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4:12 - Miscellaneous

1944-1946

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*Renunciation
File*

TITLE 8 ALIENS AND NATIONALITY

Chapter I. Immigration and Naturalization Service, Department of Justice

Subchapter D Nationality Regulations

Part 316 Renunciation of United States Nationality

Sec.

316.1 Loss of United States nationality under certain circumstances.

316.2 Nationals permitted to apply for renunciation.

316.3 Filing of application.

316.4 Hearing on application.

316.5 Formal written renunciation of nationality.

316.6 Hearing officer's recommendation.

316.7 Approval or disapproval by Attorney General.

316.8 Notice of Attorney General's decision.

316.9 Effective period of these regulations.

8 U.S.C. 801(k)

Authority: Sec. 316.1 to 316.9 inclusive, issued under Sec. 401 of the Neutrality Act of 1940, 54 Stat. 1168 (8 U.S.C. 801) as amended by the Act of July 1, 1944 (P.L. 405, 78th Cong., 2d Sess.)

316.1 Loss of United States nationality under certain circumstances. Section 401 (i) and 403 (a) of the Nationality Act of 1940 (8 U.S.C. 801,803), as amended by the Act of July 1, 1944 (PL 405, 78th Cong., 2d Sess.) provide:

Sec. 401. A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by:

- (i) Making in the United States a formal written renunciation of nationality in such written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in the state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

Sec. 403 (a). Except as provided in subsections g, h and i of Sec. 401, no national can expatriate himself, or be expatriated, under this section while within the United States or any of its outlying possessions, but expatriation shall result from performance within

the United States or any of its outlying possessions of any of the acts or the fulfillment of any conditions specified in this section if and when the national thereafter takes up a residence abroad.

- 316.2 Nationals permitted to apply for renunciation. Any national of the United States may make in the United States a request in writing to the Attorney General, Department of Justice, Washington, D.C., for the form of "Application for Renunciation of United States Nationality".....
- 316.3 Filing of application. A completed and signed application for renunciation of United States nationality on the form prescribed by the Attorney General may be sent to the Attorney General, together with any certificate of citizenship, certificate of naturalization, certificate of derivative citizenship and any United States passport which may have been issued to the applicant. An applicant will be notified if it is determined upon the application that the requested renunciation appears to be contrary to the interests of national defense.
- 316.4 Hearing on application. A hearing will be conducted by a hearing officer, designated by the Attorney General, upon each application for renunciation which does not appear to be contrary to the interests of national defense. The hearing officer will notify the applicant of the time and place of hearing.
- 316.5 Formal written renunciation of nationality. After a hearing the applicant may file with the hearing officer, on a form prescribed by the Attorney General, a formal written renunciation of nationality and a request for the Attorney General's approval of such renunciation as not contrary to the interests of national defense.
- 316.6 Hearing officer's recommendation. The hearing officer shall recommend approval or disapproval by the Attorney General of the applicant's request for the approval of the formal written renunciation of nationality. The hearing officer, in making his recommendation, is authorized to consider not only the facts presented at the hearing, but also results of any investigation and any information which may be available to him in reports of Government agencies or bureaus, and from other sources, relating to the applicant's allegiance and relating to the effect of renunciation of nationality upon the interests of national defense.
- 316.7 Approval or disapproval by Attorney General. The hearing officer's recommendation and the record of the hearing and any other facts upon which it is based, will be submitted to the Attorney General for his approval or disapproval of the applicant's formal written renunciation of nationality. A renunciation of nationality shall not become effective until an order is issued by the Attorney General approving the renunciation as not contrary to the interest of national defense.

316.8 Notice of Attorney General's decision. The applicant will be notified of the Attorney General's approval or disapproval of the formal written renunciation of nationality. Notice of the approval of renunciation of nationality shall be given to the State Department, the Alien Property Custodian, Foreign Funds Control Section of the Treasury Department, and the Federal Bureau of Investigation and the Immigration and Naturalization Service of the Department of Justice. The notice to the Immigration and Naturalization Service shall be accompanied by any certificate of citizenship, certificate of naturalization or certificate of derivative citizenship issued to and surrendered by the applicant as required by Sec. 316.3 hereof. Upon receipt of such notice and evidence of citizenship so surrendered, the Immigration and Naturalization Service shall notify the clerk of the court in which the applicant's naturalization occurred that the renunciation of nationality has been approved and the clerk of the court shall be requested to enter that fact upon the record of naturalization. The notice to the Department of State shall be accompanied by any United States passport surrendered by the applicant as required by Sec. 316.3 hereof.

316.9 Effective period of these regulations. These regulations shall be effective from the date hereof and until cessation of the present state of war unless sooner terminated by the Attorney General.

FRANCIS BIDDLE, /s/
Attorney General.

October 6, 1944.

Approval recommended:

HERBERT WESCHLER,

Assistant Attorney General,

War Division

(F.R. Doc. 44-15575; Filed Oct. 7, 1944; 3:49 p.m.)

October 9, 1945

Mr. Ken Takatsui
1401 C
Newell, California

Dear Mr. Takatsui:

Possibly your questions raised in your letter of October 8 have already been answered by Attorney Wayne M. Collins, who was scheduled to arrive at the center Monday and to return to San Francisco on Thursday.

It is quite true that we have urged renunciants to band together for the purpose of securing legal relief. We were of the opinion that no test case was sufficient because, while the court was considering the test case, the justice department would proceed to remove the rest of the renunciants from the country. Consequently, we have withheld filing any test suits for fear of lulling the renunciants into a feeling of security. If we file such suits, we are fearful that the rest of the renunciants would sit back and watch for the outcome. We are afraid, however, that most of this watching would be done from Japan.

Consequently, we have urged renunciants to join together for the purpose of financing mass suits. I don't know what the final arrangement will be, but if there are disagreements between groups, possibly all the Kibei who are affected could join in one suit and all the Nisei in another. A third suit might be limited to all of the minors, while a fourth suit could take in all of those who joined the nationalist groups. This is just one method of approaching the problem and I don't say that this is the one that will be ultimately adopted by Mr. Collins, who is handling the legal end of the matter. I assure you that Mr. Collins doesn't intend to merely file suit on behalf of one or two persons. That is exactly what we don't intend to do. The action that is taken will be mass action unless for some reason the renunciants just fail to get behind the project. If they fail to do so, I do not see what can happen to prevent their deportation.

I did not know that a figure of \$15 per person had been arrived at. That seems somewhat low to me. I should think the figure ought to be somewhat closer to \$100. Of course, you failed to mention exactly what group you were referring to. There may be some group at Tule Lake that is collecting money that I know nothing about. Hiroyuki Taketaya, 2602 D, is the man with whom we have had dealings.

My own feeling is that there are very strong grounds to object to the legality of the renunciations and, in any case, I do not see how they can be regarded as alien enemies for

the purpose of removal to Japan. Such issues must be decided by the courts and unless the renunciants make up their minds and act now, they will awake in an internment camp, such as Bismarck or Santa Fe. In fact, I just got a letter from a boy by the name of Hiroka at Bismarck. I don't know the boy but apparently he got mixed up with a nationalist group. Now that he is in far-off North Dakota where we can not be of assistance to him, he is asking for our help.

With reference to alien registration, if you must register, do so under protest and make a record on the registration form that you are a United States citizen. If you have any further questions, please do not hesitate to advise me.

Sincerely yours,

OCT 9 1945

1401-C
Tule Lake WRA
Newell, Calif.

October 8, 1945

Mr. Ernest Besig
American Civil Liberties Union
216 Pine Street
San Francisco 4, California

Dear Sir:

A few days ago, a friend of mine in Tule Lake Center, came to me and asked me to join a group of renunciants to help pay for a trial case of a nisei, who is in the same circumstance as I. We are renunciants, but we do not wish to return to Japan.

This friend of mine stated, that if I pay \$15.00 to this certain group and sign the paper, declaring that I do not wish to return to Japan; that will enable me to stay in this country, until the trial date. I understood him to say, that there were about 2,000 of such like minded persons, who are to contribute \$15.00 each. Of course, not all 2,000 of them are going to be on trial, neither do they expect to.

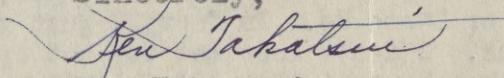
Only one or two persons are going to go on trial. They say, that those persons who sign and pay \$15.00 each, will not have to worry about being deported to Japan. I asked a Caucasian Social Welfare worker, about the above matter and she laughed at me.

The Welfare worker informed me that the person who will go on trial can be assured of remaining in America until the trial date. But the other 2,000 who will not go on trial, cannot expect to be left in the U.S. just because they are waiting for the outcome of the trial case.

What I wish to know from you personally is the question; will the 2,000 persons who signs and states that he does not wish to go to Japan and pays \$15.00 be permitted to remain in the United States, until the trial is over? I am writing to you because I heard that your Union was also behind this group.

I thank you. Awaiting your reply.

Sincerely,


Ken Takatsui

KT:CT

TASHIRO, Manabu

No records found

CW

Tashiro, Manabu

4105-B
Newell, California

July 21, 1945

JUL 24 1945

Mr. Ernest Besig
American Civil Liberties Union
216 Pine Street
San Francisco, California

Dear Sir:

Enclosed is a copy of the letter
sent to the Attorney General in Washington,
D. C.

I am sure that you will find the
letter self-explanatory and I am writing to
you hoping that you will be able to help me
in my case.

I would appreciate your reply to
this letter.

Very truly yours,

Manabu Tashiro
Manabu Tashiro

Enclosure

July 24, 1945

Mr. Manabu Tashiro
4105-B
Newell, California

Dear Mr. Tashiro:

During the past few weeks I have been getting numerous letters from people at Tule Lake who ask me to help them in securing the restoration of their citizenship. I can appreciate the circumstances under which you renounced and I would like to be of some help to you in your difficult situation.

The remedy isn't entirely clear. If your application for renunciation has never been approved by the Attorney General, it may be that your letter to him will serve to have it cancelled. If the application was approved, then the question arises whether the Attorney General has any authority to restore your citizenship. That authority doesn't appear in the law, altho' there may be some question whether the Attorney General could come into court and move to restore your citizenship because of the circumstances under which the renunciation was secured.

Of course, you yourself could always come into court and petition for cancellation of the renunciation and restoration of your citizenship. Since there is no precedent for such a proceeding, no one can give you any assurances as to the outcome. Possibly, the court would be willing to recognize that there was an element of duress because of the imprisonment and various pressures that were exerted upon segregees by nationalist groups in the Center. In some cases, there was also parental pressure.

The entire matter has given me great concern and I will present the general subject to the next meeting of our Committee. It would seem to me that the best course we as an organization can take is to get the best possible case and pursue that one. Of course, that would be no bar to you or anyone else going into court thru an attorney and seeking restoration of your citizenship. As I have explained to others, renunciation doesn't automatically make you a Japanese citizen. You are really a man without a country and the government could not deport you. If you want to leave the Center, I think it would be a good idea to appeal your case to the military review board, if you have not already done so.

Manabu Tashiro
4105-B
Tule Lake Center
Newell, California

JUL 24 1942

Attorney General
Department of Justice
Washington 25, D. C.

Dear Sir:

As a brother and brother-in-law of men in the United States armed forces, we are pleading with you to help us in undoing a grievous blunder which we committed. I renounced my citizenship after having been moved about to a number of internment camps and after having been treated as an enemy alien rather than an American citizen, and my wife renounced because I did, as we wanted to stay together as a family. May I give you some of the background which lead to this grievous mistake. It does not excuse it. Nothing can excuse such a step but perhaps it will enable you to understand what went on in our minds.

I am an American citizen, born in Hawaii. My family consists of myself, my wife and three children, aged 11, 9 and 6. My wife and children were also born in Hawaii.

On December 9, 1941, I was picked up and sent to Sand Island Detention Camp at Hawaii. I don't know why but I think because I had been teaching the Japanese language. Although I was a teacher in the Japanese Language School on the Hawaii Island of Kauai for quite a few years, I resigned from my position in June 1941 and went with my wife and three children to Honolulu where my wife's family resided. My wife and I felt that the children were not getting proper care and education on the Island of Kauai. At Honolulu I worked for Libby Canning Company during the pineapple canning season, and for Theo. H. Davis Co. until November 1941 when I left because the heavy work caused my whole left side to become numb and useless. I then got a job with the Honolulu Transit Company as a janitor where I worked until I was picked up in December 1941 and taken to Sand Island. I was kept at Sand Island for about two months after which I was sent to the Mainland and interned first in Camp McCoy, Wisconsin, for 2½ months, then in Camp Forrest in Tennessee for a month and finally in Camp Livingston, Louisiana, for one month. (May I say that the guards in these places were very kind to us and complimented us on our good behavior. I felt like crying when I told them goodbye.) After that I was returned to Hawaii and again placed in the Sand Island Detention Camp. In November 1942, my family and I were evacuated to the Jerome Relocation Center.

While I was residing at Jerome, a request was received from the Japanese Government asking for the return of my family and me to Japan. In view of this request, I applied for repatriation, and was then transferred to Tule Lake.

We found that conditions at Tule Lake were very abnormal and there seemed to be only one escape and that was to renounce. There was a lot of pressure, and as I saw many others renouncing, I decided that was the only step to take. I felt that I was not treated fairly, and not as an American citizen should be treated and felt that it was best to give up my citizenship.

At my renunciation hearing I stated that I was a member of the Hoshi Dan, but shortly after, in February 1945, I withdrew from the Dan.

Now I have had time to think all this over. I realize that I made a big mistake. I spent only eight years in Japan as a young boy, and I do not want to return there. My only desire now is to return to Hawaii. I feel I should do it for the sake of my family, especially my children. My parents who are quite old are living in Hawaii and my place is to be with them and help them.

My older brother is a master sergeant in the United States Army, stationed at Fort Snelling, Minn. His wife and two children are also in Hawaii, and he has asked me to return so that I can help his family as well as our parents. Before entering the U. S. Army my brother was a lawyer in Hawaii and for two years served his country as a representative in Territorial Legislature.

My wife's older brother is in the Army, stationed in Hawaii, and her two younger brothers have passed their pre-induction physical examinations and will be inducted shortly. Still another brother is serving in the Merchant Marine.

If my wife and I had consulted our brothers who are in the armed forces, we would never have gotten ourselves into this mess. However, with the discrimination and internment from which we suffered plus the foolish notion of thinking that our only solution was to expatriate to Japan, we put ourselves in the position where we were transferred to Tule Lake Camp. From then on we cut ourselves off from normal people and had only information from fanatics, although at the time we did not realize how wrong they were and how much trouble they could cause. My wife and I now clearly realize as do our brothers in the armed forces and our other relatives, that we got ourselves into this trouble because we did not ask them for advice. If they had known what we were doing, they would have stopped us and we would not have gone through with the foolish business of renunciation. They want to help us now, but they don't know how. They know that although we were angry because of the treatment that was given us, we were never disloyal to the United States.

When I was in the Jerome Center several of my pupils whom I had taught in the Japanese Language School, came to see me. I was so glad that they had loved their country enough to volunteer

in the United States Army. As you know, the 44th Combat Team was made up of volunteers and many of my students joined and many of them had been killed. Some have returned to Hawaii. Isn't this proof that I did not teach disloyalty but only taught loyalty to our country? The only purpose of our school was to teach the children the language of their parents, so many of whom did not understand English.

Mr. Ennis, my wife and I would be willing to do anything this is asked of us which would prove our loyalty. I will proudly serve in the United States Army as my brother is now doing, if I am given a chance. I would do anything to correct my great mistake. Please help my wife and me by telling us what to do.

Sincerely yours,

Manabu Tashiro

Form 3806 (Rev. Jan. 21, 1935)

(POSTMARK OF)

Receipt for Registered Article No. **22159**

Registered at the Post Office indicated in the Postmark

Fee paid **20** cents Class postage -----

Declared value ----- Surcharge paid, \$ -----

Return Receipt fee ----- Spl. Del'y fee -----

Delivery restricted to addressee:

in person -----, or order ----- Fee paid -----

Accepting employee will place his initials in space indicating restricted delivery.

POSTMASTER, per -----

(MAILING OFFICE)

The sender should write the name of the addressee on back hereof as an identification. Preserve and submit this receipt in case of inquiry or application for indemnity.

Registry Fees and Indemnity.—Domestic registry fees range from 15 cents for indemnity not exceeding \$5, up to \$1 for indemnity not exceeding \$1,000. The fee on domestic registered matter without intrinsic value and for which indemnity is not paid is 15 cents. Consult postmaster as to the specific domestic registry fees and surcharges and as to the registry fees chargeable on registered parcel-post packages for foreign countries. Fees on domestic registered C. O. D. mail range from 25 cents to \$1.20. Indemnity claims must be filed within one year (C. O. D. six months) from date of mailing.

U. S. GOVERNMENT PRINTING OFFICE 16--20305

Form 3806 (Rev. Jan. 21, 1935)

(POSTMARK OF)

Receipt for Registered Article No. **22160**

Registered at the Post Office indicated in the Postmark

Fee paid **20** cents Class postage -----

Declared value ----- Surcharge paid, \$ -----

Return Receipt fee ----- Spl. Del'y fee -----

Delivery restricted to addressee:

in person -----, or order ----- Fee paid -----

Accepting employee will place his initials in space indicating restricted delivery.

POSTMASTER, per -----

(MAILING OFFICE)

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U. S. GOVERNMENT PRINTING OFFICE 16--20305

Clock

Allen.

1 San Francisco, California,
2 November 7, 1945.

3 HON. TOM C. CLARK, Attorney General of the United States,
4 Department of Justice Building,
5 Washington, D.C.

6 HON. IVAN WILLIAMS, Officer-In-Charge, U.S. Dept. of Justice,
7 Immigration and Naturalization Service, Tule Lake Center,
8 Newell, Modoc County, California.

9 Gentlemen:

10 During the past few months nearly all of the American
11 citizens detained at the Tule Lake Center, Newell, Modoc County,
12 California, whose names appear on the lists I sent each of you on
13 November 1, 1945, and since, and whom I represent as attorney,
14 there were compelled by your representatives, acting under your
15 orders, to register as "aliens" upon your "Alien Registration
16 Form" (Form AR-2). Many of them were not permitted to write their
17 protest against such registration on the face of that form. They
18 were refused the right to write thereon that they were American
19 citizens and of United States nationality and that they were not
20 of the Japanese race and that they were detained and signed only
21 under protest. (The fact that their ancestors may have been inhab-
22 itants of Japan does not give them Japanese race - the only race
23 a native-born American can have is the American race and U.S.
24 nationality.). On behalf of each who was compelled to register
25 and on behalf of each who was denied the right to write such a
26 protest on the face of that form by your agents I wish to protest
27 both the registration of these citizens as aliens and said refusal
28 to allow their protests to be written thereon.

29 During said period of time nearly all of said citizens
30 were required by your agents to sign a repatriation-form, your
31 Form-540 modified to enable it to perform the services of a
32 non-repatriation form. In many instances the "applicant" who was
33 compelled to sign was not permitted to write therein that his or
34 her nationality was "American" or "United States" and that he or
35 she was not a "Dual" citizen and not of "Japanese" nationality,
36 your agents deliberately, in face of protests, writing in thereon
37 that the applicant was of Japanese nationality or a dual citizen,
38 either or both of which was false. Many of them were not allowed
39 to write their protests against such statements on the face of
40 that form and their letters of protest were refused by you and
41 your agents. On behalf of my clients on said lists whose protests
42 were refused to be written thereon and those whose protesting
43 letters were refused I wish to protest. None of them has dual
44 citizenship and none of them is of Japanese nationality. Each is
45 an American citizen and each of them is of United States nation-
46 ality.

47 The compulsory registration and the refusal to permit
48 protests to be written on the face of the alien registration form
49 and the non-repatriation form are additional factors demonstrating
50 the mistreatment said persons have received, the arbitrary and
51 capricious rule over them and the duress in which they are held.

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Wayne M. Collins,
1721 Mills Tower,
San Francisco, 4, Calif.
Garfield 1218.
As attorney for those internees at
Tule Lake Center whose names appear on
the lists above-mentioned.

Department of Justice
Alien Enemy Control Unit
Washington

VIA AIRMAIL

June 13, 1946

Wayne Collins, Esq.
220 Bush Street
Mills Tower Building
San Francisco, California

Dear Mr. Collins:

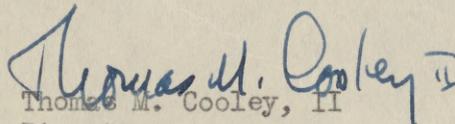
The records in our litigation have become somewhat jumbled as a result of the various developments which have transpired since you first filed.

In order to be sure we have similar records, I am transmitting a copy of our original list of litigants with some added data on the individuals.

I should appreciate it if you would add to it the names of all additional litigants and also indicate by an asterisk or some other mark those individuals who are currently seeking writs of habeas corpus.

I hope Judge St. Sure's health and the schedules of the transportation companies permit us to get together soon on these cases.

Sincerely,



Thomas M. Cooley, II
Director
Alien Enemy Control Unit

Enclosure
List of Litigants



Office of the Attorney General
Washington, D.C.

March 27, 1946

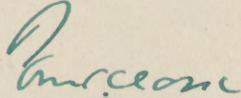
Wayne M. Collins, Esquire
Mills Tower
220 Bush Street
San Francisco, 4, California

Dear Mr. Collins:

This will acknowledge your letter of March 18, 1946 concerning the status of former American citizens of Japanese ancestry who renounced their citizenship and who are presently detained under orders of internment as alien enemies. I note your request that these persons be released or paroled pending the adjudication of their status by the courts.

I have carefully considered your request, but regret to advise you that I am unable to accede to it.

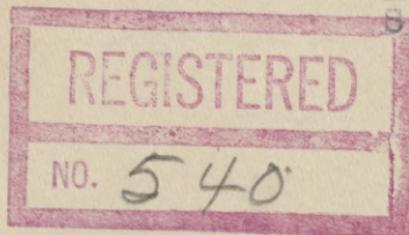
Sincerely yours,


Attorney General

Mrs. Utake Kuratomi
Blk. 4602-B
Tule Lake Center
Newell, Calif.



Attorney Wayne M. Collins
Mills Tower
San Francisco 4, California



RETURN RECEIPT REQUESTED

R.R.



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 25

February 26, 1946

JFS:JLB

Recd 2/28/46

A I R M A I L

Wayne M. Collins, Esq.
Mills Tower
220 Bush Street
San Francisco 4, California

Re: Abo et al. v. Williams et al.
Abo et al. v. Clark et al.
Furuya et al. v. Clark et al.
Furuya et al. v. Williams et al.

Dear Mr. Collins:

I have for reply your letter of February 21, 1946 addressed to Mr. Burling of this Division pertaining to your proposed amendments to the petitions for writs of habeas corpus and to the complaints in the above-captioned cases. I appreciate your furnishing me with these proposed amendments prior to filing. I must inform you, however, that it is my opinion that some of the matter contained in the proposed amendments, particularly the references to the letter of former Under Secretary of the Interior Fortas, will not be well pleaded inasmuch as it is purely evidentiary. I feel I should tell you therefore, in the event you do amend your petitions and complaints as contemplated, that I may find it necessary to make motions to strike.

Sincerely,

John F. Sonnett

John F. Sonnett
Assistant Attorney General
Claims Division

FOR DEFENSE



BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS