

22:2

Mitigation HEARING, SANTA FE, New Mexico

1945-1946

78/177

C

San Francisco, California
November 14, 1945.

HONORABLE TOM CLARK,
Attorney General of the U. S.,
Department of Justice Building,
Washington, D. C.

Dear Sir:

Each of the persons whose name appears on the attached list, hereinafter referred to as the renunciant for the sake of clarity, at all times herein mentioned has been interned and now is interned in the Alien Internment Camp, situated in the vicinity of Santa Fe, New Mexico. Ostensibly each of said persons there is confined as an asserted renunciant of United States nationality. Under a claim of color of authority under the Alien Enemy Act, 50 U.S. Code, sec. 21 et seq., each of them is classed, treated and detained as an alien enemy in said prison, concentration or internment camp by you or under your authority. The reason for this continued and oppressive imprisonment of said persons appears to be that at a perfunctory appearance before a government official, representative or hearing officer, presumably designated as such by the then Attorney General of the United States, each of the said persons, in the early part of 1945, signed an application for renunciation of United States nationality on a form prescribed and supplied by the Department of Justice.

The signing of said renunciation forms was not under oath. It was neither real, free nor voluntary on the part of any of the said persons but was obtained through duress, menace, fraud, undue influence and mistake of fact and of law, and through the means of each of said things, all as you heretofore have been informed by each of said person's recent letter to you revoking such renunciation.

Each of the said persons has received a letter from a representative of your Department which contains a notice stating, in substance, that said renunciation has been approved by the Attorney General as not contrary to the interests of national defense and that the signer of said renunciation form no longer is a citizen of the United States and is not entitled to any of the rights and privileges of such citizenship. Each of such letters, however, fails to specify the date when, if ever, the Attorney General himself approved the renunciation and also fails to state that an order, at any specified time or ever, actually was issued by him approving the renunciation as not contrary to the interest of national defense. It is significant that an approval of a renunciation is a finding that a renunciant is not a danger to our security. It is strange that many of such applications were revoked by the signers prior to the time any attempted approval thereof was made and that the revoking letters were ignored by your Department.

The theory offered in justification of such internment, if I am correctly informed, is that an approved renunciation, provided it was executed and approved during time of war and possessed the attributes of constitutionality and legality, automatically converted the renunciant into an alien enemy and thereupon condemned him to internment as an alien enemy under the provisions of the Alien Enemy Act. The theory is novel and unprecedented to say the least. The most that can be said of such a renunciation is that a shedding of U.S. citizenship does not clothe the renunciant with foreign citizenship but leaves him stateless. Such a person, nevertheless, is an inhabitant of this country and is entitled to the protection of constitutional safeguards. There is neither constitutional nor statutory authority or precedent justifying the internment of such a person

as an alien enemy under the provisions of the Alien Enemy Act.

None of the persons whose name appears on the attached list is an alien enemy and none at any time has been an alien enemy or an alien or a national or a citizen or a subject of any foreign, sovereign, government, power or nation. Each of said persons was born in the United States and ever since continuously has been and now is subject to the jurisdiction there of and is a national of and a citizen of the United States, as provided by the 14th Amendment of the Constitution, and as such is entitled to all the rights, liberties, privileges and immunities of national citizenship and to those rights secured to persons by the 5th Amendment of the Constitution.

As the attorney duly authorized to represent and representing each of said persons whose name appears on the attached and annexed list which is incorporated herein, and for and on behalf of each of them, I hereby withdraw, retract, rescind, revoke, cancel and annul each of said renunciations and renunciation forms executed by each of them upon the following grounds and for the following reasons, among other grounds and reasons, to-wit:

1. That the said renunciation was invalid and void in its inception and also in its execution and has never become and cannot become effective;
2. That neither an approval nor an order approving the said renunciation has been made or issued by the Attorney General of the United States and none possessing validity can be made;
3. That neither an approval nor an order approving the said renunciation can be made by a subordinate executive officer in the absence of a specific statutory authority having been lodged by Congress in the Attorney General of the United States to delegate such a discretionary authority to be exercised by any person;
4. That the provisions of 8 USCA, sec. 801(1), and regu-

lations issued pursuant thereto, on their face and also as construed and applied to each of said persons, are unconstitutional and void for being repugnant to the 5th, 6th, 9th, 10th and 14th Amendments and in contravention of the privileges and immunities secured to each of them by the provisions of Article IV, sec. 2, of the Constitution;

5. That the application of the provisions of 8 USCA, sec. 801(1), and regulations issued pursuant thereto, to each of said persons is in excess of congressional authority lodged in Congress by Article I of the Constitution and is void as being extra-constitutional;

6. That an approval of said renunciation form, if given, and the giving of notice thereof, were, and each of said things was, in fact and in law, contrary to the interests of national defense and also contrary to the sovereignty of the United States, and for each of said reasons is invalid and void;

7. At the time said renunciation form was signed and ever since then the renunciant, together with a member or members of his or her immediate family, was held in duress, then and there being unlawfully imprisoned in the said Tule Lake Center and thereafter in said Internment Camp, under a claim of color of official governmental authority, and being deprived of practically all his or her constitutional rights, liberties, privileges and immunities guaranteed to him or her as a citizen and national of the United States by birth and by choice and of practically all his or her rights as a person secured by the Constitution. While thus imprisoned and held in duress renunciant was made the unwilling victim of fraud, menace and undue influence and was mistreated, discriminated against, harassed and oppressed solely by reason of the irrelevance of the nationality of his or her ancestors and their historical and geographical origin;

8. At the farcical hearing on said renunciation which, held under the aforesaid circumstances, was nothing but a perfunctory appearance, the hearing officer's recommendation thereon was based, either in whole or in part, upon secret information and data available to and used by the hearing officer but which was withheld and kept secret from renunciant, and the approval thereof and order approving said renunciation, if any ever was made, was wholly or partially based thereon and, therefore, is invalid and void as a deprivation of a fair and impartial hearing, in violation of the provisions of the 6th Amendment, and as a denial of due process of law, in violation of the provisions of the 5th Amendment;

9. That the United States government, acting by and through its officials, agents, servants and employees, as the guardian and custodian of the person of renunciant and of the persons or members of his or her immediate family, its wards, knowingly and deliberately took a gross advantage of renunciant who then and there was held in duress and in a constant state of terror and subjected to menace, fraud and undue influence and deliberately deprived renunciant of the benefit of independent advice and counsel in and about the hearing on said renunciation and the execution of said renunciation form and failed to inform renunciant that a renunciation would result in his or her deportation to Japan. The authorities confining renunciant to said prison also recently commanded renunciant to register as an alien, under pain of punishment provided for violation of the Alien Registration Act of 1940 for refusal so to do, and also demanded of many renunciants a false declaration, in a non-repatriation application, to the effect that renunciant was a person of Japanese nationality or a dual citizen despite the fact said authorities then knew, as a matter of fact and of law, that renunciant was of United States nationality and not

a dual citizen, and also refused to accept written protests against such registration and delcarations;

10. The time, place and circumstances under which said renunciation form was signed by renunciant did not constitute a fair and impartial hearing or trial and, in fact and in law, constituted a denial of renunciant's constitutional guaranty of due process of law and of the equal protection of the laws, in violation of the provisions of the 6th and 5th Amendments of the Constitution and, in addition thereto, constituted an unconstitutional deprivation thereunder of all of those inalienable rights of national citizenship and of persons flowing from the facts of birth and residence in this country and which inhere in and attach to renunciant;

11. That at the time said renunciation form was signed the renunciant was not a free agent in any sense of the words but, together with members of his or her immediate family, then and there was and for a long period of time prior thereto had been and still is unlawfully confined to a concentration camp and restrained of his or her liberty, under a claim of color of authority of the United States, albeit in the absence of crime upon his or her part and without a charge or accusation of crime having been lodged against him or her. Said renunciation was exacted from renunciant while he or she was held in duress by the government acting through its officials, agents, servants and employees and while renunciant was, by them, knowingly permitted to be subjected to the menace, fraud, undue influence and duress exerted and practiced upon him or her by the government and its agents and especially by organized terroristic groups and gangs of persons, and other individuals, who were confined to said Center, which groups had established and maintained a veritable reign of terror over the internees;

12. That said renunciation was neither free nor

voluntary on the part of renunciant but was the product of fear, torment and terror induced in renunciant's mind by virtue of the governmental duress in which renunciant then and there was held which operated to deprive renunciant of freedom of choice, will and desire in and about the execution of the same; and at the time renunciation hearings were being held in said Center the government and its agents led the internees to believe and since then has led them to believe, by word and conduct, that renunciations were not final but were subject to being withdrawn and cancelled, in like manner as requests for repatriation were subject to withdrawal and cancellation, and thereby lulled them into a false sense of security and also led them to believe that renunciations would not result in a renunciant's involuntary deportation to Japan and thereby also lulled them into a false sense of security;

13. That said renunciation was neither free nor voluntary on the part of renunciant but was the product of fear, torment and terror induced in renunciant's mind by virtue of the duress in which he or she then was held and by virtue of the duress, menace, fraud and undue influence practiced upon and exercised against renunciant and members of renunciant's immediate family by terroristic groups and gangs of disloyal, subversive and fanatical persons there actively engaged in developing and promoting loyalty to Japan, and by other individuals, likewise confined to said Center, who intimidated, coerced and compelled renunciant to execute said renunciation form by threats, exhibitions and examples of physical violence against the person of renunciant and members of renunciant's family, all of which operated to deprive renunciant of freedom of choice, will and desire in and about the execution of the same. The truth of this is acknowledged in the letter of the Department of Justice

dated January 18, 1945, addressed to the respective chairman of the Sokuji Kikoku Hoshi Dan and the Hokoku Seinen Dan at the Tule Lake Center, copies of which, at the instance of your Department, were posted promiscuously in the said Center;

14. Renunciant signed said renunciation form as a result of the duress, menace, fraud and undue influence to which he or she and renunciant's family confined to said Center constantly were subjected by the government, and its agents, as renunciant's jailor and custodian, and by the aforesaid terrorist groups, gangs and individuals to whose studied and continuous campaign of terrorism and criminal oppression renunciant there helplessly was exposed and such renunciation was and is false, fictitious and void for each of said reasons;

15. That said renunciation was neither free or voluntary; the renunciant was compelled, intimidated and coerced into signing said renunciation form by reason of threats of unlawful and violent injury to the person, property and character of renunciant and to members of renunciant's family, made by disloyal, subversive and dangerous pressure groups, gangs and individuals harbored and detained in said Center. These were freely allowed and permitted by the government, as the jailor and custodian of renunciant, to menace, intimidate, coerce and terrorize renunciant and many other loyal American citizens there confined, by oral means, by displays, shows, parades, demonstrations and exhibitions of force and violence, and by threats of inflicting great physical injury and loss of life upon renunciant and other loyal American citizens there confined, thereby compelling them involuntarily to execute such renunciations. The renunciant was in constant fear, as was his or her immediate family and other loyal internees, and believed and feared, as did members of his or her family, that said threats would be carried into execution if said renunciation

was not signed. The renunciant was acting under the duress, menace, fraud and undue influence of said groups and gangs, and of other individuals confined to said Center, and by virtue thereof, signed said renunciation form under compulsion and in fear of said threats. The government failed to accord renunciant and said persons the protection against said lawlessness and terrorism although protection against the same was their due. It failed to halt or put a stop thereto and thereby contributed to the mass hysteria and terroristic state in which they were held. Of all these facts your predecessor in office, the agents of your Department and the authorities in charge of said Center then were aware;

16. That at the time said renunciation application was signed renunciant had been informed and led to believe and believed, by virtue of said imprisonment, duress and the undue influence under which he or she was laboring, that it was a matter commanded by the government, compliance with which was a prerequisite to the right to remain in the protective security of said Center, as also to prevent a disuniting of renunciant's family. In addition, you are aware of the great number of overt and covert acts committed, the misrepresentations made by and the undue influence exercised over renunciant and other internees by the said terroristic pressure groups and gangs of disloyal, subversive and criminally inclined persons, likewise there confined, who compelled the applications to be signed. For a long time prior to the signing of said application, at said time and since such groups and gangs knowingly and recklessly were permitted by the government and its agents to engage in and carry on their continuous campaign of lawlessness and terror against renunciant and other loyal internees there confined and to establish and maintain a rule of terror over them. These groups and gangs were

openly permitted and allowed to preach and practice sedition, to terrorize the internees and to endeavor to proselyte to the cause of the enemy those loyal American citizens and aliens friendly to the United States there interned. They were permitted to and did menace, intimidate and coerce thousands of loyal and law abiding internees, by means of threats and resorts to demonstrations, exhibitions and examples of individual assaults and batteries and mob violence, into compelling renunciant and thousands of others to execute said renunciation form.

The government neither prevented nor stopped the said reign of terror. It afforded the internees neither help nor protection against it. It failed to prosecute the active leaders and members of said groups and gangs for the commission of such criminal acts. By reason of said rule of terror, which kept the internees in a constant state of mass hysteria, and in the absence of protection against the same being afforded by the government, many loyal and innocent but helpless internees were driven to become nominal but inactive members of such groups simply to save themselves and their families from danger, physical violence and probable loss of life from said sources;

17. Each of said persons was informed, by public announcements made by governmental authorities just prior to the time said renunciations were signed, and concurrently therewith, that his or her deportation to Japan, along with alien members of his or her family, on an exchange ship, was imminent and impending and each and all of them, by said pressure groups and gangs active in said Center and members thereof, were threatened that if he or she failed to sign an application for renunciation the security of each and that of their families upon arrival in Japan would be endangered because the pro-Japanese leaders of said nationalistic pressure groups and gangs would report them to the Japanese

government as being dangerous alien enemies to Japan and as American spies, in which said announcements and representations he or she and his or her family and other internees detained in said Center believed and feared would be the treatment accorded them all. Said groups and gangs maintained an elaborate system of black-listing and espionage over the internees in said Center as part of the program of systematic tyranny to which they subjected the internees;

18. At the time said renunciation was signed and for weeks prior thereto active leaders and members of said pressure groups threatened said persons and each of them that if any of them talked to, associated with or communicated with any of the Caucasians within or without said Center to whose charge they were committed or with any Caucasians there employed that such persons so doing would be assaulted by terroristic gangs sponsored by said pressure groups. Each of said persons believed in and feared and had good cause and reason to believe in and fear, that said threats against him or her would be carried into execution and that he or she and their families would be exposed to physical violence and probable loss of life if he or she failed to heed said threats and refused to obey the mandates of said pressure groups.

It may interest you to learn, although I presume you long ago must have been informed, that such pressure groups and gangs maintained, operated and conducted special coaching schools in the Center for the express purpose of coaching the helpless victims of their fraud, menace, deceit and undue influence upon the questions the hearing officers were to propound to them and the answers they were to give thereto at the scheduled hearings on the renunciation applications. You have been informed, I presume, that at least one loyal internee was murdered in said Center and that it does not seem ever to have been doubted by the internees and their custodians that the murderer was an active

member of one of the terroristic groups operating therein and carrying out its mandate. You are aware that the government and its agents made little, if any, effort to suppress and none to isolate the active criminal members of such groups. You know that none of the leaders or active members of said groups and gangs were prosecuted criminally for their lawless acts. Had the federal sedition and espionage or other criminal laws been invoked against them their lawlessness would have been checked;

19. In the event of a refusal to execute such a renunciation form the renunciant, together with renunciant's immediate family, was informed, believed and feared, by reason of said duress, intimidation and coercion, and by reason of representations made by said disloyal groups, gangs, and by other individuals confined to said Center, that renunciant and members of renunciant's family would be expelled and removed from the comparative security of his or her then prison and the custody of his or her then jailors and custodians and would be driven back, friendless, propertyless and protectionless, into civil life in a community highly prejudiced against and hostile to renunciant and renunciant's family because of their descent from persons of Japanese ancestry and there would be exposed to and suffer great bodily harm, injury and probable loss of life by virtue of existing mob violence and the criminal intentions of lawless individuals who regard all persons of Japanese descent as enemies upon whom they might with impunity inflict injury.

For the said reasons renunciant was led to believe and believed that if renunciant signed said renunciation form the renunciant, together with his or her family, would be permitted, allowed and entitled to remain in the relative security afforded by said Center, renunciant's jailors and custodians until such time as the war had terminated, peace had been restored and such community

prejudice, hostility and violence subsided and ceased. In the face of said threats and while held in duress and also acting upon said representations so made, the renunciant, under the circumstances aforesaid, believed and feared and had good cause to believe and to fear that if he or she failed to execute the renunciation form renunciant and renunciant's family would be driven from said Center and would be exposed to and would suffer great harm and physical violence from said lawless sources. These are facts and matters of common knowledge of which the renunciant's jailors, custodians, the then Attorney General and the Department of Justice and its agents well were aware.

The failure of the government and its authorities and agents to segregate and isolate and prosecute the rabid and dangerous leaders and active members of said groups and gangs who were fanatically loyal to Japan and serving the cause of our enemy and who then desired and still desire to be repatriated to Japan and who should be sent there, and through such a procedure effectively to prevent them from inoculating interned loyal American citizens and friendly aliens with the virus of disloyalty, despite the repeated pleas made for such relief and protection, is, in itself, ample proof of the abusive treatment suffered by renunciant and thousands of other internees loyal to the United States and of the duress in which renunciant and they unlawfully were held;

20. Nearly all the confined male citizens of draft age in said Center, including those who had served faithfully in our armed forces and held honorable discharges therefrom, and there were hundreds of these, and many others who were transferred, by the military authorities, from active duty to the enlisted reserve and who, with such status, are still subject

to being called for active duty, were classified as "4-C" by draft boards acting upon instructions of the government. They were thus detained, treated and falsely classified as "alien enemies", that is to say, "4-C", without good cause, without justification and in violation of their rights as American citizens. By reason thereof, they were led to believe that the government of the United States regarded them not as citizens but as alien enemies. Said conduct upon the part of the government compelled them formally to make a fictitious renunciation of a citizenship of which each already, in fact, had been deprived by the government. Many of the renunciants who are confined to said Center repeatedly have tried to enlist in our armed forces but were denied the right to fight for and defend our country by prejudiced and hostile draft boards and by governmental authority and still are denied this birthright;

21. In approving renunciations, if any were approved, a gross discrimination against the family unity of the confined persons was practiced, the governmental objective being the deportation of all renunciants. In accepting the renunciation of one member of a family and refusing another the government divides and disunites the families. The purpose of this was and is to cause a mass exodus of persons of Japanese ancestry from this country. It effectuates this purpose by compelling citizens who have not renounced to the hard choice of either remaining in this country separated from their wives, husbands, brothers, sisters, parents and children or being compelled to be the victims of a forced banishment necessitated to preserve family unity. Hundreds of our heroic soldiers of Japanese ancestry are returning from the battlefields of Europe and the Pacific to find their families divided, members thereof interned in the Center and themselves faced with such a distressing and terrible choice;

22. By reason of the 1942 evacuation from the western states and the subsequent prolonged detention of renunciant and persons of like ancestry in concentration camps the renunciant was driven into becoming a refugee from unjust racial discrimination, prejudice and hate. As a consequence of the mistreatment by the government and hostile segment of the public, both regarding and treating renunciant and persons of like ancestry as being persons of an inferior and degraded race unworthy of social acceptance on a basis of equality, the renunciant and persons of like ancestry were ostracized and forced to accept refuge from such discrimination, prejudice and hate by a retreat into the mass of persons of like ancestry held in confinement as if they were racial outcasts instinctively seeking refuge in inconspicuousness;

23. Many of the said persons whose names appear on the attached list, at the time of signing said renunciation, were minors under the age of 21 years and hence were laboring under a legal disability. Neither the provisions of the Nationality Act of 1940, as amended, nor any regulations issued pursuant thereto nor the provisions of any other statute or law authorizes a renunciation of U. S. Nationality by a minor under the age of 21 years. Neither under the provisions of 8 USCA, sec. 801(i), nor under the Nationality Regulations is there any authority lodged in the Attorney General or any executive officer to fix 18 years as the age of maturity for renunciation purposes. I wish to point out that there is no legal authority or precedent whatever for acceptance or approval of renunciations executed by persons laboring under legal disabilities. I draw your attention to the fact that not only have minors who signed renunciation forms received notice from your office that such were approved but that others who labored under legal disabilities also have received like notices. I direct your attention to the fact that

it is a matter of common knowledge in and about the Tule Lake Center that one person who was hopelessly non compos mentis at the time of signing a renunciation application, upon which a letter issued from your office giving notice of approval thereof, shortly thereafter was hurried away to a State institution for the insane;

24. None of the persons whose name appears on the attached list is a citizen, subject or national of Japan. None of them owes any allegiance to Japan or any foreign sovereign, government, power or nation. None of them has ever had, held or given any such allegiance or acknowledged or recognized any such allegiance. None of them is an alien enemy. None of them is an alien. None of them holds or has at any time ever held or accepted any dual citizenship by any act upon his or her part. It is impossible that any of them at any time could have held any dual citizenship. None of them has at any time accepted or recognized his or her status as being that of a dualistic or pluralistic citizen, such a status being impossible as having been expressly disavowed by the provisions of Title 8 U.S. Code, sec. 800, and its predecessor statute, 8 U.S. Code, sec. 15. If any of said persons at said renunciation hearings or at any time during said confinement stated he or she was a dual citizen such a statement was a mutual mistake of law and also was a mistake of fact then known to be such by the hearing officer, the government and its agents at the time and the same, if made, was made solely by reason of the aforesaid duress and undue influence, and if any such statement was made at any other time it was the product of hearsay, misinformation and guesswork and was a mistake of fact. You are aware that many of the internees at said Center took affirmative steps, prior to the time of evacuation from the west coast, to cancel a dual citizenship they never

possessed;

25. I direct your attention to the fact and principle of law that a minor or other person who is under a legal disability and hence is not sui juris could not be bound by a futile registration made by parents which may have been misunderstood by them to confer such a status. As a matter of fact and of law none of the persons whose names appear on the attached list, of whom many are under the age of 21 years, has at any time whatever held, accepted or recognized any citizenship or allegiance to any country or nation save and except that in and to the United States. Each of them recognizes but one sovereign and that sovereign is the United States to which each ever has given his or her undivided loyalty and allegiance. Unfortunately none of them was given an opportunity to demonstrate his or her loyalty affirmatively -- imprisonment and mistreatment prevented such demonstration.

V-E Day is long behind us. V-J Day has come and passed. The war long has been over, Mr. Attorney General. The detention even of alien enemies is not now authorized by the Alien Enemy Act which is operative only during wartime and can no longer be justified thereunder. It cannot be asserted with any degree of truth whatever that the Alien Enemy Act may lawfully be invoked to confine citizens, stateless persons or aliens. There now exists no legitimate reason or ground why even alien enemies long resident in this country and not hostile thereto should be confined to an internment camp. There is absolutely no reason or ground that can be offered in justification for the present detention and internment of the persons whom I represent and whose names appear on the attached list whether you view them either as citizens or as stateless persons.

Inasmuch as duress, menace, fraud, mistakes of law and fact, and undue influence caused the execution of the renuncia-

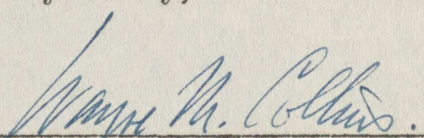
tion form on the part of each of the persons whose name appears on the attached list, of which facts you and officers of your Department have knowledge, you are empowered to accept the revocation and cancellation thereof and to withhold, withdraw and revoke any acceptance or approval of each of them, if any such acceptance ever was made or approval ever was given in any case. You are also empowered and authorized to order the release and discharge of each of said persons from internment. Each of said persons demands such a release and discharge from the custody in which he or she now is held by agents acting under your authority, direction and control.

These renunciants whom I represent are long suffering citizens. They have submitted to grosser indignities and suffered greater losses of rights and liberties than any other group of persons during the entire history of the nation, all without good cause or reason. They have been misunderstood, slandered, abused and long have been held up to public ridicule, shame and contempt. The mistreatment was initiated by an unjustified evacuation from the west coast, was intensified by imprisonment in a concentration camp for over three years, with all the attendant suffering and misery this entailed, and now these internees, faced with a loss of citizenship rights, are confronted with a threatened involuntary deportation to Japan, a country and nation to which they owe no allegiance, which has no claim upon them and with which they are not familiar. It is time this whole pernicious program of oppression was terminated. It is time the exercise of arbitrary and capricious power over them should cease. The damage done them cannot be repaired but further injury can be stopped. You have the right and the power to call halt to this program. You can prevent further mischief being done and thereby alleviate the misery these unfortunate people endure.

In the event that you fail to take immediate action on

the foregoing demands each of the persons whose name appears on the attached list, having no alternative save so to do, will institute such legal proceedings as may be lawful and of which he or she may be advised to effectuate the cancellation of his or her aforesaid renunciation form and renunciation of U. S. nationality, to prevent his or her deportation to Japan, to terminate his or her internment and to obtain release from the present restraint upon his or her liberty and to obtain whatsoever other redress law or equity may afford.

Yours very truly,



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

As attorney for each of the persons whose name appears on the attached and annexed list of names.

Duplicate originals to:

State Department, Washington, D. C.

Alien Property Custodian, Washington, D. C.

Foreign Funds Control Section of the Treasury Department,
Washington, D. C.

Federal Bureau of Investigation, Washington, D. C.

Immigration and Naturalization Service of the Department of
Justice, Washington, D. C.

Officer in Charge, U. S. Department of Justice, Immigration and
Naturalization Service, Alien Internment Camp, Santa Fe,
New Mexico.

Hon. Ugo Carusi, as Commissioner, U. S. Immigration and
Naturalization Service, Department of Justice,
1500 Chestnut Street, Philadelphia, Pa.

Hon. Grover C. Wilmoth, as District Director, U. S. Immigration
and Naturalization Service, U. S. Department of Justice,
U. S. Court House, El Paso, Texas.

Hon. United States Attorney, Santa Fe, New Mexico.

Hon. United States Attorney, Albuquerque, New Mexico.

C. E. Rhett, Esq., Acting Head, War Division, Department of
Justice, Department of Justice Bldg., Washington, 25, D. C.

Edward J. Ennis, Esq., Director, Alien Enemy Control Unit,
Department of Justice, Department of Justice Building,
Washington, 25, D. C.

INTERNEES AT ALIEN INTERNMENT CAMP

SANTA FE, NEW MEXICO

Masao Akiyoshi

Toshio Akiyoshi

Tsugio Imoto

Kazuyoshi Okamoto

Yutaka Tsurutome

INTERNEE AT THE IMMIGRATION AND NATURALIZATION

SERVICE STATION, TERMINAL ISLAND, CALIFORNIA

the foregoing demands each of the persons whose name appears on the attached list, having no alternative save so to do, will institute such legal proceedings as may be lawful and of which he or she may be advised to effectuate the cancellation of his or her aforesaid renunciation form and renunciation of U. S. nationality, to prevent his or her deportation to Japan, to terminate his or her internment and to obtain release from the present restraint upon his or her liberty and to obtain whatsoever other redress law or equity may afford.

Yours very truly,

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

As attorney for each of the persons
whose name appears on the attached
and annexed list of names.

Duplicate originals to:

State Department, Washington, D. C.
Alien Property Custodian, Washington, D. C.
Foreign Funds Control Section of the Treasury Department,
Washington, D. C.
Federal Bureau of Investigation, Washington, D. C.
Immigration and Naturalization Service of the Department of
Justice, Washington, D. C.
Officer in Charge, U. S. Department of Justice, Immigration and
Naturalization Service, Fort Lincoln Internment Camp,
Bismarck, North Dakota.
W. S. Cook, Esq., Acting Officer in Charge, Fort Lincoln
Internment Camp, Bismarck, North Dakota.
Hon. Ugo Carusi, as Commissioner, U. S. Immigration and Naturali-
zation Service, Department of Justice, 1500 Chestnut Street,
Philadelphia, Pa.
Hon. Andrew Jordan, District Director, U. S. Immigration and
Naturalization Service, Department of Justice, Post Office
Building, Chicago, Illinois.
C. E. Rhett, Esq., Acting Head, War Division, Department of
Justice, Department of Justice Building, Washington 25, D.C.
Edward J. Ennis, Esq., Director, Alien Enemy Control Unit,
Department of Justice, Department of Justice Building,
Washington, D. C.
Hon. United States Attorney, Fargo, North Dakota.
Hon. United States Attorney, Bismarck, North Dakota.

INTERNEES AT FORT LINCOLN INTERNMENT

CAMP, BISMARCK, NORTH DAKOTA

Takashi Abe
Yoshio Abe
Akira Ralph Adachi
Minoru Adachi
George Hiroshi Akahori
Isao Akiba
Goro Amemiya
Yoshio Amemiya
Tomio Bingo
Keiichi George Dohi
Tsugio Dohara
Nobuo Ebisuda
Shuntaro Frank Emoto
Jiro Fujii
Hideo Fukagawa
Raymond Katsumi Fukunaga
Masao Furusawa
Matsuichi Hamamoto
Takeo Fred Hamamoto
Tamotsu Hataye
Hisashi Joe Hayano
Yoshiro Hayashi
Kenzo Kendo Higashi
Harry Fumio Hiraki
Henry Tokio Hiraki
Shigelu Hiraki
Denichi Ted Hiraoka
Akira Hirata
Shigeru Hirata
Taneo Johnny Hirokane
Asao Honda
Kazuo Honda

Mitsuo Ichinose
Toshio Ichinose
Tatsuo Iida
Jimmie Iwao Imamura
George Imoto
Itaru Ina
Keiichi Inouye
Mitsuji Inouye
Keiichi Kay Ishigami
Morimitsu George Ishuin
Tatsuma Itani
Masaichi Frank Ito
Kiyoshi Ito
Yukio Paul Kajikawa
Tsugio Kaku
Minoru Kakutani
Shigenobu Kato
Yasunori Kawahara
Yoshinori Kawahara
Fujio Frank Kawamoto
Richard Takao Kawana
Yoshio Kinoshita
Katsuo Jimmie Kiyama
Toshio Tommy Kiyama
Hideo Kobayashi
Masumi Eddie Kobayashi
Hiroshi Koga
Satoru Koga
Masao Kotake
Seigo Kotake
Sunao Koyanagi
Rikiso Kushida

Eki Masuoka
Minoru George Matsumoto
Sueo Frank Matsumoto
Masaru Matsuura
Tatsumi Bill Matsuura
Frank Ko Mayeda
Henry Masashi Mikami
Teruo Mitooka
Susumu Miyakawa
Wataru Miyakawa
Kazuo Miyake
Toshio Mizuhata
Shigeru Morinaka
Larry Hiroshi Morita
Noboru Morita
Akira Magaoka
Charles Tadashi Nagatoishi
Sadao Nakagaki
Masazo Nakamura
Satoshi Nakamura
Toshio Nakamura
Ukyo Nakanishi
George Ryoji Nakao
Isao Nakashima
Toshiro Nakayama
Masajiro Niimi
George Minoru Nishi
Miki Nishiyama
Shoji Nosaka
Tanemi Obatake
Sei Ochi

Takumi Okamoto
Tamio Thomas Okano
Juichi James Okazaki
Toshio Okimoto
Kazuo Okinaka
Isami Thomas Osaki
Harry Tokumitsu Oshiro
Makoto Otsuka
Haruo Harry Ozawa
Kihachiro Saiki
Yutaka Sakaguchi
Gengo Sakamoto
Jingo Sakamoto
Kageto Sakamoto
Susumu Frank Sakamoto
Iwao George Shibata
Tomeo Tony Shibata
Yoshio Shibata
Satoru Shinde
Yukio Soga
Kiyoshi Suzuki
Masao Taketa
Morio Steve Taketa
Harry Takao Takeuchi
George Masanobu Tamura
Shigeo Tanaka
Yoshio Henry Tanaka
George Joji Tani
Shiro Tanji
Ken Terada
Masaru Teshiba

Tsumoru Tokubo
Sadaki Tominaga
Shigeru Jim Toriumi
Yukio Allen Tsuchitani
Frank Yoshio Tsuchiya
Takashi Tsujita
Hironori Tsukida
Minoru Ueda
Yoshito Ueda
Jack Chiaki Uemura
Seiichi Umemoto
Isamu Uyeda
Masato Uyeda
Toju Roy Uyeda
Shuji Uyemaru
Isamu Uyemura
Tadao Uyemura
Yasushi George Yamashita
Seiji Fred Yanari
Yoshio Tom Yanari
Sadao Yorita
Riichi Yoshida
Masanobu Tim Yoshimiya
Kiyoshi Yukawa

INTERNEES AT ALIEN INTERNMENT CAMP
AT SANTA FE, NEW MEXICO

Tsutomu Ben Adachi

Toshio Soga

Kazuto Kenneth Takeuchi

INTERNEES AT ALIEN INTERNMENT CAMP,
SANTA FE, NEW MEXICO

Isao Miyakawa

Mitsugi Miyakawa

Tadao Tanaka

Kazuo Tanigawa

Takeharu Amemiya
Haruo Johnny Awamoto
Hayao Chuman
Shigetaro Jack Ehara
Shoichi Furutani
Marie Shizuko Hisamune
Toshio Hisamune
Masatsuji Ide
Namiye Helen Ikejiri
Sumio Ishihara
William Takeo Ishii
Keizo Kato
Ichiro Kosha
Yoshio Kubota
Yoshito Roy Matsuda
Yasoichi Matsumura
Masaru Matsushita
Masaye Mary Miyamoto
Toshio Eddie Miyamoto
Shigeo Morishita
Hayao Nakagawa
Ryoichi George Nishi
Shizuko Nishi
Shoichi Nishimura
Toru Bill Nishimura
Miyako Frances Oda

Nobuyuki Robert Oda
Haruye Okuno
Haruye Omi nee Sakoda
Takumi Omi
Yutaka Otsubo
Kiyoshi Sato
Yoneo Shigemura
Yasuo Shinzaki
Tamiiji Somen
Noboru Taguma
Hideo Taira
Tsugio Takemoto
Senichiro Takeda
Isao Tokoshima
Tsuyuko Tsurutome
Yoshinori Umeda
Matao Uwate
Tamie Yokomizo
Zenkichi Yokomizo
Hideo Hero Yonenaka
Masami Yoneta
Haruyoshi Yoshida
Eiichi Yoshiwara
Yoshikazu Toda

Department of Justice
Washington



December 26, 1945

Wayne M. Collins, Esq.
1721 Mills Tower
San Francisco, 4, California

Dear Mr. Collins:

The Attorney General has referred to me for attention and
disposition your letter dated November 1, 1935.

This will acknowledge its receipt.

Very truly yours,

A handwritten signature in dark ink, appearing to read "C. E. Rhett". The signature is fluid and cursive, with a long horizontal stroke at the end.

C. E. Rhett
Acting Head
War Division

San Francisco, California.
February 8, 1946.

HON. TOM C. CLARK,
Attorney General of the U.S.,
Washington, D.C.

HON. UGO CARUSI,
Commissioner, U.S. Immigration & Naturalization Service,
Philadelphia, Pennsylvania.

HON. W. S. COOK, Acting Officer-in-Charge,
Fort Lincoln Internment Camp,
Bismarck, North Dakota.

HON. ABNER SCHRIEBER, Assistant Officer-in-Charge,
Santa Fe Internment Camp,
Santa Fe, New Mexico.

HON. IVAN WILLIAMS, Officer-in-Charge,
Santa Fe Internment Camp,
Santa Fe, New Mexico.

Gentlemen:

On January 20th and 21st, 1946, at Fort Lincoln Internment Camp, Bismarck, North Dakota, and on January 29th and 30th, 1946, at the Alien Internment Camp at Santa Fe, New Mexico, pursuant to the requests of the native-born Americans of Japanese ancestry whose names appear on the attached list of names and who are interned in the said internment camps and who had engaged me as their attorney, I appeared at the said camps accompanied by Theodore Tamba, Esquire, an attorney and my assistant, to confer with and advise them concerning the legality of their threatened deportation to Japan by the Attorney General of the United States, their right to have their formal applications for renunciation of United States nationality set aside by court order and their nationality declared and their right to release from the restraint theretofore, then and now unlawfully imposed upon them.

Upon my said clients assembling in meeting quarters provided for us by the officers or acting officers in charge of said camps at said times and places I was amazed to learn,

by being then and there informed by said officers, that at conferences between an attorney and his clients the rights of intern~~ed~~ clients to the assistance of counsel and their rights of privileged communications between them, guaranteed by historical constitutional, statutory and common law provisions, would neither be authorized, countenanced nor allowed and that I would be unable to confer with and advise my said clients unless there was present at all times during such conferences an officer, agent or censor employed by the governmental agency detaining my clients to sit in, spy upon, listen to, eavesdrop and censor what was, may or might have been said or done by us or any of us. I was forced, under the circumstances, to confer with my said clients and advise them as to their legal rights and remedies in the presence of and subject to the surveillance of such officers, agents and censors at said times and places. We were subjected to such mistreatment and violations of law at said times and places during my said conferences with my said clients albeit I then and there orally objected to and protested the said mistreatment and violations of law to said officers, agents and censors.

We charge that said such mistreatment, deprivations of constitutional, statutory and common law rights to counsel and the prevention of the free exercise of the right of privileged communications existing between an attorney and his clients were unauthorized violations of constitutional, statutory and common law rights. We charge that the same constitute additional acts of duress, menace and undue influence exerted by the United States government, acting by and through its agents, servants and employees, under a fictitious color of claim of authority that heretofore resulted in the wrongful internment of my said clients and that accounts for the present restraint imposed upon them and the exaction from them of fictitious applications for renunciation of United States nationality.

For the said reasons and upon said grounds, among others, orally stated by me to the officers in charge of said camps and the agents, servants and censors of the government at said times and places, I did and do now object thereto and protest the said violations of due process of law and the deprivations of said constitutional, statutory and common law rights.

Very truly yours,

Wayne M. Collins,
Attorney-at-law,
1721 Mills Tower,
San Francisco, 4, Calif.
Telephone: GARfield 1218.

Duplicate originals to:

Hon. Andrew Jordan, District Director,
U.S. Immig. & Nat. Service, Dept. of Justice,
Port Office Building, Chicago, Illinois.

Hon. Grover C. Wilmoth, District Director,
U.S. Immig. & Nat. Service, Dept. of Justice,
U.S. Court House, El Paso, Texas.

Hon. Frank J. Hennessy, U.S. Attorney, San Francisco, Calif.

Hon. United States Attorney, Fargo, North Dakota.
Hon. United States Attorney, Bismarck, North Dakota.
Hon. United States Attorney, Santa Fe, New Mexico.
Hon. United States Attorney, Albuquerque, New Mexico.

Hon. C. E. Rhettts, Acting Head, War Div., Dept. of Justice,
Washington, D.C.
Hon. Edward J. Ennis, as Director, Alien Enemy Control Unit,
Department of Justice, Washington, D.C.

Hon. Clifton M. Monroe, Chief Surveillance Officer, Santa Fe
Internment Camp, Santa Fe, New Mexico.

Hon. C. M. Uyematsu, Censor-Translator, Santa Fe Internment
Camp, Santa Fe, New Mexico.