thereon.

For your information, it is my understanding that the U.S. Consuls and the State Department are willing to issue U.S. passports to those who voted in Japanese elections from 1945 to 1952, the reason being that until then Japan was an occupied country and persons were under pressure or compulsion of the Allied occupation forces to vote and feared punishment and feared they would be deprived of ration cards if they didn't vote.

Very truly yours,

(VIA AIRLETTER)

FORM LETTER - Follow-up letter to those cleared pending voting
question.

July 24, 1958

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: GARfield 1-5827

Sometime ago I forwarded to you an affidavit which I requested you to take before the nearest U.S. Consul and there sign and swear to it and thereupon return the same to me. You have not returned it to me.

I would thank you to let me know by return airmail letter (1) whether you intend to sign that affidavit before a U.S. Consul and then return it to me, or (2) whether you took that affidavit and filed it with the U.S. Consul. If so, when did you file it and with what U.S. Consul did you file it?

Very truly yours,

(VIA AIRLETTER)

FORM LETTER - to those in Japan who haven't returned affidavits
July 25, 1958

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

I would thank you to inform me of what steps, if any, you have taken to obtain a U.S. passport and what decision the U.S. Consul and the State Department have made on your application for a U.S. passport.

Very truly yours,

(VIA AIRLETTER)

FORM LETTER - to those granted administrative clearance pending
Koseki question only

July 25, 1958

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: GARfield 1-5827

Dear

I would thank you to notify me of what decision
the U.S. Consul and State Department have made on your
application for a U.S. passport.

Very truly yours,

FORM LTR (AIRLETTER) to non-plaintiff renunciants in Japan

Aug. 15, 1958

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: GARfield 1-5827

I would thank you to notify me of the decision made
by the State Department and the U.S. Consul in connection
with your application for a U.S. passport.

Very truly yours,

Board of Review
Passport Office
State Department
Washington, D.C.

Gentlemen:

In re:

Enclosed find original and two copies of
appeal of and motions to reopen
and reconsider [his] application for a U.S.
passport accompanied by affidavits [and documents]
in support thereof.

Very truly yours,

Encs.

FORM LTR - re Standrees appeals to Passport Review Board

July 1958

Dear

On March 31, 1958, the U.S. Supreme Court held in the case of Nishikawa v. Dulles that a U.S. citizen who served in the Japanese armed forces did not lose U.S. citizenship unless he was inducted voluntarily. It also held that the U.S. Government must prove by "clear, convincing and unequivocal evidence" that his induction into the Japanese armed forces was voluntary in order for him to lose his U.S. citizenship.

Because you feared disobedience to the Japanese conscription laws would subject you to imprisonment for violating those laws you were compelled to obey the draft order, report for induction and be inducted. Therefore, your induction into and service in the Japanese armed forces was not voluntary but was coerced. You submitted to induction only because you feared if you complained, resisted or disobeyed you would be sent to prison and also be mistreated by the Japanese military authorities and also by the Japanese people.

If the State Department can be convinced that you were inducted only because of your fear of punishment for failure to obey the Japanese draft laws they will reach the conclusion that you acted involuntarily and will issue you a U.S. Passport. It will be necessary to convince them, however, that you acted under coercion and that you did not voluntarily submit to induction. They may be convinced that you acted involuntarily by your own statement and the affidavits of others who may be acquainted with the facts relating to your induction.

I am enclosing a questionnaire which I would thank you to fill out and return to me so that I can prepare a statement for you to be filed on an appeal to the Passport Review Board in Washington, D.C. Also I would thank you to send to me a copy of the original application you made for a passport, together with any supporting statements and affidavits you filed with the U.S. Consul and also any letters you have received from the U.S. Consul relating to your application and to any denial of your application and also the "Certificate of Loss of U.S. Nationality" the Consul sent to you.

FORM LETTER TO NEW STRANDEES ENCLOSING QUESTIONNAIRE AND ANSWERING INQUIRY RE FEE

Sept, 1958

In reply to the inquiry in your letter of,
I wish to state that if I am successful in your appeal and your
U.S. citizenship is declared and a U.S. passport issues to you,
you should in course of time see that I am paid a fee of eight
hundred (\$800.00) dollars. In the event that you are not cleared
you should arrange to pay me a fee of three hundred (\$300.00)
dollars.

Very truly yours,

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

October 29, 1958

(VIA AIRLETTER)

On _____, I sent to you by airmail an original affidavit with the request that you read it and make any necessary corrections thereon and that you then take it promptly to the nearest U.S. Consul in Japan and there swear to it and have his seal affixed thereto and that you then return it to me by airmail for processing to the Justice Department.

If you have any reason for delaying to return your affidavit to me, please notify me promptly.

I urge you to take care of this important matter immediately.

Very truly yours,

FORM LETTER: to those in Japan who haven't returned their affidavits

Oct. 29, 1958

Please send me your answers to the questions
I put to you in my letter of _____
so that I may prepare a new affidavit upon which
you may receive administrative clearance.

Very truly yours,

FORM LETTER: 2nd Follow-up to Rejects who haven't answered letters

Oct. 31, 1958

Dear

Please send me your answers to the questions I put to you in my letter of _____, so that I may prepare a supplemental affidavit upon which you may obtain administrative clearance.

Very truly yours,

FORM LETTER: 2nd Follow-Up to those For Supplemental Affidavits
who haven't answered letters

Oct. 31, 1958

Dear

I wish to inform you that the Justice Department for the third time has denied you administrative clearance.

The administrative processing of all of those renunciants in the class suits who have cooperated with their Committee and supplied me with sufficient information to prepare affidavits for them is drawing to a close rapidly. At the conclusion of the administrative processing for the few plaintiffs whose cases have not yet been decided favorably I will reopen negotiations with the Justice Department with the hope that it will make further concessions and it is possible that you will be a beneficiary of such negotiations.

In the event that my negotiations do not succeed in gaining clearance for you I will then set down your case for individual hearing in court and will send to you a letter to present to the U.S. Consul who will then issue to you a Certificate of Identity enabling you to return to the United States for trial purposes.

Very truly yours,

FORM LETTER: notification of 3rd reject

Nov. 5, 1958

Smooth crase

Please send me your answers to the questions I put to you in my letter ofso that I may prepare a supplemental affidavit upon which you may obtain administrative clearance. In addition to answering my previous questions, I would thank you to fill in your answers to the following questions and send them to me.

Your renunciation hearing was held at
(in the early part of 1945) (on..... 1945)

1. At your renunciation hearing on _____
in _____ did you have an interpreter? _____
2. Was the interpreter a man or a woman? _____
3. Was the interpreter a member of the Justice Department staff? _____
4. Was the interpreter just one of the internees in camp who spoke English and Japanese? _____
5. Was the interpreter a Kibei, Issei, Nisei or Caucasian? _____
6. Did you know the name of the interpreter? _____
7. What was the interpreter's name? _____
8. Was the interpreter present at your renunciation hearing from the start of the hearing to the completion of the hearing? _____
9. Was the interpreter called in by the officer because the officer could not understand you? _____
10. Did you ask for an interpreter at that hearing? _____
11. Did you actually need the services of an interpreter at your renunciation hearing? _____
12. At your renunciation hearing on
was the hearing officer a man or a woman? _____
13. Was there a stenographer present at your renunciation hearing on? _____
14. Was the stenographer present at your renunciation hearing from the start of the hearing to the completion of the hearing? _____
15. Was the stenographer a man or a woman? _____

FORM LETTER: Follow-up to those For Supplemental Affidavits who have not responded to letter (s)

NOV 7 1958

Your mitigation hearing was held at
on That was the hearing held in order to
ascertain whether you could be released from detention.

16. At your mitigation hearing on
in....., did you have an interpreter?
17. Was the interpreter a man or a woman? _____
18. Was the interpreter a member of the Justice Department
staff? _____
19. Was the interpreter just one of the internees in camp
who spoke English and Japanese? _____
20. Was the interpreter a Kibei, Issei, Nisei or Caucausian?
21. Did you know the name of the interpreter? _____
22. What was the interpreter's name? _____
23. Was the interpreter present at your mitigation hearing
from the start of the hearing to the completion of the
hearing? _____
24. Was the interpreter called in by the officer because the
officer could not understand you? _____
25. Did you ask for an interpreter at that hearing? _____
26. Did you actually need the services of an interpreter at
your mitigation hearing?
27. At your mitigation hearing on was the
hearing officer a man or a woman? _____
28. Was there a stenographer present at your mitigation
hearing on January 12, 1946? _____
29. Was the stenographer present at your mitigation hearing
from the start of the hearing to the completion of the
hearing? _____
30. Was the stenographer a man or a woman? _____

If you will answer these questions and send them to me together
with your answers to the questions I put to you in my letter of
....., by return mail, I will be able to prepare
a supplemental affidavit for you with the expectation that you
may gain administrative clearance.

Very truly yours,

WAYNE M. COLLINS

ATTORNEY AT LAW

MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1-5827

On Form I-53, captioned "1957 Address Report Card" you can mark an "X" as your answer to item (7) which ask if you are in the U.S. as a "Permanent Resident" and in answer to item (10) concerning your citizenship you should print or type the answer "I claim to be a U.S. citizen."

Very truly yours,