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KAWASAKI, SHIGERU

1948-1956

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Sacramento, Calif.
July, 19, 1948

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Mr. Wayne M. Colline
Attorney-at-Law
Mills Tower, 220 Bush St.
San Francisco 4, Calif.

JUDGMENT
LIST

Dear Sir:

I would like to request that my son-in-law be joined as a party plaintiff in suit No. 25274-G in the U.S. District Court at San Francisco, Calif., regarding restoration of American citizenship.

The following is his full name and address.

Name: Shigeru Kawasaki

Present address: Shigeru Kawasaki
c/o Mr. Seto (Zama Postmaster)
Koza Gun, Zama Machi
Kanagawa Pref.
Honshu, Japan

Date of Birth: Jan. 24, 1916
Place of Birth: Sacramento, Calif.
Place of renunciation: Tule Lake Center

He received a letter from the Attorney General approving the renunciation.

Thank you very much.

Very truly yours,
Koto Fukuda
c/o G. Funahashi
1209-4th St.
Sacramento, Calif.

Mrs. K Kawasaki
692-Zaimokuza
Kamakura-shi, Japan

航空

Mr. Wayne M. Collins
Attorney at Law
Mills Tower, 220 Bush St.
San Francisco, 4, Calif.
U. S. A.

Kamakura, Japan
Dec. 6, 1948

Dear sir:

I would like to put in a change of address in Japan for Shigeru and Kikuye Kawasaki, formerly c/o Mr. Seto (Zama Postmaster), Koza Gun, Zama Machi, Kanagawa Ken, Japan to c/o Kenzo Okumura, 692 Zaimokuza, Kamakura City, Kanagawa Ken, Japan and the address in U. S. may be reached through my mother, Mrs. Koto Fukuda c/o Y. Funakoshi. 1209-4th St. Sacramento, Calif.

Yours truly, 8/23/48
Shigeru Kawasaki
Mrs. Kikuye Kawasaki
3/24/48

神奈川縣鎌倉市 杜木座六九二 奥村健三内 川崎繁

JUDGMENT LIST

JUDGMENT LIST

WAYNE M. COLLINS
Attorney-at-Law
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-1218

Shigeru Kawasaki
% Mr. Seto (ZAMA PM)
Koza gun, Zama machi,
Kanagawa Ken, Japan

March 19, 1951

This is a complete and up-to-date report I am making to you and to every renunciant client concerning the mass renunciation suits I filed in the U. S. District Court at San Francisco on November 13, 1945. It is a confidential report between attorney and clients. It is sent only to the renunciants I represent in those suits. It is not intended to be read by any other persons. The meager funds made available to me by the renunciants prevent me from engaging in correspondence relating to the cases except where it becomes necessary and important to do so.

Two types of "class suits" were filed. The first were mass proceedings in habeas corpus designed *to liberate all the renunciants from internment.* The second were mass suits in equity *to cancel the renunciations* and *to have each plaintiff declared to be a citizen of the United States.* My contention was that the renunciations were caused by the unconstitutional detention of the evacuees and the governmental duress to which they were subjected. It was my theory and argument that each was faced with an election of one of two choices the government forced them to make. The first was to renounce citizenship in order to secure liberation from a prolonged detention by being transported to Japan with alien family members whom the government had scheduled for removal to Japan. The second was to renounce citizenship in order to be held in the protective security of internment in order to escape being forced out of camp to face a hostile civilian community in an impoverished condition. In either event renunciation was not the product of free will but was forced upon them by the unlawful detention and the conditions prevailing at the Tule Lake Center *for which the government alone was responsible.* In consequence every renunciation was the direct product of governmental duress.

The Mass Habeas Corpus Proceedings

The habeas corpus proceedings were briefed thoroughly and were tested by affidavits and other documentary evidence showing the conditions that prevailed at the Tule Lake Center and the government's mistreatment of all the evacuees. On June 30, 1947, U. S. District Judge Louis E. Goodman ordered the applications for the writ granted. His order recited that all the then detained petitioners must be liberated and that none of them could be removed involuntarily to Japan. His decision was based upon his findings of fact and conclusions of law that native born Americans residing in this country could not be converted into alien Japanese nationals by mere renunciation of U. S. citizenship. He declared that none of them could be detained or be removed to Japan because none of them was an alien enemy subject to detention and removal under the Alien Enemy Act. The writs of habeas corpus issued on August 11, 1947, commanding that all the detained petitioners be liberated.

In due course, through so-called Justice Department "mitigation hearings" and administrative reviews in the case of each renunciant, precipitated by the cases, and through negotiations with the Justice Department, all of the removal orders outstanding against the renunciants were cancelled by the Attorney General with the exception of 302 of such orders. By consent of the Attorney General dated Sept. 6, 1947, and an order of court dated Sept. 8, 1947, all of the 302 were *released or paroled* into my custody and each of them returned to his or her home. On Sept. 8, 1947, the government appealed the cases to the Court of Appeals for the Ninth Circuit.

On January 17, 1951, the Court of Appeals affirmed the order of the District Court as to a large number of the renunciant petitioners but also reopened the habeas corpus proceedings as to a large number of them. The effect of this reopening is to enable the Attorney General to introduce new evidence, if he can, concerning the law of Japan if it be admissible on any issue involved as against those as to whom the cases were ordered reopened.

On February 16, 1951, I filed petitions for rehearing as to those against whom the Court of Appeals' decision reopened the cases. On February 27, 1951, the Court of Appeals refused to grant rehearings. In consequence, it now is necessary and urgent for me to appeal the cases as to those renunciant petitioners to the United States Supreme Court by May 28, 1951. If that Court affirms the order of Judge Goodman its decision will be conclusive. However, if it affirms the Court of Appeals' decision individual hearings thereafter will have to be held in the U. S. District Court in San Francisco for each renunciant whose individual case was reopened by the decision of the Court of Appeals. In such an event the individual cases will have to be tried by affidavits, depositions or personal hearings in that court or by a combination of those methods.

In any event the costs and expenses involved in the appeals to the U. S. Supreme Court will be heavy. If individual hearings finally should be required for a substantial number of persons the costs and expenses involved will be enormous in the aggregate but comparatively small for each individual. It is the duty of each person in the mass suits to bear his or her proportionate share of this financial obligation for all have been mutually benefited by the lawsuits.

The Solicitor General has 90 days within which to appeal for the Attorney General to the Supreme Court against the decision of the Court of Appeals in favor of a large number of the renunciants. I do not yet know whether he will appeal or not. If he does such will involve additional expenses to fight against his appeal.

The Mass Equity Suits

The mass equity suits were briefed exhaustively and were tested by affidavits and a considerable quantity of documentary evidence showing how the government evacuated, impoverished, imprisoned and mistreated the evacuees and the terrible conditions it permitted to prevail at the Tule Lake Center. That evidence proved all the renunciations were caused by governmental duress. On April 29, 1948, U. S. District Judge Louis E. Goodman handed down his Opinion in which all the renunciations were cancelled. He declared the evidence proved the renunciations were caused by the duress to which each had been subjected. He held that their unconstitutional internment and mistreatment arising out of conditions the government permitted to reign in the camp invoked in each renunciant such fear that each was deprived of freedom of choice and had to renounce and that, in consequence, each renunciation was involuntary and, therefore, void. His Opinion recites that the renunciations were the result of one or more of the following factors, (1) the internal pressure of organizations at Tule; (2) parental pressure exerted on children by alien parents who induced them to renounce to prevent family separation; (3) fear of community hostility if they were forced to relocate in the United States; (4) the conviction the government would deport them to Japan in any event and that, unless they first renounced, they would be subject to reprisal by the Japanese on arrival in Japan and (5) mass hysteria induced by evacuation, loss of home and property, isolation from outside communication, confinement in an overly crowded camp, uncomfortable living quarters and unhealthful surroundings and climatic conditions—producing neuroses built on fear, resentment, uncertainty, hopelessness and despair of eventual rehabilitation. All those conditions and circumstances were caused directly by the government evacuating and imprisoning them and they constitute duress.

After his first Opinion was handed down approximately 3,000 additional renunciants applied to me to obtain the benefits of the decision and were joined as parties plaintiff to these equity suits. His Opinion in the equity cases, however, gave the Attorney General a chance to go forward with further proof as to certain plaintiffs to be designated by name by him, if he wished so to do, provided that such a designation would be made in good faith and that such proof would tend to show that such designated plaintiffs were not affected by the duress at all but renounced freely and voluntarily. Thereafter, the Attorney General had ten (10) months' time within which to file such a designation of certain plaintiffs.

On February 25, 1949, the Attorney General filed Designations naming every one of the 4354 plaintiffs. I moved to strike the Designations on the obvious grounds they were neither genuine nor proper and that they were not filed in good faith. On March 23, 1949, Judge Goodman ordered the Designations stricken from the records and forthwith ordered judgment entered for all the renunciant plaintiffs. On April 12, 1949, final judgments in favor of all the plaintiffs were entered cancelling all their renunciations and adjudging each plaintiff was a native born U. S. citizen and entitled to exercise all the rights, privileges and immunities of citizenship without discrimination by the government and its agents.

On April 28, 1949, the government appealed to the Court of Appeals at San Francisco. The appeals were briefed voluminously and were argued orally. On January 17, 1951, the Court of Appeals handed down its Opinion affirming the judgments as to a large number of the renunciants and reopening the cases as to a large number of others. The object of its reopening order is to give the Attorney General another chance to produce additional evidence in the District Court, if he can, tending to show that those as to whom the cases were ordered reopened renounced freely and voluntarily despite the unconstitutional internment and duress. The unfairness of that order is manifested by the fact it gives the Attorney General another chance to produce evidence against them that he had four (4) years to produce in the District Court but did not or could not there produce for various reasons.

The decision of the Court of Appeals declares, however, that because the evidence showed the "oppressive conditions" prevailing at Tule Lake "were in large part caused or made possible by the action and inaction of those government officials responsible for them during their internment," a "rebuttable presumption arises as to those confined at Tule Lake that their acts of renunciation were involuntary." This allows the government to go forward with the cases against whom its decision would reopen the cause and to produce evidence rebutting the presumption of coercion. If the government produces any evidence indicating a person renounced voluntarily that person thereupon is required to produce contrary evidence and demonstrate that he or she nevertheless renounced involuntarily in order to prevail.

I have been informed by the Justice Department as to the general nature of the evidence the Attorney General intends to try to introduce in evidence against each renunciant in the cases. It consists, in part, of statements made at the renunciation and mitigation hearings, written requests for repatriation, answers made to questions 27 and 28 in DSS-Form 304A of the Selective Service System questionnaire, refusals to swear unqualified allegiance to the U. S., the fact of being a Kibei and being suspected of having been loyal to Japan, or having been a leader or a member of any of the organizations at Tule, having been registered in a Koseki, prior membership in any proscribed alien Japanese associations, etc., and other evidence the Attorney General asserts indicates sympathy to Japan's cause and disloyalty to the U. S. He has available to him also the records of the F.B.I. and W.R.A. relating to each renunciant. Judge Goodman considered all of those factors, which were issues tendered by the evidence, and decided that such things were insufficient to offset the proof that the renunciations were the products of duress. The Court of Appeals' decision states that proof of any such things

overcomes the presumption of duress and leaves on each individual renunciant the burden of explaining that any such factors were innocuous and proving that his or her renunciation was entirely involuntary. The question whether the Court of Appeals has authority to make any such ruling is now a question of law that will be presented to the Supreme Court for settlement.

On February 16, 1951, I filed petitions for rehearings as to those renunciants against whom the Court of Appeals' decision reopened the cases. On February 27, 1951, the Court of Appeals refused to grant rehearings. In consequence, it now is necessary and urgent for me to appeal the cases as to them to the U. S. Supreme Court, as speedily as warranted, by May 28, 1951. If that Court declares the renunciations to be invalid or void its decision will be conclusive. However, if that Court affirms the Court of Appeals' decision individual hearings thereafter will have to be had in the U. S. District Court for each of the renunciants whose separate cause was reopened by the Court of Appeals. In such an event the individual cases will be tried by affidavits, depositions or personal hearings in court or by a combination of such methods. It is incumbent upon me to make immediate preparation to meet any such evidence the government intends to try to introduce against any of them in the event the Supreme Court affirms the decision of the Court of Appeals. This entails the enormous task of assembling information relating to each individual case so as to be prepared not only to meet whatever evidence the government can or may be able to produce against individuals but to overcome that evidence and to demonstrate that each renounced solely by reason of the duress and not by reason of any disloyal feeling toward the government.

In view of the foregoing you will appreciate that the costs and expenses involved in the appeals to the U. S. Supreme Court will be substantial. If individual hearings finally should be required for a large number of persons the total costs and expenses involved will be prodigious in the aggregate but only moderate for each individual. It is the duty of each person in the mass suits to bear his or her proportionate share of this financial burden for all have been mutually benefited by the lawsuits. All the renunciants were in the same situation and all were subjected to the same wrongful evacuation and detention and the same mistreatment by the government. It discriminated against all the renunciants. It inflicted misfortune upon them for "racial" reasons. It oppressed them and coerced them into renunciation. It is through the medium of these mass lawsuits that you and the rest of the renunciant plaintiffs carry on the struggle for your rights, to cancel the outstanding removal orders, to prevent any renunciant from being removed to Japan, to enable those in Japan who wish to do so to return to the United States, to cancel the renunciation of each and to have each declared to be a citizen of the United States.

The Solicitor General has until May 28, 1951, within which to appeal for the Attorney General to the U. S. Supreme Court against the decision of the Court of Appeals in favor of a large number of the renunciants. I do not yet know whether he will appeal or not. If he does it will involve additional expenses to fight against his appeal on behalf of those renunciants in whose favor the Court of Appeals rendered a favorable decision.

The names of the renunciants in whose favor the Court of Appeals' decisions run in the habeas corpus proceedings and in the equity cases will not be known accurately and be made known until the U. S. Solicitor General decides whether to appeal to the U. S. Supreme Court for the Attorney General. Each record has to be examined to make certain of the names of these persons. Several months will elapse before any such judgments can be spread on the minutes of the District Court to finalize and conclude those cases. When a conclusive judgment as to them is to be entered each of these renunciants will be notified thereof by a letter from me.

Results Achieved by the Mass Suits

The handling of these mass cases has been long, tedious and difficult. It has taken five and one-half years' time. The cases have been handled at a trifling minimum individual expense to the persons involved. Nevertheless, a considerable measure of success to date has attended my efforts on behalf of each and all the renunciants in the cases. The government was compelled to liberate every renunciant from internment and to close the concentration camps at Tule Lake, Bismarck, Santa Fe, Crystal City and Bridgeton. Further, the Attorney General has not been able to remove a single renunciant who is in the mass suits to Japan. However, the Attorney General still persists in his efforts to remove to Japan the 302 renunciants whose removal orders have not been cancelled and who were released or paroled into my custody pending the outcome of the court cases. He also has the power, inasmuch as the war with Japan has not yet been proclaimed terminated by the President or Congress, to seize any renunciant, issue a removal order against him, intern him and try to remove him to Japan under the provisions of the Alien Enemy Act. I do not believe, however, that he will endeavor to remove any except the 302 renunciants against whom removal orders still are outstanding and who were released or paroled into my custody on September 6, 1947, and thereupon returned to their homes.

If the U. S. enters into a peace treaty with Japan the Attorney General thereupon will lose his authority to seize, detain and remove any person under the provisions of the Alien Enemy Act. If the President or Congress formally proclaims the end of the war he will also lose those powers. Even if such a contingency did not occur he still could not remove any of the renunciants in the mass suits to Japan unless and until after each affected individual first had his separate individual hearing and thereafter, in the event of an adverse decision, first had been given time to exhaust individual appeals to the Court of Appeals and the Supreme Court. Such a procedure of course would take a long time to complete if individual hearings finally should be required in any large number of individual cases. The exhaustion of such remedies would involve a considerable period of time and an enormous overall expense although only a moderate expense to the individuals concerned.

I have done my best and shall continue to do my best to make certain that none shall be removed to Japan and that the renunciations of each shall be cancelled and the citizenship of each be preserved. Every person in the mass suits has received from me the same degree of protection and none has been given preferred treatment. All have been treated equally. Each person in the cases has been mutually benefited by the others and has had his share of the financial burden lightened to a trifling sum by what others have paid towards the costs and expenses of litigation. Each is duty bound to assist the others to a final conclusion of the cases.

The Alien Enemy Act Is Still in Effect

Every renunciant plaintiff must understand the following: The Alien Enemy Act, Title 50 U. S. Code, Sec. 21, provides that whenever "there is a declared war" between the U. S. and any foreign country "all natives, citizens, denizens, or subjects of the hostile nation or government" fourteen years or older can be "apprehended, restrained, secured, and removed as alien enemies."

When the Attorney General approved renunciations each renunciant immediately was classified by him as an alien enemy and his or her detention in the concentration camps thereupon became internment as an alien enemy. Under Presidential Proclamation No. 2655 issued July 14, 1945, all alien enemies in the U S. deemed by the Attorney General to be dangerous to the peace and safety of the U. S. because they had adhered to Japan or to the principles of the government of Japan were authorized to be removed to Japan on the order of the Attorney General. He issued blanket internment orders against all the renunciants and thereafter issued individual removal orders. Thereafter, under pressure of these mass class suits, he cancelled a large number of the removal orders. However, there are still 302 such removal orders outstanding against individual renunciants.

The Alien Enemy Act is still in full force and effect and will be ended only when the United States enters into a peace treaty with Japan, or the President or Congress officially proclaims the end of the declared state of war, whichever is the sooner. Until the happening of one of those events alien enemies can be seized, detained and be removed to Japan by the Attorney General unless court proceedings prevent such action against them being carried out.

In consequence, any renunciant against whom the Attorney General has issued or may issue a removal order can be removed to Japan unless the cases are won or a peace treaty with Japan sooner is entered into or the President or Congress sooner officially proclaims the state of declared war with Japan to be ended.

The action taken by the Attorney General against renunciants were internment and removal proceedings arising under the Alien Enemy Act which is an emergency war power law. These cases are not ordinary deportation cases arising under immigration laws. Issei who entered this country unlawfully or who lost their admission status who were in the U. S. on July 31, 1948, and who, in addition thereto, have resided here for 7 years or have American born children or are married to U. S. citizens or legally resident aliens and who prove themselves to be persons of good moral character may apply for a suspension of deportation under the relief from deportation provisions of Title 8 U. S. Code, Sec. 155 (c). That law does not apply to Nisei renunciants. There is no existing law under which a Nisei renunciant under Alien Enemy Act removal orders would be entitled to apply for relief under that law. That statute applies only in ordinary deportation cases to foreigners who entered this country illegally or who were legally admitted but lost their admission status as treaty merchants, professional persons, teachers, students, etc.

Further, I wish to point out that there is no existing law under which a Nisei who is proved to have renounced U. S. citizenship voluntarily can become a naturalized citizen. There is a possibility that Congress may authorize the nationalization of those who serve in the armed forces, however.

Effect of Decision To Be Made by the Supreme Court

The question whether the renunciation statute is constitutional or not was not decided by the district court. The Court of Appeals assumed it to be constitutional. Both of those courts considered the basic question for decision in the class suits to be a factual one, that is to say, simply whether the renunciations were invalid or void for being the product of duress. That consequently became for those courts a question of fact to be decided as to each individual renunciant. In consequence, if the U. S. Supreme Court holds the statute to be unconstitutional on its face or as applied to the evacuees its decision will be conclusive and all renunciations will be void.

However, if that Court holds the statute constitutional it must then pass on the question whether the renunciations are invalid for being the products of duress. If it decides as Judge Goodman did its decision will cancel all the plaintiffs' renunciations as having been made involuntarily because they were primarily caused by the government's duress or coercion. If it affirms the decision of the Court of Appeals that will mean that individual hearings of the affected persons must be had in the district court. There the government first would have to produce evidence tending to show that despite the duress certain plaintiffs renounced voluntarily. Then those particular plaintiffs must produce evidence to prove that they were in fear and renounced by reason of the unconstitutional detention, their mistreatment by the government and its agents and by reason of the terror conditions the government permitted to reign in the camp.

If the Supreme Court does not void the renunciations on constitutional grounds or invalidate them because all renunciants were the proved victims of coercion, as the district court held, and affirms the decision of the Court of Appeals requiring individual hearings no renunciant who has not sued or does not sue to cancel his renunciation could recover his U. S. citizenship. In other words, if the mass renunciation cases are won in the Supreme Court only on the question of factual duress and not on the ground of the unconstitutionality of the renunciation statute on its face or as applied such a decision will not restore the citizenship of persons not in the mass cases and such persons will have to commence their own private suits if they wish to recover citizenship.

Neither the Attorney General nor the State Department nor any other agency or agent of the executive branch of our government can cancel renunciations or restore citizenship to any renunciant. Only a court can cancel a renunciation and declare a person to be a citizen.

The issuance of a U. S. passport to a person by the State Department, with or without the consent of the Attorney General, does not automatically make a renunciant a citizen. However, it could be used as evidence in the form of an admission against the government and would assist in gaining a favorable court decision in any individual hearing or trial that might be required to be held. Pending a favorable final settlement of the cases in the courts the State Department, collaborating with the Justice Department, will deny a passport to any renunciant against whom the Justice Department (Attorney General) believes it can produce sufficient evidence to indicate the renunciant was disloyal to the United States or renounced voluntarily.

Why There Is a Possibility Individual Hearings May Be Required for Some Renunciant Plaintiffs

No outside assistance has been offered or been given to these mass suits by any person or group except the American Civil Liberties Union of Northern California in San Francisco, of which Mr. Ernest Besig is director. That organization steadily has given the renunciants and these mass suits its moral support and favorable publicity. Aside from it the renunciants have been compelled to rely entirely upon themselves and their Tule Lake Defense Committee.

The JACL did nothing to oppose the renunciation program. It refused to help the renunciants when they were held in concentration camps. While the renunciation hearings were being held in Tule Lake Saburo Kido as the national President of the JACL wrote Tetsujiro Nakamura, the legal aid counsellor at Tule Lake Center, that the JACL national headquarters would do nothing about the program and that he personally did not believe any court suit would be successful. Neither the JACL nor its subsidiary, the ADC, have ever said a good word for the renunciants. During the progress of the suits the JACL newspaper, the Pacific Citizen, in John Kitasako's column called the Washington Newsletter, published an article against renunciants charging them with having been disloyal to this country.

A. L. Wirin who had been the attorney for the JACL and also for the ACLU of Southern California at Los Angeles, a branch of the ACLU of N. Y., testified before the Dickstein Congressional Committee in 1945 that all renunciants should be deported to Japan. The American Civil Liberties Union of New York, of which Roger Baldwin was director, never at any time helped the renunciants. Instead, that organization, and especially Roger Baldwin, its director, the JACL and A. L. Wirin and Frank F. Chuman have done much which has been harmful to the renunciants and their mass lawsuits. Naturally, however, in view of the successes of the mass suits, those organizations and persons do not now want the real facts to be made known.

Nevertheless, the facts are that after every single renunciant had been pried loose from internment by these mass lawsuits and the internment camps had been closed out and Judge Goodman handed down his favorable decision in the mass habeas corpus cases the ACLU of New York decided to get publicity for itself. It realized that in failing to give the mass cases its moral support it had missed an opportunity to reap a lot of free publicity for itself. Thereafter it made feeble announcements that it supported the mass suits in principle insofar as they related to renunciants whose loyalty was beyond question. However, it never gave the mass suits any support whatever, moral or otherwise. The ACLU of Northern California, a separate organization of which Ernest Besig is Director, however, has given the mass cases and the renunciants its moral support from the inception of the cases and has given them favorable publicity.

The ACLU of New York, just to get publicity for itself when the mass suits were proceeding favorably, actively arranged to solicit cases involving a few renunciants, being careful to screen them to satisfy itself that they were loyal. It was anxious to relieve the WRA, the Justice Department and government agents from any charge of responsibility for the vicious renunciation program. There has come into my possession an affidavit made by Frank F. Chuman dated Dec. 16, 1946, in which he stated under oath that while he was employed as a law clerk he was instructed by his employer A. L. Wirin to solicit renunciation cases for A. L. Wirin to file lawsuits on and that the ACLU of N. Y. was interested in and sponsoring such cases.

The ACLU of N. Y. thereafter procured a few renunciants to serve its purposes. A. L. Wirin thereafter commenced the joint Murakami, Sumi, Shimizu and Inouye suit in Los Angeles. The attorneys who appeared for the petitioners in that proceeding were A. L. Wirin and Fred Okrand. Nanette Dembitz who had been with the Justice Department, Arthur Garfield Hays and Osmond K. Fraenkel, both of the ACLU of New York, and Frank F. Chuman who was in the pay of A. L. Wirin appeared as of counsel. (Saburo Kido and Edward J. Ennis are now committee members of the ACLU of N.Y. and both are identified with the JACL. Ennis once was director of the Alien Enemy Control Unit of the Justice Department and had a hand in the administration of the renunciation statute.)

The unfortunate result was that the district court in Los Angeles and the Court of Appeals both found from the evidence in the Murakami case and declared in that case that many internees were pro-Japanese and that many of the interned Kibei were pro-Japanese and many were disaffected Nisei. That was equivalent to a finding that renunciants were disloyal unless they could prove their loyalty individually. In consequence, the Murakami case caused almost irreparable harm to the renunciants in the mass cases because the Murakami decisions charged, found and branded such a large number of the internees as being disloyal to the United States. The fact that such an unjust brand thereby attached to several thousand persons involved in the mass habeas corpus and equity suits apparently meant nothing to the ACLU of N.Y., Roger Baldwin, A. L. Wirin, Fred Okrand, Nanette Dembitz, Arthur Garfield Hays, Osmond K. Fraenkel and Frank F. Chuman. Evidently they were not concerned with the fact that the Murakami suit might result in harm to the renunciants generally. However, the branding of renunciants generally as being disloyal to the U.S. unless they could prove their

loyalty in fact had nothing whatever to do with the legal right to cancel a renunciation. The only basic factual question to be decided in cancelling a renunciation is merely whether a renunciation was made voluntarily or whether it was the product of fear induced by duress and hence void.

Because the Court of Appeals in the Murakami case had made such findings of possible disloyalty on the part of so many renunciants at Tule Lake it stated in our mass suits, in substance, as follows: the Attorney General has indicated his realization of his duty to prevent a restoration to citizenship of disloyal renunciants who renounced voluntarily because of their sympathy with Japan and their hope of a Japanese victory over the United States. It further stated that many renunciants who "voluntarily renounced were disloyal to the United States" and had no inclination in trying to set aside their renunciaions until after Hiroshima and Nagasaki had been damaged by atomic bombs and they had learned that Japan's cause was hopeless and had learned that material conditions in the U. S. had become greatly preferable to those in Japan. It also declared that over half of the native born citizens at Tule Lake were Kibei, of whom it had found in the Murakami case, 176 F. (2d) 753 at page 758, that some were "permanently pro-Japanese." It further declared that the federal courts "must be more vigilant than ever that the massing of 4315 plaintiffs in two suits does not conceal the facts as to such enemy minded renunciants."

In view of the findings and declaration of that Court it must be apparent to you that the Murakami suit injured the mass suits and the cause of the renunciants. It is my opinion that if the Murakami case had never arisen the Court of Appeals would have upheld Judge Goodman's judgment in the mass cases cancelling all the renunciations or that the Attorney General would not have appealed from Judge Goodman's decision and no further trouble or problems would have arisen by reason of renunciations.

Although he had testified before a congressional committee that all renunciants should be deported to Japan, A. L. Wirin filed a few other individual renunciant suits. Quite recklessly, in disregard of the danger his actions presented to the mass suits, he filed in Los Angeles between May 12, 1948, and Oct. 6, 1950, separate suits for the following named persons who already were in the mass suits and whose rights were adequately protected thereby, viz., Norio Kiyama, Miyoko Kiyama, Michiko Takikawa (Takigawa), Yukiko Nakanishi, Yemiko Hamaji, Akira Tanaka, Harry Masao Hamachi and Gentaro Yamashita. Neither he nor any of these Nisei notified me, or you or the Tule Lake Defense Committee of what they had done. They kept it a secret. They wanted to get the protection and benefits of the mass suits which had been made possible by all the plaintiffs in the mass suits and, at the same time, apparently were willing to jeopardize the mass suits and the rights of all the plaintiffs in them. Further, Wirin prepared papers purporting to dismiss those persons from the mass suits and secretly filed those purported dismissals in the district in San Francisco. However, the mass suits already had been won and were out of the district court at the time they were filed and were on appeal in the Court of Appeals. In consequence, the dismissals were ineffective because (1) they were filed in the wrong court which had no jurisdiction over the causes; (2) they were surreptitiously filed without notice being given to me or to the U. S. Attorney; (3) no motions were made in court to dismiss and (4) no dismissal orders were presented to a judge or signed by a judge. In addition thereto he filed a like purported dismissal for Goichi Nerio who never was in the mass suits at all.

Further, between Oct. 7, 1947 and Nov. 7, 1950, Wirin commenced individual suits in Los Angeles for Isao James Kuromi, Tetsuo Frank Kawakami, Toshiko Ichikawa, Iwao Shigei, Hajime Kariya, Yoshiko Tokoi, Tadao Adachi and Yukiko Adachi, each one of whom already was in our mass suits. Neither he nor any of those Nisei gave me, you or the Tule Lake Defense Committee any notice of the filing or pendency of those separate suits. They concealed the facts. Wirin went to such lengths that when I argued the mass appeals in the Court of Appeals he appeared there on behalf of Frank Tetsuo Kawakami.

All of the above-named Nisei were in the mass equity suits when Wirin filed separate individual suits for them in Los Angeles. Each of them was protected by the judgments of Judge Goodman cancelling the renunciations. The mass suits already had been won and were on appeal when those separate individual suits were filed in Los Angeles. Each one of them was adequately protected by the mass equity suits. Each one of them allowed a separate suit to be filed by Wirin without your knowledge, my knowledge or the knowledge of the Tule Lake Defense Committee. Each one of them thereby acted against the best interests of all the plaintiffs in the mass equity suits. In so doing each of them exhibited an eagerness to keep the benefits secured to them by all the plaintiffs in the mass suits whose contributions made success possible and, at the same time, by their separate suits indicated an apparent willingness to jeopardize the rights and status of all the plaintiffs in the mass equity suits. It is likely that the court where those separate suits are pending will order them dismissed because the plaintiffs therein have no legal right to proceed by separate suits when their legal rights have been decided in the mass suits. That will be their misfortune.

It is proper to draw the conclusion that the Murakami case had the effect of relieving the W.R.A. and the Justice Department and their agents from blame for the renunciations by shifting the blame to a large group of several thousand internees. It is my opinion that any attempt to whitewash the government by relieving it from the charge that all the renunciations were caused by government duress and asserting they were due to the private duress of individuals and groups of internees serves no purpose except to attach to several thousand internees an unjust brand of disloyalty. Further, there is no good reason for injecting any question of loyalty or disloyalty into a lawsuit seeking to void or invalidate a renunciation on the ground of duress. The sole question involved in such cases is simply whether or not the renunciation is involuntary because it was caused by duress.

In the Murakami decision the Court of Appeals, on the basis of the findings made by the district judge in Los Angeles on the evidence introduced in that case, blamed the renunciations on Kibei at the Tule Lake Center and on members of the Hoshi Dan, Seinen Dan and on other groups and persons but not on the W.R.A.

and Justice Department and their agents where it belonged. That manifestly was unfair to those several thousand internees for all of them, too, were victims of the unconstitutional detention and of the duress to which the government had subjected all the persons confined to the Tule Lake Center and other concentration camps. Whatever any internees did to persuade other internees to renounce was excused in Judge Goodman's opinion in the mass cases which stated that they acted abnormally because of abnormal conditions not of their own making and that, although some may have detrimentally affected others, they were not to be held individually responsible. Obviously, all the renunciations were directly caused by the detention and the duress of the government. It is unfortunate that the Murakami case arose. Except for the decisions therein branding so many Kibei and Nisei with the charge of disloyalty it is likely that the Court of Appeals in the mass suits would have affirmed Judge Goodman's decision in its entirety without permitting a reopening of the cases for any individual hearings.

There is a chance, nevertheless, that the Supreme Court may set aside the unfavorable part of the decision of the Court of Appeals in the mass cases and affirm the ruling of Judge Goodman as to all the plaintiffs. If it does not do so I shall proceed to have whatever individual hearings may be necessary heard so soon thereafter as is possible.

What Renunciants Must Not Do

Until a conclusive judgment has been entered in the cases of the renunciants there are a few things they must not do. These are as follows:

(1) A renunciant must not leave the United States to visit any foreign country. If he does the Immmigration Service will deny him the right of re-entry. However, if he first obtains a U. S. passport after revealing to the State Department that he is a renunciant and fills out the special affidavit it requires of renunciants and the State and Justice Departments approve its issuance he can go abroad.

(2) A renunciant must not in any application for employment by the federal or a state government assert that he is a citizen. If he is required in any application for a civil service or other government position to state the country of which he is a citizen he may state: "I claim to be a U. S. citizen—I renounced at the Tule Lake Center under duress—litigation is pending to determine my political status."

(3) A renunciant should not lease or purchase agricultural or residential land in California unless and until the California Supreme Court or the U. S. Supreme Court declares the Alien Property Initiative Act of 1920 (The Alien Land Law) to be unconstitutional and void as to Japanese who are not citizens or until the California legislature repeals that law. Two cases presently are pending in the California Supreme Court testing the validity of that law but they may not be decided for several months' time. In the meantime, however, any citizen member of a renunciant's family is authorized to lease or purchase agricultural and residential land on the same legal basis as any other citizen.

(4) A renunciant must not register as a voter or vote in any election for federal, state, or municipal officers or measures.

(5) A renunciant must not hold a public office for which only a citizen is declared to be eligible by law.

(6) Without first consulting me no plaintiff in the mass suits should make any written or verbal statement to any governmental officer, agency or agent or to anyone else concerning the mass suits and especially concerning the reasons why he or she renounced except to state that he or she renounced by reason of duress while held in a concentration camp. Remember, no one can compel you to make any statement concerning these matters and no one has any right or authority to compel you to answer any questions except in court. You should refuse to answer any questions on these matters put to you by any person whether it be a government agent or a private person. You can state that you refuse to answer any questions on my advice as your attorney. Remember, ex-employees of the W.R.A. and present employees of the government may try to question you to gain information about these matters just to help the Justice Department get adverse evidence against you. Therefore, make no statements about the matters to anyone except you first consult me.

I wish also to caution you against paying much attention to rumors, radio reports and newspaper articles concerning the mass suits and your rights. Those sources are seldom accurate and generally are unreliable. You must not be alarmed by them or give them any serious consideration. You must remember that reports and comments concerning the mass cases appearing in a few Japanese language newspapers published in this country are written by JACL agents or adherents interested in praising the JACL, in publicizing its officers and attorneys and in assisting it to raise funds at an enormous expense for what little, if anything, it accomplishes. The JACL, its officers and members and the ACLU of N.Y. and its officers and attorneys are neither sympathetic to you nor interested in the preservation of your rights. You should not place much faith in their pronouncements. Whenever anything of real importance occurs in the mass suits affecting you directly I shall write and let you know. However, if any problem perplexes you concerning the cases and your rights and the matter is urgent you can communicate direct with me.

Procedure for Renunciant Plaintiffs Who Are in Japan

Renunciant plaintiffs in Japan long ago were informed by me by letter that if they desired to return to the United States they could wait until the Court of Appeals passed on the issues or could apply to the nearest U. S. consul in Japan for a U. S. passport. The choice was left up to each of them in Japan to make. They now may do either of two things:

They may wait until the U. S. Supreme Court decides the pending appeals. This probably will take place between October, 1951, and March, 1952. On the other hand they may apply to the nearest U. S. Consul in Japan for a U. S. passport. Those who apply for a passport must tell the consul that they are renunciants.

The consul will give them two affidavits to fill out. One is the passport application and the other is a "Supplemental Affidavit To Be Submitted With Passport Applications of Japanese Renunciants." When those affidavits are filled out and filed with a U. S. consul the supplemental affidavit will be transmitted to the State Department in Washington and from there to the Justice Department in Washington. If the Justice Department is convinced the supplemental affidavit contains a true recital of facts and contains nothing adverse to the applicant's interest and finds nothing substantial against the applicant in its own records, the FBI and WRA records and other records pertaining to the applicant the passport will be issued and the renunciant will be permitted to return to the United States. They must understand, however, that the issuance of a passport does not make them U. S. citizens. Only the courts can declare renunciations void, cancel them and declare renunciants to be citizens. Neither the State nor the Justice Departments can cancel renunciations or declare renunciants to be citizens.

Each renunciant in Japan who applies for a passport should make a copy of his passport application and a copy of the supplemental affidavit. The best procedure is for them to send me a copy of the supplemental affidavit before they file it with a U. S. consul and let me scrutinize it first. The copy may be needed for any subsequent individual court hearing. The plaintiffs in Japan who already have filed such affidavits should send me a copy. It is essential to preserve a copy because it may be needed for purposes of the cases some time in the future.

If you are in Japan, you are warned against committing any act of expatriation which would cause you to lose U. S. citizenship. The following acts have been defined by Congress, in Title 8, U. S. Code, Sec. 801, to constitute acts of expatriation whereby a citizen loses his U. S. nationality and citizenship, namely: (1) taking an oath or affirming or declaring allegiance to a foreign state; (2) serving in the armed forces of a foreign state if he has or acquires the nationality of that state; (3) accepting or performing employment under a foreign government if only nationals of that government are eligible for such employment; (4) voting in an election or plebiscite in a foreign state to determine sovereignty over foreign territory; (5) making a formal renunciation of U. S. nationality before a diplomatic or consular officer of the United States in a foreign state; (6) deserting our armed forces in time of war if convicted of desertion or dismissed or dishonorably discharged from those forces; (7) committing any act of treason or attempting to overthrow or bear arms against the U. S. if convicted by a court martial; and (8) leaving or remaining outside the jurisdiction of the U. S. in time of war or national emergency for the purpose of evading service in our armed forces.

Further, each plaintiff renunciant in Japan should keep me informed of his or her address. In addition, each should send me the name and address of his or her nearest relative in the United States and the address in the U. S. to which he or she intends to return. It is necessary for me to have this information so that I can communicate with them conveniently. Further, I am preparing detailed letters to each of the plaintiffs in Japan informing each once again concerning the quickest and best method of obtaining clearance so as to return to the United States if they so wish. If there are some of them who believe that passports will not be issued to them and who, nevertheless, still wish to return without waiting for the Supreme Court to decide the appeals and are willing to run the risk of an individual trial in the event the Supreme Court refuses to reverse the Court of Appeals' decision reopening the cases as to some renunciants they will have an opportunity to do so. I shall explain this matter to each renunciant in Japan by way of a separate letter.

If the Solicitor General does not appeal to the Supreme Court from the Court of Appeals' decision affirming Judge Goodman's decision all those renunciants in Japan in whose favor the Court of Appeals' decision runs will be U. S. citizens when I have the Court of Appeals' decision spread on the minutes of the District Court. That cannot occur before some 90 days' time elapses. Each of them will be notified by me when that occurs. When that is done none of them will be required to file the supplemental affidavit for renunciants the U. S. consuls now require of them. Passports will be issued to them on their applications for passport in which each will state that he is a citizen of the U. S.

A number of the plaintiffs in Japan already have been granted passports and a number of these have returned to the United States while a number preferred to remain in Japan for various reasons of their own. Each who has been granted a passport and each who is granted one in the future should notify me by letter and give me the passport number and the date of its issuance. Each who has returned to the United States and each who returns to the United States should keep me informed of his or her address until the cases are finally settled by the courts.

Conclusion

I am enclosing for the plaintiffs in the U. S. a list of renunciants who are in the mass cases who have changed their addresses but have not notified me of their present addresses. I shall be grateful if you will look over the list. If you know the addresses of any of the persons thereon kindly write me and give me the addresses. If they cannot be located it will be difficult for me to continue to represent them properly especially if any of them finally should be required to have individual hearings.

I would thank each of you who has served in our military or naval forces to write me and give me the date you entered into such service, the grade or rank you attained, the period of time you served, the places where you served and the date of your honorable discharge if you have been released to inactive duty. I can use that information in connection with the appeals. If you have changed your own address kindly notify me by postcard or letter of your new address.

Very truly yours,

WAYNE M. COLLINS.

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

SAN FRANCISCO, CALIF.
APR 6
2-PM
1951

BUILD YOUR FUTURE
WISELY, SAFELY
U.S. SAVINGS BONDS

UNITED STATES POSTAGE
3 CENTS 5

Shigeru Kawasaki
c/o Mr. Seto (Zama Postmaster)
Koza gun, Zama machi,
Kanagawa ken, Japan

RETURN TO SENDER
REASON FOR NON DELIVERY CHECKED
UNCLAIMED ..... UNKNOWN .....
DECEASED ..... INSUFFICIENT ADDRESS .....
MOVED, LEFT NO ADDRESS ..... REFUSED .....
NO SUCH STREET NUMBER ..... OUT OF BUSINESS .....
NO SUCH POST OFFICE .....
DO NOT REMAIL UNDER THIS COVER

Judgment


TOKYO
9. 6. 51
JAPAN

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

hrd

GCD:PJG
146-54-2796
93-1-1320

SEP 20 1956

AIR MAIL

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

Re: Shigeru Kawasaki
Your Reference: Abo et al v. Brownell et al.
Furuya et al v. Brownell et al. (Consolidated
Actions Nos. 25294 & 25295.) Renunciation
of Citizenship, Former Title 8 U.S.C. 801(i).

Dear Mr. Burke:

The records of this Department indicate that the name of this subject, Shigeru Kawasaki, was included in the judgment of the District Court for the Northern District of California, dated May 29, 1952, entered in the above captioned case. At the time this was accomplished we were not aware of the fact that Mr. Kawasaki had voted in the April 1947 Japanese elections. The fact that he did so vote is evidenced by the certified copy of his application for naturalization, pursuant to Public Law 515, 83d Congress, enclosed herewith.

In view of the foregoing it is suggested that appropriate action be taken to delete Mr. Kawasaki's name from the aforementioned judgment of May 29, 1952 and that he be dismissed as a party-plaintiff from the instant case. We shall appreciate receiving a copy of the papers when the same are filed with the District Court.

Yours very truly,

GEORGE COCHRAN DOUB
Assistant Attorney General
Civil Division

By:
Enoch E. Ellison
Chief, Japanese Claims Section

Encl.

cc: Immigration and Naturalization
Service
Sacramento 9, California

Wayne M. Collins, Esq.
San Francisco 4, California

hrd

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

GCD:PJG
146-54-2796
93-1-1320

AIR MAIL

SEP 20 1956

Lloyd H. Burke, Esquire
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Yours very truly,

GEORGE COCHRAN DOUB
Assistant Attorney General
Civil Division

By:
Enoch E. Ellison
Chief, Japanese Claims Section

Encl.

cc: Immigration and Naturalization
Service
Sacramento 9, California

Wayne M. Collins, Esq.
San Francisco 4, California

September 26, 1956

Department of Justice
Washington 25, D.C.

Attn:; Enoch E. Ellison, Esq.

Gentlemen:

In re: Abo et al., v. Brownell, et al.
Consolidated No. 25294-5,
USDC; San Francisco.

On September 20, 1956, you wrote to Lloyd H. Burke, Esquire, U.S. Attorney in San Francisco, requesting deletion of Shigeru Kawasaki, born January 24, 1916, from the judgment entered May 29, 1952, on the grounds that he had voted in an election in Japan in April 1947 and thereafter applied for renaturalization pursuant to the provisions of Public Law 515.

I would thank you to advise me whether Mr. Kawasaki thereafter was renaturalized by said Public Law 515 and if so, the date thereof.

Very truly yours,

cc: Lloyd H. Burke, Esq.

UNITED STATES DEPARTMENT OF JUSTICE

hrd

WASHINGTON, D. C.

Address Reply to the
Division Indicated
and Refer to Initials and Number

GCD:PJG
146-35-2796

OCT 3 1956

Wayne M. Collins, Esquire
Attorney at Law
Mills Tower Building
220 Bush Street
San Francisco 4, California

Re: Shigeru Kawasaki
Abo et al v. Brownell et al.
Consolidated Nos. 25294-5,
U.S.D.C., San Francisco.

Dear Mr. Collins:

In response to your letter of September 26, 1956, relative to Shigeru Kawasaki, we are enclosing a photostat copy of his application for naturalization pursuant to Public Law 515, 83d Congress, including the Order of the United States District Court for the Northern District of California, dated July 18, 1956, wherein Shigeru Kawasaki was admitted to become a citizen of the United States of America.

I trust the above is responsive to your letter of September 26, 1956.

Yours very truly,

GEORGE COCHRAN DOUB
Assistant Attorney General
Civil Division

By: Enoch E. Ellison
Enoch E. Ellison
Chief, Japanese Claims Section

Enclosure

cc: Lloyd H. Burke, Esq.
United States Attorney
San Francisco, California

Form N-448
UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
(Rev. 12-24-52)

Form approved.
Budget Bureau No. 43-R216.1.

ORIGINAL
(To be retained by Clerk of Court)

UNITED STATES OF AMERICA

R-1 Series
No. 11

APPLICATION TO TAKE THE OATH OF ALLEGIANCE AND FORM OF SUCH OATH

(By a former citizen, under Public Law 114, 82d Congress, as amended) Public Law 515, 83rd Congress

To the Honorable the United States District Court of Northern District of California, Sacramento, California

This application, hereby made and filed, respectfully shows:

(1) My full, true, and correct name is SHIGERU KAWASAKI
(Full, true name, without abbreviation, and any other name which has been used, must appear here)

(2) My present place of residence is 517 Que Street, Sacramento, (Number and street) (City or town)
County of Sacramento, California
(County) (State)

(3) My occupation is Grocery Clerk

(4) I am 40 years old. (5) I was born on January 24, 1916
(Month) (Day) (Year)
in
(City or town) (County, district, province, or State) (Country)

(6) (If a naturalized citizen) I (or my parent(s)) (was, were) naturalized on
(Month) (Day) (Year)
in the (Name of court) Court of

and received Certificate of Naturalization No.

(7) My personal description is: Sex Male; complexion Sallow; color of eyes Brown; color of hair Black; height 5 feet 4 inches; weight 160 pounds; visible distinctive marks brown mole near right eye

(8) While a citizen of the United States I voted on April 5, 15, 30, 1947
(Month) (Day) (Year)
at Shibata, (Name of city) Japan, Italy, in a political election or plebiscite whereby I lost my United States citizenship.

(9) I have not subsequent to such voting committed any act which had I remained a citizen would have operated to expatriate me. I have done nothing to promote the cause of communism.

(10) I hereby apply to take the oath of allegiance required by section 337 of the Immigration and Nationality Act, and to become naturalized.

(signed) SHIGERU KAWASAKI
(Full, true, and correct signature of applicant, without abbreviation)

Subscribed and sworn to before me by the above-named applicant in the office of the Clerk of said Court at Sacramento, California this 20th day of June anno Domini 19 56

O. W. CALBREATH
C. C. EVENSEN Clerk.
By Deputy Clerk. (SEAL)

of

ORDER OF COURT

ss.:

In the United States District Court
of Northern District of California
at Sacramento, California

Upon consideration of the foregoing application and the applicant having taken the oath of allegiance and the oath regarding communism in open court this 18th day of July, A. D. 1956, it is hereby ORDERED that the said applicant be, and he hereby is, admitted to become a citizen of the United States of America.

By the Court SHERRILL HALBERT
Judge.

16—65948-3

OATH REGARDING COMMUNISM

I hereby declare on oath that I have done nothing to promote the cause of communism. So Help Me God. In acknowledgment whereof I have hereunto affixed my signature.

(signed) SHIGERU KAWASAKI

(Full, true, and correct signature of applicant, without abbreviation)

OATH OF ALLEGIANCE

I hereby declare, on oath, that I absolutely and entirely renounce and adjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law; or

that I will perform noncombatant service in the Armed Forces of the United States when required by the law; or

that I will perform work of national importance under civilian direction when required by the law;

and that I take this obligation freely without any mental reservation or purpose of evasion: So Help Me God. In acknowledgment whereof I have hereunto affixed my signature.

(signed) SHIGERU KAWASAKI

(Full, true, and correct signature of applicant, without abbreviation)

The foregoing oaths subscribed to by the applicant were administered to the applicant in open court this 18th day of July, 1945.

C. W. CALBREATH

Clerk.

By C. A. CYR

Deputy Clerk.

U. S. GOVERNMENT PRINTING OFFICE 16—62048a-2

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST:

C. W. CALBREATH

Clerk, U. S. District Court

Northern District of California

By Mary Van Schaik

Deputy Clerk

Wayne M. Collins
Attorney at Law
1300 Mills Tower
San Francisco 4, Calif.
GArfield 1-5827
Attorney for Plaintiffs.

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

TADAYASU ABO, et al., etc.,

Plaintiffs,

-vs-

HERBERT BROWNELL, JR., etc., et al.,

Defendants.

No. 25294

Cons. No. 25294-G

DISMISSAL OF SHIGERU KAWASAKI AS A PARTY PLAINTIFF

Shigeru Kawasaki, a party-plaintiff in the above-entitled cause, having heretofore obtained clearance pursuant to the administrative remedy agreed upon between counsel for plaintiffs and counsel for defendants, and having thereafter become eligible for naturalization pursuant to the provisions of Public Law 515, 83rd Congress, and having thereafter on June 20, 1956 taken the oath of allegiance to the United States as required by said Public Law 515, the said Shigeru Kawasaki hereby withdraws as a party-plaintiff from the above-entitled cause and the said cause hereby is dismissed as to him without prejudice.

Dated: November 2, 1956.

SO ORDERED:

November 2, 1956.

LOUIS E. GOODMAN
UNITED STATES DISTRICT JUDGE

/s/ Wayne M. Collins
Wayne M. Collins
Attorney for Plaintiffs.

WAYNE M. COLLINS
ATTORNEY AT LAW
1300 MILLS TOWER
SAN FRANCISCO 4, CALIF.
GARFIELD 1-5827

ADMISSION OF SERVICE

Receipt of a copy of the dismissal of Shigeru Kawasaki as a party-plaintiff hereby is admitted this 2nd day of November, 1956.

GEORGE COCHRAN DOUB, Assistant Attorney General.
LLOYD H. BURKE, United States Attorney.
ENOCH E. ELLISON, Attorney, Department of Justice.
PAUL J. GRUMBLY, Attorney, Department of Justice.

By: /s/ Charles Elmer Collett
Assistant United States Attorney

Attorneys for Defendants.

WAYNE M. COLLINS
ATTORNEY AT LAW
1300 MILLS TOWER
SAN FRANCISCO 4, CALIF.
GARFIELD 1-5827

November 5, 1956

Mr. Shigeru Kawasaki
517 Que Street
Sacramento, California

Dear Mr. Kawasaki:

Inasmuch as you voted in the April 1947 Japanese elections and subsequent thereto were renaturalized on June 20, 1956, your name has been deleted from the Judgment List of May 29, 1952 and a dismissal of you as a party-plaintiff in Abo v. Brownell has been entered on November 2, 1956.

There is a balance due on your account of $200; the only remittance being recorded to your credit was $100 on March 2, 1949. You may wish to remit the outstanding sum due at your earliest convenience.

Very truly yours,

_____

Secretary to Wayne M. Collins