

3:17

PRINTED & FORM LETTERS

1957

78/177

C

Mimeographed: Jan. 25, 1957
Ltr enclosed with prepared
affidavit

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

I am returning herewith the original and copy of the affidavit which I have prepared for you from your answers to my questionnaire. I would thank you to read the answers therein and if you find them to be true, you should take them to a notary public and there sign the original and swear to it. The notary public should stamp in the copy for you. Thereupon you should return the original to me promptly for processing to the Justice Department. You should keep the copy in your possession for future reference.

If you should make any additions or corrections in the affidavit, please inform me of the changes in a letter enclosing the affidavit and those changes will be made in the other copies sent to the Justice Department.

Very truly yours,

W.M. Collins

Encs.

Mimeographed: Feb. 21, 1957
Ltr requests early return of
affidavit prepared by WMC

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

Please return to me within the next three days, if possible, the original of your affidavit, properly signed by you and verified by a notary public.

If you have any question causing a delay in the return of your affidavit to me, or if you wish your case put off for any reason, you should notify me promptly. Enclosed is a stamped, self-addressed envelope.

Very truly yours,

Sent to all Justice Rejects
informing them that their
affidavits were to be repro-
cessed due to new policy,
liberalized, adopted by Justice
Department.

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

Mimeographed: 3-22-57
Mailed: U.S. ---- 174
Japan --- 131
(air letter)

Garfield 1-5827

Dear Plaintiff-Renunciator:

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

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

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

Very truly yours,

W.M. Collins

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

GARfield 1-5827

Dear Plaintiff-Renunciant:

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

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

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

Very truly yours,

W.M. Collins

MIMEOGRAPHED: MARCH 22, 1957
MAILED: U.S. - 174
JAPAN- 131 (air letters)

Sent to all Justice Rejects informing them that their affidavits were to be reprocessed due to new policy, liberalized, adopted by Justice Dept.

Mimeographed: March 26, 1957

Ltr informs renunciant that
their affidavit has been
processed.

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

Telephone GARfield 1-5827

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 delivered them to the U.S. Attorney's office for processing through the Justice Department.

On February 21, 1957, Assistant U.S. Attorney General George C. Doub, assured me that the Department would view renunciants cases with more liberality in granting administrative clearance than heretofore.

Because a fairly 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.

If the Justice Department clears you by this administrative method a judgment cancelling your renunciation and declaring you to be a U.S. citizen will be entered in the mass suits.

If the Justice Department does not clear you by this administrative method, your case then can be set down for an individual court hearing.

Very truly yours,

Wayne M. Collins

In reply to your letter of, you should not file any affidavit whatsoever with the U.S. Consul [unless and until instructed to do so by me].

As I previously informed you, if the affidavit which I prepared for you contains a true and correct statement of the facts you should take the one 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. If you should make any additions or corrections in the affidavit, please inform me in a letter enclosing the affidavit.

If you make the mistake of filing affidavits with the U.S. Consul for processing and the Justice Department rejects them, the Justice Department may hold every statement made in the affidavits against you in every subsequent attempt to recover U.S. citizenship.

If the affidavits are sent to me, processed by me and then rejected by the Justice Department, pursuant to an agreement between the Justice Department and me that Department cannot hold against you any statements in the affidavits.

Very truly yours,

FORM LETTER IN REPLY TO INQUIRY RE FILING AFFIDAVITS WITH
U.S. CONSUL (JAPAN, FOR PROCESSING)

May 1957

Mimeographed
May 28, 1957

For Judgment Ltr.
Japan

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

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

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

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

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

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

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

further to try to recover U.S. citizenship, such a spouse, nevertheless, can elect to be an alien and can obtain a non-quota immigrant visa from the nearest U.S. Consul and can return to the U.S. because he or she is the spouse of a U.S. citizen.

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

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

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

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

Very truly yours,

Wayne M. Collins

Enc.

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

Garfield 1-5827

Sometime ago your affidavits were re-processed and presently are in the office of the Justice Department where they are to be reviewed and reconsidered.

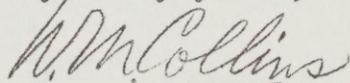
In the meantime I would thank you to fill out the enclosed "Personal Questionnaire" for me. Please answer all the questions to the best of your ability. Where the questions ask for such information please state the full names of each person, the block where each lived, state whether each was an Issei, a Kibei or a Nisei and state whether each was a member of the Hoshi Dan, Seinen Dan or Joshi Dan. (Remember, the Justice Department has all that information already but I would like to have it to enable me to prepare a new and more complete affidavit for you if the Justice Department rejects the one it is now reconsidering.)

If you are not proficient in the English language please have a member of your family or a friend who is proficient in both English and Japanese help you fill out the questionnaire.

As soon as you have answered all the questions send the questionnaire back to me in the enclosed envelope. Also you should send to me all the records, papers and documents you may have which relate to your evacuation, requests for repatriation, answers to the loyalty questions 27 and 28, requests for renunciation forms, individual exclusion orders, and copies of all letters sent by you to the WRA, the Justice Department or to the Attorney General and letters you received from those sources.

Then, if the Justice Department rejects the affidavit which is now in that office I can prepare a new and more complete affidavit from the questionnaire and have it processed through the Justice Department.

Very truly yours,



Mimeographed: June 17, 1957

Ltr sent to renunciants whose affidavits are being reprocessed.
Enc. "Personal Questionnaire"

Re: Early return of questionnaire
Mailed on June 21, 1957 to all
renunciants who have not
returned questionnaire
Enc. stamped self addressed
envelope.

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

Mimeographed: 6-17-57

Telephone: GARfield 1-5827

In 1955 I sent you a "Personal Questionnaire" form and asked you to answer the questions in it to the best of your ability and then return it to me so that I could prepare an adequate affidavit for you and have it processed through the U.S. Attorney's office and the Justice Department in Washington, D.C.

If you will write your answers on the Questionnaire and return it to me promptly, I will prepare the affidavits for administrative processing.

The Justice Department has liberalized its policy toward renunciants provided their affidavits are prepared and processed before the end of 1957. You have an excellent chance of getting administrative clearance and, if so, a judgment will be entered in court cancelling your renunciation and it will declare that you ever have been and still are a native-born U. S. citizen.

Therefore, please answer the Questionnaire promptly and send it back to me in the enclosed envelope. If you have lost the questionnaire, notify me immediately and I shall send you another one.

Very truly yours,

Wm. Collins

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

Garfield 1-5827

Inasmuch as the Justice Department heretofore rejected the affidavit signed by you and refused to give you administrative clearance to enable you to be declared to be a U.S. citizen I believe there is still a good chance for you to recover your citizenship by processing a new and more complete affidavit.

I am enclosing a "Personal Questionnaire" form for you to fill out as soon as possible and return to me so that I can prepare a new affidavit for you. Be certain to answer all the questions in the questionnaire fully. Where the questions ask for such information please state the full names of each person, the blocks where each lived, state whether each was an Issei, a Kibei or a Nisei and whether each was a member of the Hoshi Dan, Seinen Dan or Joshi Dan. (Remember, the Justice Department has all that information already but I would like to have it to enable me to prepare a new and more complete affidavit for you.)

If you are not proficient in the English language please have a member of your family or a friend who is proficient in English and Japanese help you fill out the questionnaire.

As soon as you have answered all the questions send the questionnaire back to me in the enclosed envelope and I shall prepare a new set of affidavits to be processed through the Justice Department. Also you should send to me all the records, papers and documents you have which relate to your evacuation, requests for repatriation, answers to the loyalty questions #27 and #28, requests for renunciation forms, individual exclusion orders, and copies of all letters sent by you to the WRA, the Justice Department or to the Attorney General and letters you received from those sources.

Very truly yours,

W.M. Collins

Mimeographed: June 17, 1957

Ltr enclosing "Personal Questionnaire"
Sent to Rejects

(VIA AIRMAIL)

Enclosed find the original and three copies of ["Supplemental Affidavit To Be Submitted With Passport Applications Of Japanese 'Renunciants'"] [Affidavit] which I have prepared for you from your answers to my questionnaire. I would thank you to read the answers therein and if you find them to be true, you should take these affidavits to the nearest U.S. Consul in Japan and there before the U.S. Consul sign and swear to the original. [You should then and there also fill out an application at the U.S. consulate for a U.S. passport.] [You should ask the U.S. Consul to process the affidavits along with the previous application you filed with the U.S. Consul for a U.S. passport in ... or a new one.] You must do this immediately.

The U.S. Consul will forward the affidavits to the State Department and the Justice Department for administrative review. If the Justice Department grants you administrative clearance your renunciation of U.S. nationality will be set aside. [IF NO FURTHER ACT OF EXPATRIATION MENTIONED IN AFFIDAVIT: If the U.S. Consul in Japan or the State Department then find that you have not committed any act of expatriation while in Japan it will issue to you a U.S. passport and you will be able to return to the United States as a U.S. citizen.] [IF KOSEKI REGISTRATION MENTIONED IN AFFIDAVIT: Thereafter if the U.S. Consul and the State Department hold that your registration in a Koseki in Japan did not constitute an act of expatriation the U.S. passport will issue to you and you will be able to return to the United States. However, if the U.S. Consul or the Justice Department hold that the Koseki registration was an act of expatriation it will be necessary for you to engage the services of a lawyer in Japan to set aside your Koseki registration on the appropriate grounds, namely, (1) that the registration was not your own act or with your consent or (2) that it was caused by coercion or fear that you would lose your ration card or you would be subject to some penalty and mistreatment if you were not so registered. If the U.S. Consul thereafter issues the U.S. passport to you, you will be able to return to the United States as a U.S. citizen.] [IF VOTING IN JAPAN MENTIONED IN AFFIDAVIT: Thereafter if the U.S. Consul and the State Department find that your voting in ... was caused by duress or fear, or was not voting in a type of political election that would cause you to lose your citizenship, a U.S. passport will issue to you.]

I would thank you to notify me as soon as the State Department or the Justice Department informs you of their decision on this application.

Very truly yours,

Encs.

FORM LETTER - to NON-PLAINTIFF renunciants in Japan enclosing 1 & 3 copies of affidavit to be filed with U.S. Consul

Oct. 1957

I am returning herewith via air mail the original of the affidavit which I have prepared for you from your answers to my questionnaire. I would thank you to read the answers therein and if you find them to be true, you should take the original to a U.S. Consul in Japan and there sign and swear to it. Thereupon you should return it to me promptly by air mail for processing to the Justice Department.

A copy for you to keep for future reference is being sent via regular mail.

If you should make any additions or corrections in the affidavit, please inform me of the changes in a letter enclosing the affidavit.

Very truly yours,

Enclosed find your copy of the Affidavit, the original of which was sent air mail. You should keep this copy for future reference.

Very truly yours,

FORM LETTERS TO NON-PLAINTIFF RENUNCIANTS IN JAPAN WHOSE
AFFIDAVITS ARE TO BE PROCESSED BY W.M.C.
THROUGH JUST. DEPT., WASHINGTON, D.C.
(NEAREST U.S. CONSUL AT KOBE, JAPAN)

Oct. 1957

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

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

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

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

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

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

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

further to try to recover U.S. citizenship, such a spouse, nevertheless, can elect to be an alien and can obtain a non-quota immigrant visa from the nearest U.S. Consul and can return to the U.S. because he or she is the spouse of a U.S. citizen.

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

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

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

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

Very truly yours,

Wagne M. Collins

Enc.

1 circumstances; and formal findings of fact and conclusions of
2 law having been waived;

3 And the Court having been advised that counsel for such
4 parties-defendant will offer no objection to the entry of a final
5 order, judgment and decree on the merits of the causes herein,
6 in favor of the hereinafter specifically identified parties-
7 plaintiff; and there being no just reason for delay;

8 NOW THEREFORE, pursuant to Section 503 of the Nationality
9 Act of 1940 as amended, (former Title 8 USC Sec. 903), which was
10 by Section 405 of the Act of June 27, 1952, 66 Stat. 280 effective
11 December 24, 1952, continued in force and effect for purposes of
12 this cause, and pursuant to the terms of such stipulation;

13 IT IS ORDERED, ADJUDGED AND DECREED as and for a final order,
14 judgment and decree directed to be entered in this cause;

15 I.

16 That the plaintiffs hereinafter identified are and at all
17 times have been, natives, nationals and citizens of the United
18 States of America, and entitled to the rights and privileges of
19 such nationality and citizenship, notwithstanding their purported
20 applications for renunciation of United States nationality
21 pursuant to Section 401 (i) of the Nationality Act of 1940, as
22 amended, their purported renunciations of United States National-
23 ity pursuant thereto and the approvals thereof given by the
24 Attorney General, all of which occurred during the calendar years
25 1944 and 1945, and all of which are hereby declared to be, and at
26 all times to have been, null, void, and without legal effect upon
27 the status and rights as nationals and citizens of the United
28 States of any such plaintiffs, whose names and birthdates are
29 as follows:

18	NAME	BIRTHDATE
19		
20		

21 II.

22 That no costs shall be taxed by the Clerk to any party.
23 Done in open Court this _____ day of _____.

24
25 /s/ LOUIS E. GOODMAN
26 UNITED STATES DISTRICT JUDGE

27 APPROVED AS TO FORM:

28 GEORGE COCHRAN DOUB, Assistant Attorney General.
29 LLOYD H. BURKE, United States Attorney, and a Defendant.
30 ENOCH E. ELLISON, Attorney, Department of Justice.
31 PAUL J. GRUMBLY, Attorney, Department of Justice.

32 By: /s/ Charles Elmer Collett

Assistant United States Attorney
Attorneys for Defendants.

1 Wayne M. Collins
2 Mills Tower
3 220 Bush Street
4 San Francisco 4, Calif.
5 Garfield 1-5827
6 Attorney for Plaintiffs.

ORIGINAL
F I L E D

Clerk, U.S. Dist. Court
San Francisco

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

9 -----
10 TADAYASU ABO, et al., etc., }
11 Plaintiffs, }
12 -vs- } No. 25294
13 HERBERT BROWNELL, JR., as Attorney }
14 General of the United States, etc., et al., }
15 Defendants. }
16 ----- } Cons. No. 25294-G
17 and ----- }
18 MARY KANAME FURUYA, et al., etc., }
19 Plaintiffs, }
20 -vs- } No. 25295
21 HERBERT BROWNELL, JR., as Attorney }
22 General of the United States, etc., et al., }
23 Defendants. }
24 ----- }

25 FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED
26 PLAINTIFFS WHO HAVE SUBMITTED AFFIDAVITS IN LIEU OF ORAL TESTIMONY

27 This cause (originally consisting of companion suits Nos.
28 25294 and 25295 which had been consolidated under No. 25294-G)
29 being submitted to this Court, sitting without a jury, for decision
30 of the causes of certain individual parties-plaintiff hereinafter
31 named, pursuant to a written "Stipulation That Certain Plaintiffs
32 May Introduce Affidavits In Lieu Of Oral Testimony And That Entry
of Final Judgments Against Certain Defendants Will Not Be Opposed
In Such Cases" entered into between the parties hereto and filed
herein this date together with certain affidavits which are hereby
accepted in lieu of the oral testimony of affiants in accordance
with the provisions of such stipulation;

And it being conceded by counsel for certain defendants,
namely the Attorney General of the United States, and those under
his authority, that notwithstanding the proofs heretofore made
and offered in this cause, the representations set forth in such
affidavits, in the light of the decisions of the United States
Court of Appeals for the Ninth Circuit in the cases of Acheson v.
Murakami 176 F. 2d 953 and McGrath v. Abo 186 F 2d 766, among
others, remove any efficacious defense to the suits of such
parties-plaintiff, and such concession being consistent with the
Court's conclusion as to the effect of applicable law in the

United States District Court
For the Northern District of California, Southern Division

TADAYASU ABO, et al., etc.,

Plaintiffs,

vs.

HERBERT BROWNELL, JR., as Attorney General
of the United States, etc., et al.,

Defendants,

and

MARY KANAME FURUYA, et al., etc.,

Plaintiffs,

vs.

HERBERT BROWNELL, JR., as Attorney General
of the United States, etc., et al.,

Defendants.

No. 25294

Cons. No. 25294-G

No. 25295

CERTIFICATE OF CLERK

I, C. W. CALBREATH, Clerk of the United States District Court in and for the Northern District of California, do hereby certify that the annexed and foregoing is a true copy of excerpt of the original FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED PLAINTIFFS WHO HAVE SUBMITTED AFFIDAVITS IN LIEU OF ORAL TESTIMONY made and filed in the above-entitled cause on _____, and entered _____, with the name of _____, a plaintiff, remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at San Francisco, California, this _____ day of _____, A. D. _____.

C. W. CALBREATH,
Clerk,

By _____
Deputy Clerk.

CERTIFICATE OF CLERK to accompany individual order re those cleared by affidavits multilithed Oct. 1957

Printed heretofore

1 Wayne M. Collins
Attorney at Law
2 Mills Tower, 220 Bush Street
San Francisco 4, California
3 Garfield 1-5827
Attorney for Plaintiffs.
4
5
6

7 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 TADAYASU ABO, et al., etc.,
11 Plaintiffs,

12 -vs-

13 HERBERT BROWNELL, JR., as Attorney General
of the United States; LLOYD H. BURKE, as
14 United States Attorney for the Northern
District of California and, as such, the
15 head of the Department of Justice in said
District; et al.; JOSEPH MAY SWING, as the
16 Commissioner of the United States Immigra-
tion and Naturalization Service; BRUCE G.
17 BARBER, as the District Director of the
United States Immigration and Naturaliza-
18 tion Service for the Northern District of
California, etc., et al.,
19 Defendants.

No. 25294

20 and
21 -----

Cons. No. 25294-G

22 MARY KANAME FURUYA, et al., etc.,
23 Plaintiffs,

24 -vs-

25 HERBERT BROWNELL, JR., as Attorney General
of the United States; LLOYD H. BURKE, as
26 United States Attorney for the Northern
District of California and, as such, the
27 head of the Department of Justice in said
District; et al.; JOSEPH MAY SWING, as the
28 Commissioner of the United States Immigra-
tion and Naturalization Service; BRUCE G.
29 BARBER, as the District Director of the
United States Immigration and Naturaliza-
30 tion Service for the Northern District of
California, etc., et al.,
31 Defendants.

No. 25295

I am returning herewith via air mail the original and three copies of the affidavit which I have prepared for you from your answers to my questionnaire. I would thank you to read the answers therein and if you should make any additions or corrections in the affidavit, please inform me of the changes [in a letter enclosing the affidavit] so that we will have a correct copy in our files.

A copy for you to keep for future reference is being sent via regular mail.

[Inasmuch as you were voluntarily dismissed from the mass suit and cannot now be rejoined,] you must take the following steps in an effort to be declared a U.S. citizen:

1. You should take the affidavit and three copies thereof to the nearest U.S. Consul and there fill out an application for a U.S. passport on the theory that you are a U.S. citizen. You must do this immediately.
2. At the time you file the application for the passport you should sign and swear to the original of the enclosed affidavits and file the original and three copies thereof with the U.S. Consul and request him to process the affidavits to the State and Justice Departments. (The affidavit forms that I have prepared are on the special forms I have had printed here and have been using pursuant to an agreement I have with the Justice Department. The forms are in substance the same as the shorter affidavit form used by the Department of State and, in consequence, the U.S. Consul will accept the affidavits for processing.)

If the U.S. Consul advises you that you have not while in Japan committed other acts of expatriation and the State and Justice Departments give you clearance on your renunciation the State Department will have the Consul issue to you a U.S. passport and you will be able to return to the United States as a U.S. citizen.

In the event that the U.S. Consul refuses to process the affidavits and your application for a passport to the State Department for processing to the Justice Department, I would thank you to let me know immediately. In the event that the State Department or Justice Department refuses to issue you a passport you will have the right to appeal from the adverse decision to the Secretary of State and thereafter to apply for a Certificate of Identity to return to the United States where you can file an individual proceeding in habeas corpus in a United States District Court to have your nationality determined.

I would thank you to notify me as soon as the State Department or the Justice Department informs you of its decision on your application for a U.S. passport.

Encs.

Very truly yours,

FORM LTR - to NON-PLAINTIFF renunciants in Japan enclosing 1 & 3
copies of affidavit to be filed with U.S. Consul

Nov. 1957

Dear

Some time ago I notified you that the Justice Department had given you administrative clearance but that because you had been registered in a Koseki and had voted in an election in Japan since your return to Japan in 1946 a judgment cancelling your renunciation of citizenship could not yet be entered and that the U.S. Consul would not issue to you a U.S. passport until that registration and that act of voting were set aside by order of a Japanese tribunal or court.

I advised you to obtain the services of a lawyer in Japan to take steps to cancel your Koseki registration on the grounds that you personally did not cause your name to be registered in a Koseki or that if you personally did so or agreed to have it done that you acted involuntarily to make sure that you would receive a ration card or not be deprived of necessary rations, or that it was required in order to receive mail, hospital services or police protection or such other truthful reasons as would convince the U.S. Consul that the registration was forced on you and was not a voluntary act on your part. Further, I advised you to obtain the services of a lawyer in Japan to take steps to have your voting in an election set aside on the grounds that your voting before the Peace Treaty did not constitute voting in a foreign political election within the meaning of the statute defining voting in a foreign election as constituting an act of expatriation, or that your voting was caused by duress or coercion or fear that it had to be done to make sure that you would receive a ration card or not be deprived of necessary rations, or that it was required in order to receive mail, hospital services or police protection or such other truthful reasons as would convince the U.S. Consul that the act of voting was forced on you and was not a voluntary act on your part.

I would thank you to let me know immediately whether the Koseki registration and the act of voting have been set aside. I would thank you to let me know what steps you have taken to have them set aside if they have not yet been set aside. I would thank you to let me know if the U.S. Consul has issued to you or agreed to issue to you a U.S. passport. Also I would thank you to let me know if the U.S. Consul has refused to issue you a U.S. passport and, if so, the reasons why he has refused to do so.

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

Dear

I am returning herewith via air mail the original of the affidavit which I have prepared for you from your answers to my questionnaire. I would thank you to read the answers therein and if you find them to be true, you should take the original to a U.S. Consul in Japan and there sign and swear to it. Thereupon you should return it to me promptly by air mail for processing to the Justice Department.

A copy for you to keep for future reference is being sent via regular mail.

If you should make any additions or corrections in the affidavit, please inform me of the changes in a letter enclosing the affidavit.

Very truly yours,

Enc.

FORM LETTER (via air mail) enclosing prepared original Affidavit to Japan Renunciant.

1957

EXAMPLES TO BE MODIFIED AS APPLICABLE:

I would thank you to let me know if you returned to the United States on a "non-quota" immigrant visa or on a "quota" immigrant visa. If you returned on a U.S. passport, I would thank you to let me know. Also I would thank you to let me know the date you returned to the United States.

I am pleased that you have returned to the United States and that your citizenship has been restored and that the matter of your [Koseki registration] [voting in Japan] was cleared up. I would thank you to inform me of the date your U.S. passport was issued so that thereafter a final judgment cancelling your renunciation and declaring you to be and at all times to have been a U.S. citizen may be entered in the U.S. District Court.

(date)

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

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

Gentlemen:

I wish to inform you that it is my desire and wish that Wayne M. Collins, Attorney at Law, Mills Tower, San Francisco 4, California, represent me concerning the administrative remedy made available to me to cancel my renunciation of U.S. nationality executed in the Center in, and you are authorized to deal with him in the future concerning said matter.

Very truly yours,

.....

TO BE ENCLOSED WITH ABOVE FORM LETTER:

If you will sign the enclosed letter addressed to the Department of Justice and return it to me promptly by air mail I will forward it to the Justice Department so that it will proceed to process your affidavit administratively. If it results in your clearance you will be able to obtain a U.S. passport.

Very truly yours,

FORM LETTER TO NON-PLAINTIFF RENUNCIANTS FORMERLY REPRESENTED
BY OTHER COUNSEL, WHOSE AFFIDAVITS ARE TO BE
PROCESSED TO JUST. DEPT. IN WASHINGTON, D.C. BY W.M.C.
(AUTHORIZATION TO REPRESENT NON-PLAINTIFFS - Japan)

Nov. 1957

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLER TOWER 230 BUSH STREET
SAN FRANCISCO 4 CALIFORNIA
TELEPHONE 383-1118

Dear

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

Please take the original and one copy immediately to a Notary Public and there sign both affidavits and swear to them and have the Notary affix his signature and seal. (The extra copy of the affidavit is for you to keep in your own possession.)

I have prepared a letter for you dated December ____, 1957, addressed to the United States Immigration Service, and the extra copy is for your files. ~~Write in ink on the original your alien registration number in the space provided and then sign the letter.~~

Then send the letter addressed to the Immigration Service and the original affidavit and a copy in the enclosed envelope to the U. S. Immigration Service.

Thereafter the affidavits will be processed by the Immigration Service through the Justice Department and if you are granted clearance the Immigration Service will send you notice. When you receive a notice from the Immigration Service, kindly let me know.

Very truly yours,

WMC:fd
Encs.

FORM LETTER -- U.S. NON-PLAINTIFFS (first sent on
Dec. 21, 1957)

Enc: Form letter prepared by WMC to be sent to Immig. &
Nat. Serv. together with prepared affidavits.

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

Attention: Francis P. Boland, Esquire
Naturalization Examiner.

Gentlemen:

Enclosed find original and one copy of my Affidavit which I would thank you to process through the Immigration Service to the Justice Department pursuant to the administrative remedy open to me for the purpose of setting aside my renunciation of U.S. citizenship made by me 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,

FORM LETTER PREPARED BY WMC FOR Non-Plaintiffs to send to
Immig. & Nat. Serv. enclosing prepared Affidavits.

December 1957.

Attorney General of the United States
Department of Justice
Washington 25, D.C.

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

Dear Sir:

In re:

Enclosed find original and three copies of Affidavit forwarded to me by, a renunciant, who was instructed by the U.S. Consular office at Kobe to have me forward it to the Justice Department for administrative review rather than have it filed in that office inasmuch as Mr. had consulted me with reference to his renunciation.

I would be grateful if you would process the same and notify me as well as the State Department of your final determination thereon.

Very truly yours,

Encs.

FORM LETTER TO JUSTICE DEPARTMENT RE: PROCESSING AFFIDAVITS
OF NON-PLAINTIFF RENUNCIANTS WHO HAVE FILED
PASSPORT APPLICATIONS
(JAPAN)

Dec. 30, 1957

In reply to your letter of
I wish to advise you that in the event that your citizenship status is not clarified prior to the middle of January, it would be best for you to make your annual report to the U.S. Immigration Service between the dates of January 1, 19.. and January 31, 19... (The registration originally was made under protest and in consequence it will not be necessary for you to state on the annual report that you are registering under protest.) You will be notified by me when the Justice Department informs me of its decision in your case.

Very truly yours,

FORM REPLY TO INQUIRIES RE: ALIEN REGISTRATION
(PROCESSED RENUNCIANTS)

Dec. 1957

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

Dear

Enclosed find your copy of the Affidavit, the original of which was sent air mail. You should keep this copy for future reference.

Very truly yours,

Enc.

FORM LETTER (via regular mail) enclosing copy of prepared Affidavit to Japan renunciant.

1957