

16:20

TOTANI, TOSHIO

1956-1961

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18 May 1956

TELEPHONE
MICHIGAN 9708

HUNTINGTON PARK OFFICE
7200 SEVILLE AVE.
LOGAN 5-7231

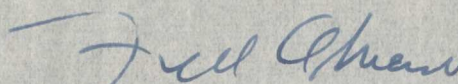
Mr. Toshio Totani
380 Umaki, Fukui-mura
Asa-gun, Hiroshima Ken
JAPAN

Dear Mr. Totani:

I have this day forwarded to the Board of Review of the State Department in Washington an Appeal from Decision that United States Citizenship has been Lost and from Issuance of Certificate of the Loss of the Nationality of the United States. I enclose a copy for your information.

By reason of the nature of the appeal we did not use the statement you prepared for Mr. Wirin.

Sincerely yours,


Fred Okrand

FO/s
Enc.

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23 May 1956

Mr. Toshio Totani
380 Umaki, Fukui-mura
Asa-gun, Hiroshima Ken
JAPAN

Dear Mr. Totani:

When I reached Los Angeles, I turned over your case to Mr. Okrand, requesting him to prepare an appeal; he has already done it; and wrote you on May 18, 1956 enclosing a copy of the appeal.

I would appreciate greatly if you would be good enough to have the retainer of \$500.00 which you agreed to pay when I saw you in Hiroshima, paid to us as soon as possible.

Sincerely yours,

A. L. Wirin

A. L. Wirin

ALW/s

1 WIRIN, RISSMAN & OKRAND
2 257 South Spring Street
3 Los Angeles 12, California
4 Telephone: Michigan 9708

5 Attorneys for Appellant

8 BEFORE THE BOARD OF REVIEW - PASSPORT OFFICE

9 UNITED STATES DEPARTMENT OF STATE

10
11 In the Matter of United States
12 Citizenship
13 of
14 TOSHIO TOTANI

15
16 { APPEAL FROM DECISION THAT UNITED
17 STATES CITIZENSHIP HAS BEEN LOST
18 AND FROM ISSUANCE OF CERTIFICATE
19 OF THE LOSS OF THE NATIONALITY
20 OF THE UNITED STATES.

21
22 Appeal is hereby made on behalf of Toshio Totani, herein-
23 after called Appellant, from the decision that Appellant lost his
24 United States Citizenship by virtue of his drafted military service
25 in the Japanese Army during World War II, and from the issuance to
26 him of a Certificate of the Loss of the Nationality of the United
27 States.

28 It is respectfully submitted that said decision is contrary
29 to law.

30 Counsel for Appellant have previously briefed the matter
31 and submitted said briefs to this office. Representative of these
32 briefs are the Appeals from Denials of Certificates of Identity in
the cases of Masahiro Mitsuoka and Kenso Ota and letters of counsel
dated December 13, 1955 and January 10, 1956 in the Appeal of Shoichi
Kamada. Said arguments are not repeated here, but the briefs and
letters above referred to are referred to herewith, incorporated
herein as though fully set forth and the Board of Review is respect-
fully requested to consider same as though filed in the instant ap-

1 peal.

2 One further point is appropriately added here however. In
3 the Mitsuoka appeal there was set out (at pages 10 and 11) an over-
4 whelming list of decisions involving cases like the instant one of
5 service in the Japanese Armed Forces, wherein the courts of this
6 land have held that the State Department's view of the law is incor-
7 rect. To this list should be added the following cases decided
8 since that time:

9 Kozono v. Dulles, No. 14769, DC SD Cal;

10 Serizawa v. Dulles, 134 F. Supp. 713

11 (DC ND Cal 1955);

12 Noda v. Dulles, No. 32355, DC ND Cal;

13 Matsuda v. Dulles, No. 32359, DC ND Cal;

14 Okada v. Dulles, 134 F. Supp. (DC ND
15 Cal 1955);

16 Namba v. Dulles, 134 F. Supp. 633 (DC
17 ND Cal 1955);

18 Tamada v. Dulles, No. 1273, DC D Haw;

19 Fujii v. Dulles, No. 1261, DC D Haw;

20 Suda v. Dulles, No. 1302, DC D Haw.

21 Thus the situation is that while the administrative agency
22 is expatriating American citizens under the situation extant in the
23 instant case, the courts of the United States, almost invariably,
24 when the citizen has been able to present his case to them, have
25 ruled that citizenship was not lost.

26 It is respectfully submitted that there is sufficient
27 judicial authority on the books to call for an end to this incongru-
28 ity and to impel this Board to bring the Department's decisions in
29 line with the judicial decisions.

30 The decision holding that Toshio Totani lost his American
31 citizenship should be reversed, the Certificate of the Loss of the
32 Nationality of the United States heretofore issued him should be

1 withdrawn and cancelled and Mr. Totani should be issued his pass-
2 port.

3 Respectfully submitted,
4 WIRIN, RISSMAN & OKRAND

5 By s/ Fred Okrand
6 Fred Okrand
7 Attorneys for Appellant
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WIRIN, RISSMAN & OKRAND

A. L. WIRIN
FRED OKRAND
ROBERT R. RISSMAN
PAUL M. POSNER

ATTORNEYS AT LAW
257 SOUTH SPRING STREET
LOS ANGELES 12, CALIFORNIA

TELEPHONE
MICHIGAN 9708

January 15, 1957

Mr. Toshio Totani
380 Umaki, Fukui-mura
Asa-gun, Hiroshima Ken
JAPAN

Dear Mr. Totani:

I am in receipt of word from the Passport Office of the State Department that they have considered the Appeal that we filed on your behalf from the issuance to you of the Certificate of the Loss of the Nationality of the United States. The decision of that office was not to reverse their former opinion.

This means that the procedures under the Immigration and Nationality Act of 1952 are now ready to be processed by you, and eventually, perhaps, a court suit.

As you will recall, we filed the Appeal on your behalf although we had not yet received any attorneys fees. I note that after we filed the Appeal, Mr. Wirin wrote you on May 23, 1956 requesting that you remit the \$500.00 retainer to which you agreed when Mr. Wirin saw you in Hiroshima. Our bookkeeper advises that to date, no remittance has been received. We would appreciate your early attention to that matter.

Sincerely yours,


Fred Okrand

FO:ap

cc: Mr. Sadahei Mukai
Mr. Saichi Yamashita
Mr. George Yomamura

QUESTIONNAIRE FOR STRANDEES

*Wife is in
NY City*

Please read this questionnaire carefully and then print, type or write your answers legibly to the following questions.

- a. State your fully name. TOSHIO TOTANI
- b. Male? ☒ Female? ☐ Maiden Name? _____
- c. Birth place? Baldwin Park, Calif Birth date? Aug 8, 1924
- d. Was your name ever registered with a Japanese Consulate for the purpose of reserving your Japanese nationality? no
When? _____ Where? _____
- e. Have you ever renounced Japanese Nationality? No When? _____
Where? _____
1. What schools did you attend in Japan? Sanyo High School
Where? Hiroshima-ken, Japan
State the years you attended those schools. 1940 - 1945
2. State the periods you visited Japan and the purposes of each visit.
1930 - 1931
When did you last return to Japan? 2/1939 till present
Why did you return to Japan? as a student to study Japanese
3. Did you have a U.S. Passport at the time you last went to Japan? yes
Have you that passport now? yes What became of it? original passport # 251 - Replacement issued by Kobe Consulate original passport # 40435 issued 1/31/1939
What other documents did you then have to establish your identity as a U.S. citizen? certified copy of my birth
Do you have those documents now? yes What became of them? _____
Did you then have a visa from a Japanese consul? yes Have you that vise now? no
What became of it? The passport was replaced on April 8, 1941 at Kobe, Japan
4. Did you then have a Japanese passport? none Do you have it now? _____
What became of it? _____
5. Why were you in Japan when the war started on Dec. 7, 1941? _____
What was your occupation in Japan when the war started on Dec. 7, 1941? _____

Where were you then living in Japan?

6. Are you married or single? married but divorced - 1955 What is the name of your spouse

(wife or husband)? Naoko June Yamashita Where does your

spouse (wife or husband) live? now divorced + resides in United States

When were you married? presume she is in Los Angeles. about 1949 or 1950 Where were you married?

Japan What is the citizenship of your spouse

(wife or husband)? U.S. citizen Where was your spouse

(wife or husband) born? Fremont, California

Name and address of your father? Takeumatsu Tatani, Aza-

maki, Aki-cho, Aki-gun, Of what country is he a citizen? Japan

Munhuma Ken, Japan Name and address of your mother? Toakano

Tatani - same address as above Of what country is

she a citizen? Japan

7. Names, birthdates and birthplaces of each of your children? none

RE: VOTING

8. Since returning to Japan have you voted in any elections? none

Where? _____ Years you voted? _____

In what elections? _____

Why did you vote in those elections? _____

9. Did you receive any instructions to vote? _____ From what sources? _____

_____ Were the instructions printed? _____

_____ What Allied military officers told you to vote? _____

_____ Did you vote because of
printed instructions of the Army of occupation? _____

What were you told would happen to you if you didn't vote? _____

What did you believe would happen to you if you didn't vote? _____

she was still divorced - residing in the State of Japan.

10. What Japanese officials instructed you to vote? _____
 _____ Were those instructions
 printed ones? _____ Verbal? _____
11. State the names and addresses of the neighbors who told you to vote _____

 What did they tell you would happen to you if you didn't vote? _____

12. What did you believe or fear would happen to you if you didn't vote? _____
 _____ (Lose ration card? _____)

RE: KOSEKI REGISTRATION

13. Was your name registered in a family Koseki in Japan? yes
 When? 1942 Where? OMAKI, FUKUI-MURA (YAKUBA) village council
ASA-GUN, HIROSHIMA By whom? _____
by my father's name - probably Did you personally apply to be register-
ed in a Koseki? no. father was in US during the war
none When? _____ Where? _____
 Where did you go to apply to be registered? _____
 When? _____ Why did you apply to be registered? _____
14. If someone other than you personally registered your name in a
 Koseki state who it was who registered you. my mother had father's
real (Hanko) and registered my name
 What relation is that person to you? mother
 Why were you registered in a Koseki? Those days in the country -
the people living in the country hated people who came
from US. - this was during the period of war
15. Were you registered in a Koseki since your last return to Japan because
 if you were not registered you would not have been given a ration card?
yes or would not have been given an address to receive
 mail? yes & cannot attend school or would have been punished, and, if so, by whom?
the police some sort of punishment and why? because I was
an alien in the eyes of the Japanese people.
 Were you registered because of fear that if you weren't you would suffer
 in some form? yes such as would not be issued a ration card?

yes State what other reasons caused you to register. also feeling
run high during the war as I was a US citizen, and
we were at war with Japan

RE: CONSCRIPTION

16. Were you conscripted in the Japanese armed forces? yes.
When? 1/1945 - 9/1945 In what branch of service? Japanese Army
What was your address at the time you were conscripted? artillery
380 Umaki, Fukui-mura, Aka-gun, Hiroshima With whom were you then
living? mother, sister and brother
What was your occupation at that time? attending high school
Name and address of your employer at that time? _____

Place where you then were working _____
If you were attending school at that time state the name of the school
Sanyo Chuggaku State type of school high school
Were you then single? yes. Married? _____
17. What was the first notice you received that you had to register for the
draft under the Japanese draft law? I do not think I registered & the
1st notice was to report for physical examination
Was it a written notice? _____ Verbal notice? yes
What was the date of that notice? sometime in Jan, 1945 Have you that
notice? none (If so, attach it to this questionnaire). What did
that notice instruct you to do? verbally it came from village ward &
should report at certain place on a designated date for physical exami-
ation.
18. Where did you report to the draft authorities? Hiroshima-shi
Were those draft authorities civilians? yes or Japanese military
authorities? yes. Were you given a medical examination by the draft
authorities? yes Where? Hiroshima-City When? January, 1945
What other notices did you receive from the draft authorities?
When I was actually drafted into the army
State whether you received those notices by mail or whether they were
personally delivered to you. someone from village delivered the notes
19. Did you inform the Japanese civilian draft authorities that you were a
U.S. citizen? yes. When? Jan, 1945 Where? Shikoku
Who was present? I was asked questions by Major Watanabe
when drafted into the Japanese Army. They knew I was born in
the US.

I was born in US & they teased me.

I was asked whether I wanted to go back to US? &

I replied yes.

I was also asked whether I would like to go back to my village & get out of the Japanese Army? I said yes.

He had a grin on his face.

He did not mention anything to me.

Village ward should know I was a U.S. citizen.

I did not ask for deferment in my village nor protest as the Kempeitai was very strict.

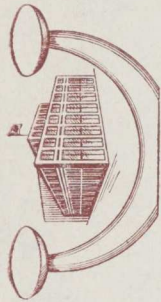
There were attempts to desert the Army, but I was closely by ~~me~~ watched by senior soldiers.

廣島市中島本町平和記念公園

會社 新 廣 島 本 町 平 和 記 念 公 園

電話西③五—八五—八番

TEL HIROSHIMA
(3) 5185~8



CABLE ADDRESS
"HONHI," HIROSHIMA

NO.

HOTEL NEW HIROSHIMA

go cho -
NCO - Tanimoto, Yoshituzo - Kure Shi, Shimon-chu,
- Major - Watanabe, - probably in ^{Kure} Shimon

if refused would be sent to Kuregi tri - account
that what would happen -

Since he was US citizen could not trust him & tried to
check him further - he appeared to be done to leave named for,
- for investigation it was in Hiroshima City -
- would see his activity - by murder -; to watch his
activities in Hiroshima.

- when investigated - was a 4th S officer - in an enclosed
room - Seibu Dai 6 butai nai, Hiroshima Shi -
about January, 1945 -

If you told that personally to a civilian draft officer state the name of the officer and his title Major Watanabe, Lt ? ;
Platoon ~~of~~ him com officer - Captain TANIMOTO
What is his present address? him com lives in ~~Shimon~~ Hiroshima
Ken, Japan SHIONO-CHO, KURE-SHI,
What did he say to you when you stated you were a U.S. citizen?

see opposite page

Will he be willing to give you an affidavit stating those facts? I do not

20. Did you inform the Japanese military draft authorities that you were a U.S. citizen? Known as I have not contacted him yet -
They knew when I was a US citizen? & was investigated

If you told that personally to a Japanese military draft officer state the name of the officer and his grade or rank,

What is the present address of that officer?

Will he be willing to give you an affidavit stating those facts?

21. If you didn't tell the civilian or military draft officers that you were a U.S. citizen why didn't you do so? I was afraid of the Kempeitai & I could not desert from the Japanese Army as I was closely watched.

What did you fear would happen to you if you told him (or them) you were a U.S. citizen? They would have killed me if I attempted to desert.

Were you afraid to tell the conscripting civilian officers -- or military officers -- that you were a U.S. citizen? Why?

22. Did you tell the ~~civilian~~ ^{military} conscripting officers that you did not wish to serve in the Japanese armed forces? yes When? 1/1941

Where? Hiroshima

To what officers did you tell that? NCO - I told him I did not wish to join as I did not like the Japanese Army State their names and addresses NCO Goto in ~~Shimon~~ Hiroshima cannot locate him

Will they be willing to give you affidavits stating that fact? I do not

23. Did you tell the military authorities -- or civil authorities -- that you did not wish to serve in the Japanese armed forces? none

When? Where?

To what officers?

_____ State their names and present addresses _____

Who was present at the time? _____

Will any of them be willing to give you an affidavit stating the fact you notified those authorities you did not wish to serve in the Japanese armed forces? _____

Did you write any letters to the civilian or military draft authorities stating that you were a U.S. citizen and not subject to conscription in the Japanese forces? none Date of letter _____

(If you did, attach a copy of that letter to this questionnaire.)

What did you fear would happen to you if you refused to be conscripted?

24. Did you fear you would be punished by the Japanese civil authorities for refusing to obey the draft law? yes What penalty or punishment did you fear you would be subjected to if you refused? stop my ration or trouble to my brother and sister

25. Did you fear also that the Japanese military authorities would punish you if you refused to be conscripted? yes What punishment did you fear they would subject you to? Kempeitai would interrogate me, and put into jail

26. Did you apply for a deferment, postponement or delay of your conscription? I did not have any chance to do that

To what office? _____ Did you do this verbally? _____
_____ in writing? _____ (If in writing attach a copy of that letter or memorandum to this questionnaire.) If you haven't a copy state the language and contents of that letter or memorandum _____

Were you afraid to apply for a deferment, postponement or delay in your conscription? yes Why? I had to think about mother, sister & brother

What did you fear would happen to you if you did? be staying in my village, and deprived of ration

What answer were you given to this request? _____

Was it a verbal answer? _____ Was it a written answer? _____

(Attach a copy of your written answer to this questionnaire.) If you haven't a copy state the substance of that answer _____

27. Did you make a second request for deferment, postponement or delay? _____

none When? _____

Where? _____

To whom and to what office? _____

What answer did you receive? _____

Was this answer verbal? _____ written? _____ (Attach the letter or copy of the answer you received.)

28. What date were you conscripted (drafted) into the Japanese armed forces? _____

January 10, 1945 Where were you conscripted? Kuroshima City

What was your first rank or grade in the armed forces of Japan? _____

Private & did not get any higher.

29. Were you required to take an oath of allegiance to Japan at the time of conscription? no Where did you serve in the Japanese armed

forces? 1st Kuroshima, Yamanashi-Yamaguchi Did you receive any pro-
& finally to Shikoku motions in the Japanese armed forces? none When? _____

To what rank or grade? _____

Did you take an oath of allegiance to Japan at the time of promotion? _____

How long did you serve in the Japanese armed forces? _____

When were you released from services in the Japanese armed forces? _____

September 13, 1945

While in the service did you participate in any skirmish or battle

against the U.S. armed forces? none

and helping farmers in Shikoku - planting rice, cutting rice, etc. Against what other Allied armed forces did you participate in any skirmish or battle? _____

Where? _____

In what battles? _____

Did you surrender and were you a prisoner of war? none

When? _____ Where? _____

To what U.S. or Allied troops? _____

When were you released from detention? _____

Where were you when released? _____

RE: APPLICATION TO RETURN TO U.S.

30. Before or after war first broke out on Dec. 7, 1941, did you apply to a U.S. Consul or the U.S. Embassy in Japan to return to the U.S.? Correctly

When? April 5, 1941 Where? Kobe, Japan

To what consulate or embassy? Kobe, Japan - 1st application

Did you apply to the Swiss, Swedish or other consular or diplomatic office to send you back to the U.S.? no I did not know such a system existed to contact US

Where? _____ To what office? _____

What answer did you receive? _____

31. Before war broke out on Dec. 7, 1941, or afterward, did you apply for boat passage to return to the U.S.? no When? _____

Where? _____ To what company or office did you apply for transportation to return to the U.S.? _____

Did you make that application orally? _____ Did you make it in writing? _____ (If it was in writing attach a copy of your letter or application for such passage to the U.S.) Did you receive booking on any boat that was to take you to the U.S.? _____

On what date were you to sail? _____ From what port? _____ Name of ship? _____

If you didn't apply for passage to return to the U.S. state why you didn't do so. I was still attending school so I thought I would finish it - I did not know war would come about

I went to renew it so I could go back anytime I wish.

RE: APPLICATION FOR INTERNMENT

32. Did you apply to the Japanese authorities during the war to be interned as a U.S. citizen? none When? _____

Where? _____ To what office did he apply? _____

What answer did you receive to your request? _____

Was the answer a verbal one? _____ Was it in writing? _____

(If in writing, attach the letter or memorandum to this questionnaire.)

If you do not have a copy of the letter or memorandum, state in substance what the writing stated. _____

RE: REGISTRATION AS ALIEN IN JAPAN

33. Before, during or since the war have you been registered as a U.S. alien in Japan? none When? _____ Where? _____
- Were you registered with a U.S. Consul or U.S. Embassy in Japan as a U.S. citizen? _____ When? _____ Where? _____
- Were you required to report to the Japanese police? _____
- When? _____ Where? _____ How often? _____
- Did the police visit you? _____ When? _____
- Where? _____ How often? _____

RE: EXPATRIATING ACTIONS

34. Have you ever filed with any office in Japan any affidavit or statement claiming or stating that you were a Japanese citizen? none
- When? _____ Where? _____
- For what purpose did you file that? _____
- Have you ever applied for or received any benefit or right in Japan that is granted only to Japanese citizens? _____ When? _____
- Where? _____ What was the right or benefit you were applying for? _____ Did you receive that right or benefit? _____ When? _____
35. Have you ever applied to a Japanese government office or officer for a Japanese passport? yes When? 1954
- Where? Kurehima Did you receive it? yes

When? ? For what purpose did you use it? I was expecting
to return on non-quota with my wife who was a US citizen
visa was not issued to me - as my wife divorced me
What became of that Japanese passport? I have it at home

36. Have you, since returning to Japan in 1946 been naturalized as a Japanese citizen? none If so, what steps did you take to become naturalized as a Japanese citizen?

To what office did you make that application?

When? _____ Where? _____

Were you naturalized? _____ When? _____

What document did you receive showing you were naturalized? _____

Date of that document? _____

37. Have you, since returning to Japan been employed by the Japanese Government or any agency of the Japanese Government? none ?

If so, name the office by which you were employed and the dates of your employment I worked as an interpreter for the Japanese
in Eta jima - during 1946 work for 3 or 4 months

RE: SERVICE TO U.S.

38. Have you worked for the United States Government or Allied Military authorities while in Japan? yes For what service? British

In what capacity? interpreter Where did you perform your work? Kure and Hiro - also at Eta jima

Dates of your employment Tokyo - Eta jima - 1946-1947; Tokyo -
1947 - 1949; Kure Kure, Hiro - 1949 - 11/1956

39. Have you ever served in the armed forces of the U.S.? none

In what branch? _____ When? _____

Period of service _____

Where did you serve? _____

Date you received an Honorable Discharge _____

Serial No. _____ What other members of your family

(father, children, brothers, or sisters) served in the armed forces of the U.S.? none

40. State their names, relationship and branch of the armed forces in which they served or are serving _____

RE: OTHER DATA

41. What is your occupation now? unemployed.

Where do you work? _____

What property do you own in Japan? none

Nature of that property? _____

Estimated valuation of that property? _____

42. Name of your nearest relative in the U.S. and address _____

sister - Setsuko Maji - Windsor, Washington
" Miyeko Kikuchi - Fremont, Calif.
To what address do you intend to return to in the U.S.? _____

Los Angeles, Calif.

43. Have you filed an application with a U.S. Consul in Japan for a U.S. passport? yes. When did you file it? Dec 22, 1952

With what U.S. Consul did you file it? Kobe, Japan

(Attach a copy of the application you filed with the U.S. Consul)

What reasons did the U.S. Consul give you for refusing to issue you a passport? as I had served in military service.

also received notice of nationality (which has it).

(Attach the letter of refusal the U.S. Consul sent to you.)

44. Did you take an appeal from the Consul's refusal? yes.

When? May 18, 1956 (Attach a copy of that appeal to this questionnaire.) What decision was made on that appeal? was denied

(Attach a copy of that decision to this questionnaire.)

Date: June 21, 1957

Joskie Dotani
Signature

AZA-MAKI, AKI-CHO,
AKI-GUN, HIROSHIMA-KEN,
JAPAN Address

none
Telephone Number

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

November 13, 1957

Mr. Toshio Totani
Aza-Maki, Aki-cho,
Aki-gun, Hiroshima Ken,
Japan

Dear Mr. Totani:

The U.S. Supreme Court in Washington, D.C., recently heard re-arguments it had ordered to be made in three cases pending before it testing the law passed by Congress which provided that service by a U.S. citizen in a foreign army was an act of expatriation costing such persons loss of U.S. citizenship. A final decision and opinion probably will be handed down by the Supreme Court within the next three months time.

It is possible that the Supreme Court may decide in those cases that the U.S. law which provides that service in a foreign Army costs a U.S. citizen his U.S. citizenship may be void on its face or as applied for being contrary to the U.S. Constitution. It is also possible that it may decide that a U.S. citizen who was drafted into the armed forces of Japan during the war did not obey voluntarily but only under the compulsion and duress of the draft law of Japan which provided for punishment for violations of that draft law.

Therefore, until the U.S. Supreme Court decides the cases now pending before it and which it has taken under submission it is best that no immediate steps be taken by you to obtain a U.S. passport. If the Supreme Court decides the cases favorably it is possible that a U.S. Consul thereafter may issue a U.S. passport to you without further complications. Therefore, I suggest that you wait patiently until the Court decides those cases and I will notify you promptly of its decision and of its effect on your citizenship status and if it then becomes necessary for you to take legal steps to have your U.S. citizenship determined I shall inform you and proceed to take the necessary steps.

Very truly yours,

ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1-1218

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

April 25, 1958

Mr. Toshio Totani
Aza-Maki, Aki-cho,
Aki-gun, Hiroshima Ken,
Japan

Dear Mr. Totani:

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

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

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

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

Very truly yours,

May 20, 1958

Mr. Toshio Totani
Aza-Maki, Aki-cho, Aki-gun,
Hiroshima Ken, Japan

Dear Mr. Totani:

In order for me to prepare a proper type of affidavit for you in an endeavor to obtain a U.S. passport I would thank you answer for me the following questions and send your answers to me promptly via the enclosed Airletter.

1. What period of time elapsed from the time of your physical examination until you were actually inducted into the Japanese army?
2. Can you obtain from Major Watanabe a statement showing that at the time either of your physical examination or the date of your induction into the Japanese army that you disclosed that you were a U.S. citizen and did not wish to serve in the Japanese army and that you wanted to go back to the United States and, also, that he or someone else present informed you that failure to report for your physical examination or failure to report for induction would mean that you would be punished either by being send to prison by the civil authorities for violation of the draft law or that you would be punished by the military authorities for disobedience to the military law?
3. Can you obtain a like statement from the N.C.O. Gocho and from Yoshitsugu Tanimoto?
4. Can you obtain an affidavit from your father and your mother stating that you wished to leave Japan before the war broke out or thereafter and that they advised you that you could not leave and also that they advised you that when you received a notice to report for your physical examination and also when you were notified to report for induction that you must obey the notice to report for the physical examination and also the notice of induction and that if you refused to do so you would be sent to jail by the civil authorities for violation of the draft law or that you would be severely punished by the military authorities for violation of those laws.

If you can obtain the affidavits from your parents and from Major Watanabe and from the N.C.O. Gocho and Yoshitsugu Tanimoto they will assist you materially in convincing the State Department that a U.S. passport should be issued to you. I would thank you to answer the above-mentioned questions as soon as possible.

Toshio Totani

-2-

5/20/58

If you filed an affidavit with the U.S. Consul stating that you were forced to comply with the conscription laws under threats of punishment for violation thereof, I would thank you to notify me of the contents of that statement.

Very truly yours,

WMC:fd

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

July 21, 1958

(VIA AIRLETTER)

Mr. Toshio Totani
Aza-Maki Aki-cho, Aki-gun,
Hiroshima Ken, Japan

Dear Mr. Totani:

I would thank you to answer the following questions and send your answers to me by return airmail:

1. What is your father's full name?
2. What is his address?
3. Was he in Japan from 1940 to 1946?
4. What is the full name of your mother?
5. What is her address?
6. Was she in Japan from 1940 to 1946?
7. What are the names of your brothers and sisters?
8. Which of your brothers and sisters were in Japan during the war?

If you can obtain an affidavit from Major Watanabe giving his full name and address and stating that he was present at the time of your induction into the Japanese army and that you disclosed that you were born in the United States and were an American citizen and did not wish to serve in the Japanese army and that he informed you that you were subject to induction under Japanese law and that if you refused to be inducted you would be delivered over to the Kempeitai and be punished and that the military authorities also could punish you for opposition to military service and that you were compelled by fear of punishment to be inducted, such an affidavit will be of material benefit to you. If you can obtain a similar affidavit from NCO Goto that also will help you. If you can also obtain an affidavit from Yoshitsugu Tanimoto it would be of material benefit to you in obtaining a U.S. passport.

If your father is still in Japan he could also make a statement on your behalf showing that at the time you were ordered to report for your physical examination for your induction that he advised you that you must comply with the law or be arrested by the Kempeitai and be sent to jail or be turned over to the military authorities for worse punishment and that it was your fear of such punishment that compelled you to obey the Japanese law and submit to conscription. Such an affidavit also will help you.

For your information, if Major Goto, NCO Goto and your father or any of your brothers and sisters can make such statements on your behalf, the statements must be taken either before a U.S. Consul in Japan and there signed and sworn to before the U.S. Consul or they may be signed and sworn to before a notary public in Japan and then taken to the U.S. Consul for him to attach a certificate thereto stating that the officer who administered the oath was a Japanese public official.

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

(VIA AIRLETTER)

January 21, 1959

Mr. Toshio Totani
Aza-Maki, Aki-cho, Aki-gun
Hiroshima-ken, Japan

Dear Mr. Totani:

On May 20, 1958, and also on July 21, 1958, I wrote to you asking you to answer the questions contained in those two letters. If you will answer those questions for me promptly I will be able to complete the affidavit I have partially prepared for you and which may result in your recovery of United States citizenship.

Therefore, please send me the answers to those questions so that I can prepare an affidavit for you.

Very truly yours,

WMC:ss

Letter.

Was his father in the

✓ with - - -

✓ - father's

mother

(Airletter to Toshio Totani - 7/21/58 - cont'd)

I would thank you to answer this letter promptly by airmail.
I have prepared a proposed affidavit for you but am withholding it
until such time as I receive an answer to this letter.

Very truly yours,

WMC:fd

February 3, 1959

Mr. Toshio Totani
Aza-Maki, Aki-Cho, Aki Gun,
Hiroshima Ken, Japan

Dear Mr. Totani:

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

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

Very truly yours,

WMC:cw
Encs.

(VIA AIRMAIL)

April 2, 1959

Mr. Toraichi Kono
301 Wada Building
Nakajo-machi
Hiroshima, Japan

Dear Mr. Kono:

I have prepared affidavits for the following named strandees:

<u>Name and address</u>	<u>Date Affidavit Forwarded</u>
<i>As</i> MORINO, Uichi 2-chome 81, Kazayo-cho Higashi, Sumiyoshi-ku Osaka-shi, Japan	July 25, 1958
✓ TOTANI, Toshio Aza-Maki, Aki-cho, Aki-Gun Hiroshima Ken, Japan	February 3, 1959
YAMAKAWA, Yoshiko Mrs. Shiida machi, Uyeno Kawachi 416 Oaza, Chikujo-gun Fukuoka, Japan	September 22, 1958

I instructed each of them to take the affidavit to the nearest U.S. Consul and there sign and swear to it and thereupon return the affidavit to me so that I could file it with the Board of Review of the Passport Office in Washington, D.C. None of them has returned his affidavit to me. It is possible that they may have filed the affidavit directly with the U.S. Consul instead of returning it to me so that I could forward it to the Board of Review along with the brief on appeal.

I would thank you to communicate with each of them and ascertain whether they have filed the affidavits with the U.S. Consul and applied for a passport and if so, what disposition has been made thereon. If they have not filed the affidavits with the U.S. Consul, they should return the affidavit to me promptly, duly signed and sworn to before a nearest U.S. Consul so that I may forward it to the State Department together with a brief on appeal.

Very truly yours,

WMC:ss

AFFIDAVIT OF TOSHIO TOTANI

I live at Aza-Maki, Aki-Cho, Aki-Gun, Hiroshima-Ken, Japan. I was born in Baldwin Park, California, on August 8, 1924. At the age of 14 in February of 1939 my parents provided for me to come to Japan as a student to study Japanese. I had a passport No. 251, San Francisco Series 40435 issued on January 31, 1939, and it was renewed on April 8, 1941, at the U.S. Consulate in Kobe, Japan.

I attended the Sanyo High School in Hiroshima, from 1940 to 1945. Going to Japan to attend school was not a matter of choice on my part but on the part of my parents. Without realizing that Japan would start war on the United States and my parents having no realization of it in advance except for the rumors that flew about shortly before the outbreak of the war I had no chance of leaving Japan and returning to the United States. My parents did not believe that there was any real danger of a war. After December 7, 1941, when Japan started the war against the United States there was no opportunity given to me to leave Japan. I was only 16 years of age. Later I received a notice in the village where I lived that I had to report for a physical examination to draft authorities in Hiroshima City. I didn't want to report for that examination but my mother said I must do it or the kempeitai would come and take me by force to report and would see that I was punished for disobedience to the law and also that the village people who distrusted us because of my sister, brothers and I being American citizens would make trouble for me and our family. There being no way out for me I had to have the physical examination. I told the non-commissioned officer whose name was Goto that I was an American citizen and didn't wish to be conscripted into the Japanese Army but he said my birth in the United States wouldn't get me out of it because I was a Japanese citizen as well and that I had to obey the law or take the consequences. There being no way out for me I had to have the physical examination. It was in January of 1945 that someone from the village delivered the note to me that I had to go to Hiroshima City to be drafted into the Japanese Army. Major Watanabe and also a Corporal named Tanimoto and several non-commissioned officers questioned me and I said I was born in the United States and was an American citizen and couldn't be drafted into the Japanese Army. Major Watanabe just grinned and he and the others said I didn't have any choice. The Major asked me if I wanted to go back to the United States and I said "Yes" and he and they laughed at me. Then he asked me if I would like to go back to my village instead of serving in the Japanese Army and I said that I would. Then he grinned and the others laughed at me. Next 4 to 5 officers questioned me in a closed room and told me that if I refused to be inducted I would be delivered to the Kempeitai and that there was no telling what would happen to me but that my punishment would be what a person deserved for refusing to serve in the Japanese Army. I was plain scared because I knew the Kempeitai would be severe and I was even more afraid of what the military would do to me. The group talked and one of them said that as I was a U.S. citizen I couldn't be trusted anyway and that my record should be checked and that a report of my citizenship and their distrust of me would be placed in my record so that the military officials would keep their eyes on me to see that I kept in line and didn't try to desert. They talked about what would happen to me if I disobeyed any orders, made trouble or tried to desert and this scared me all the more as I knew that if I did any of such things that I would either be put in a military prison or be taken out and shot. That is how I was forced into the Japanese Army and had

to serve from January 10, 1945, to September 13, 1945, and I was closely watched during that time by the senior soldiers to see that I didn't desert. I didn't take any oath of allegiance to Japan. I didn't take part in any fighting. I was put to work digging ditches and helping farmer in Shikoku in planting and cutting rice and other farming work. After I was released from the Japanese Army I worked for the British occupation forces at Eta Jima 1946-1947, at Tokyo 1947-1949 and Kure and Hiro 1949-1956.

I have tried to ascertain the whereabouts of non-commissioned officer Goto to obtain from him an affidavit relating the facts and circumstances of my statements to him that I didn't wish to serve in the Japanese Army and that I was an American citizen and couldn't be forced into that Army but I have not been able to learn where he lives or his occupation or whether he is dead and, in consequence, have been unable to obtain such an affidavit. I have not been able to locate the Corporal named Yoshitsugu Tanimoto to obtain a like affidavit from him although I have tried to locate him in order for him to make a statement under oath relating to my conscription into the Japanese Army. Although I have diligently searched I have not been able to locate Major Watanabe to obtain a statement under oath from him relating to my being conscripted against my will and of what I stated at the time of my induction to him and the others present and of what they stated to me, as aforesaid. I do not know the names or the whereabouts of the other persons who were present at the time I was questioned by Major Watanabe and by them and, in consequence, am unable to obtain statements from them showing that I stated at the time I was compelled to report for induction that I was an American citizen and didn't wish to be inducted into the Japanese Army and that I was told at said time and place that I had to be inducted or be delivered over for punishment to the kempeitai and that if I resisted the military I would be subjected to worse punishment.

My name was registered in my father's koseki in 1942 by my mother who took my father's seal and registered my name in it at Omaki, Fukui-Mura (Yakuba) village ward, Asa-gun, Hiroshima. I was about 17 years old at the time. My mother didn't consult me about this in advance. Later she told me she did it because it was necessary or else she said I would not have been able to continue on in school and that as I was an alien in the eyes of the public authorities and the people she would be punished and I would not be allowed to attend school and I wouldn't be allowed to get food rations but would be deprived of a ration card. She also said that my being an American citizen and feeling being high against aliens and especially American citizens and the village people being very suspicious of us that she registered my name to make sure we didn't come to any harm from the people or from the authorities either. What she said was true too. The authorities and the village people were suspicious and hostile to us because my sister, brothers and I were American citizens and they treated us as outcasts and disloyal persons and life was made miserable for us.

Toshio Totani

Subscribed and sworn to before me this _____ day of _____
1959.

Typed 12/3/59
SS
with 1
history
now gone
in file
Has photo
re by Natsuko
Foto
Tamigato
1/10/59

Affidavit Of Toshio Totani

Q. I live at Aza-Maki, Aki-Cho, Aki-Gun, Hiroshima-Ken, Japan. I was born in Baldwin Park, California, on August 8, 1924. At the age of 14 ~~mm~~ February of 1939 my parents provided for me to come to Japan as a student to study Japanese. I had a passport No. 251, San Francisco Series 40435 issued on January 31, 1939, and it was ~~renewed~~ ^{renewed} on April 8, 1941 at the U.S. Consulate in Kobe, Japan.

attended
I ~~was attending~~ the Sanyo High School in Hiroshima, from 1940 to 1945. Going to Japan to attend school was not a matter of choice on my part but on the part of my parents. Without realizing that Japan would start war on the United States and my parents having no realization of it in advance except for the rumors that flew about shortly before the outbreak of the war I had no chance of leaving Japan and returning to the United States. My parents did not believe that there was any real danger of a war. ~~When~~ After Dec. 7, 1941, when Japan started the war against the United States there was no opportunity given to me to leave Japan. I was only 16 years of

2

age. Later I received a notice in the village where I lived that I had to report for a physical examination to draft authorities in Hiroshima-City. I didn't want to report for that examination but my mother said I must do it or the kempeitai would come and take me by force to report and would see that I was punished for disobedience to the law and also that the village people who distrusted us because of my sister, ~~and~~ brothers and I ~~I~~ being American citizens would make trouble for me and our family. There being no way out for me I had to have the physical examination. I told ~~the~~ ^{the} non-commissioned officer whose name was Goto that I was an American citizen and didn't wish to be conscripted into the Japanese Army but he said ~~that my birth in the United States wouldn't get me out of it because I was a Japanese citizen as well and that I had to obey the law or take the consequences. There being no way out for me I had to have the physical examination. It was~~

in January of 1945 that someone from the village delivered ~~to me~~ ^{the} note to me that I had to go to Hiroshima-~~and~~ City to be drafted into the Japanese Army. Major Watanabe and also a Corporal named Tanimoto and several non-commissioned officers questioned me and I said I was born in the United States and

was an American citizen and ~~didn't~~ couldn't be drafted into the Japanese Army. Major Watanabe just grinned and he and the others said I didn't have any choice. The Major asked me if I wanted to go back to the United States and I said Yes and he and they laughed at me. Then he asked me if I would like to go back to my village instead of serving in the Japanese Army and I said that I would. Then he grinned and the other ^{Next} laughed at me. ~~The next day~~ 4 to 5 officers questioned me in a closed room and told me that if I refused to be inducted I would be delivered to the Kempeitai and that there was no telling what would happen to me but that my punishment would be what a person deserved for refusing to serve in the Japanese Army. I was plain scared because I knew the Kempeitai would be severe and I was even more afraid of that the military would do to me. The group talked and one of them said that as I was a U.S. citizen I couldn't be trusted anyway and that my record should be checked and that a report of my citizenship and their distrust of me ~~should be~~ would be placed in my record so that the military officials would keep their eyes ^{on} of me to see that I kept in line and didn't try to desert. They ~~talked~~ talked about what would happen to me if I disobeyed any orders, made trouble or tried to ~~desert~~ desert and this ~~made~~ scared me all the more as I knew that if I did any of such things that I would either be put in a military prison or be taken out and shot. That is how I was forced ~~in~~ into the Japanese Army and had to serve from January 10, 1945, to September 13, 1945, and ~~from January 10, 1945, to September 13, 1945, and~~ senior soldiers to I was closely watched during that time by the ~~officers~~ officers to see that I didn't desert. I didn't take part in any fighting. ~~as~~ I was put to work digging ditches and helping farmers in ~~Shikoku~~ Shikoku in planting and cutting rice and other farming work. After I was released from the Japanese Army I ~~was~~ worked for the British occupation forces at ~~Kuma~~ Eta Jima 1946-1947, at Tokyo 1947-1949 and Kure and Hiro 1949-1956.

I didn't
take any
oath of
allegiance
to Japan.

I have tried to ascertain the whereabouts of non-commissioned officer Goto ~~but without success~~ and to obtain from him an affidavit relating the facts and circumstances of my statements to him that I didn't wish to serve in the Japanese Army and that I was an American citizen and couldn't be forced into that Army but I have not been able to learn where he lives or his occupation or whether he ~~was killed during the war~~ is dead and, in consequence, have been unable to obtain such an affidavit. ~~Therefore~~ I have not been able to locate ~~non-commissioned officer~~ ^{the} Corporal ^{named Yoshitsugu} Tanimoto to obtain a like affidavit from him although I have tried to locate him in order for him to make a statement under oath relating to my conscription into the Japanese Army. Although I have diligently searched ~~I have not been able to locate Major Watanabe~~ to obtain a statement under oath from him relating to my being conscripted against my will and of what ~~was said to me~~ I stated at the time of my induction to him and the others present and of what they stated to me, as aforesaid, I do not know the names or the whereabouts of the other persons who were present at the time I was questioned by Major Watanabe and the others and by them and, in consequence, am unable to obtain statements from them showing that I ~~discussed the fact that I didn't wish to be conscripted into the Japanese Army and that I discussed that I was an American citizen~~ ^{stated at the time} I was compelled to report for induction that I was an American citizen and didn't wish to be inducted ~~into the Japanese Army~~ and that I was told ~~that I had to be inducted or be delivered over for punishment to the kempeitai and that if I resisted the military I would be subjected to worse punishment.~~

5

My name was registered in my father's koseki in 1942 by my mother who took my father's seal and registered my name. in it at Omaki, Fukui-Mura (Yakuba) village ward, Asa-gun, ~~Hiroshima~~ Hiroshima. I was about

~~in my~~ about 17 years old at the time. My mother didn't consult me about this in advance. Later she told me she did it because it was necessary or else she said I would not have been able to continue on in school and that ~~as~~ as I was an alien in the eyes of the ~~an~~ public authorities and the people she would be punished and I would ~~be~~ not be allowed to attend school and I wouldn't be allowed to get ~~rations~~ food rations ~~and~~ ^{but} would be deprived of a ration card. She ^{also} said that my being an American citizen and feeling being high against aliens and especially American citizens and the village people being very suspicious of us that she registered my name to make sure we didn't come to any harm from the people or from the authorities either. What she ^{said} ~~told~~ me was true too, ~~and~~ ^{The} authorities and the village people were suspicious and hostile to us because my sister, brothers and I were American citizens and ~~in my~~ they treated us as outcasts and disloyal persons and life was made miserable for us.

Toshio Totani

Entrusted and sworn to before me this

day of ———, 1957

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

September 3, 1959

VIA AIRLETTER

Mr. Toshio Totani
Aza-Maki, Aki-Cho, Aki-Gun
Hiroshima-Ken, Japan

Dear Mr. Totani:

On February 3, 1959, I sent to you an affidavit with instructions for you to take it to the nearest U.S. Consul and there sign and swear to it before the U.S. Consul and thereupon return that affidavit to me so that I could file it along with my brief with the Passport Review Board in Washington, D.C.

I would thank you to take that affidavit to the U.S. Consul immediately and thereupon return the same to me. (If you have already filed it with the U.S. Consul I would thank you to let me know).

Very truly yours,

WMC:ss

cc: Hashimoto
Kono

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

October 20, 1959

VIA AIRLETTER

Mr. Toraichi Kono
301 Wada Building
Taka-jo-machi
Hiroshima, Japan

Dear Mr. Kono:

The following is a list of strandeers for whom I have prepared affidavits which were sent to them on the dates shown. None of them has yet returned the affidavit to me.

<u>NAME AND ADDRESS</u>	<u>DATE AFFIDAVIT SENT</u>
HADA, Isamu 6923 Nakano-mura Aki-gun, Hiroshima, Japan	7-28-58
NISHIMOTO, Asaye Matsuye-cho, Nishi 236 Banchi Wakayama-shi, Japan	7-24-58
✓ TOTANI, Toshio Aza-maki, Aki-cho, Aki-gun Hiroshima-ken, Japan	2-3-59
YAMAKAWA, Yoshiko Shiida Machi, Uyeno Kawachi 416 Oaza, Chikujo Gun Fukuoka, Japan	9-22-58

Each of them should take his affidavit immediately to a U.S. Consul and there sign and swear to it and return it to me. I believe that I can clear each of them.

Very truly yours,

WMC:ss

March 31, 1960

Mrs. Setsuko Moji
Rt. 1, Box 531
Winslow, Washington

Dear Mrs. Moji:

I prepared certain documents for Toshio Totani, Aza-maki, Aki-cho, Aki-gun, Hiroshima-ken, Japan, with instructions in an effort to recover his U.S. citizenship and procure a U.S. passport for him. I instructed him to have the documents taken to the nearest U.S. Consul in Japan and there be signed and sworn to and thereupon return to me to present to the Board of Review of the Passport Office.

Although I have sent a number of letters to Toshio Totani I have received no answer from him. In consequence I would thank you to inform me of his present address.

Very truly yours,

WMC:ss

April 14, 1960

Mrs. Setsuko Moji
Rt. 1, Box 531
Winslow, Washington


Dear Mrs. Moji:

I would be grateful if you would send me a
reply to my letter of March 31, 1960, concerning
the present address of Toshio Totani.

Very truly yours,

WMC:ss

ENCLOSURE
WINSTON
ESD-17-1100115



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

April 14, 1960

VIA AIRLETTER

Mr. Toshio Totani
Aza-maki, Aki-cho, Aki-gun
Hiroshima-ken, Japan

Dear Mr. Totani:

I would thank you to answer my letters of February 3, 1959, and September 3, 1959.

Very truly yours,

WMC:ss

RECEIVED
MAY 10 1960
SMITHSONIAN INSTITUTION
WASHINGTON, D.C.

Put into in
Fresno

couldn't locate address
in Fresno so am
sending letter to sister
in Washington

Mrs. Setsuko Maji

Rt 1, Box 531
Wenlow, Wash

May 11, 1960

Mrs. Setsuko Moji
Rt. 1, Box 531
Winslow, Washington

Dear Mrs. Moji:

I would thank you to answer my previous
letters and inform me of the present address
of Toshio Totani.

Very truly yours,

WMC:ss

May 18, 1960
Rt 2 Box 2956
Bainbridge Co., Wash.

Mr. Wayne M. Collins
Mills Tower, 220 Bush St.
San Francisco 4, Calif.

Dear Sir:

I am so sorry that my reply to
your inquiry about my brother, Toshio Totani,
has been too late. It is my understanding
he has been secured his U.S. citizenship
since last year and is living in Los Angeles.

Very truly yours,
Setsuko Miji

Present address: 1936 Newtelt Blvd.
Los Angeles 25, Calif. *noted*

W. La?

6/2/57

May 26, 1960

Mr. Tetsuo Hashimoto
124 South San Pedro Street
Suite 215
Los Angeles 12, California

Re: Toshio Totani, Strandee

Dear Mr. Hashimoto:

This fellow originally had gone to Wirin to try to recover his citizenship but was abandoned by Wirin. He thereafter applied to me and on February 3, 1959, I sent him the affidavits that I had prepared for him with instructions to have them signed and returned to me so I could file the appeal with the Passport Review Board in Washington, D.C. Instead he took those affidavits and filed them with the Consul himself and thereafter refused to answer the letters that I sent to him on September 3, 1959, and April 14, 1960, and failed to communicate with Kono in Japan. His sister, Setsuko Moji, informs me that his present address is 1936 Sawtelle Blvd., Los Angeles 25, California.

I would thank you to contact him at that address and collect the \$500.00 he owes me on his note or else have him sign a new note and start making payments of not less than \$20.00 a month.

Very truly yours,

WMC:ss

Send Sam letter
on new form

letter re Baker
J

October 4, 1960

Mr. Toshio Totani
1936 Sawtelle Blvd.
Los Angeles 25, Calif.

Dear Mr. Totani:

It is time that you paid your obligation to me for legal services rendered to you and for which on June 21, 1957, you signed a promissory note to pay \$500.00 plus interest at the rate of 6% per year. Your obligation to me is long overdue.

You were able to pay your own transportation expenses back to the U.S. either with your own money or with borrowed funds. Inasmuch as you were able to do that it seems to me that you should make immediate arrangements to pay your obligation to me.

If you will remit to me the sum of \$500.00 on or by December 4, 1960, I will accept that sum in lieu of the sum due on the notes upon which interest has accumulated and thereupon cancel the notes.

I expect you to answer this letter and let me know what your intentions are respecting this matter. A self-addressed stamped envelope is enclosed for your reply.

Very truly yours,

WMC:ss
Enc.

Joshio Tatani
936 Sawtell Blvd.
LA 25 Calif.

Wayne M. Collins
attorney at law.
Hills Tower 220 Bush Street
San Francisco 4. Calif.

Dear Sir:

In refer to your letter dated
Oct. 4. 1960, I am sorry that I cannot
pay the legal service money which
is \$500 at the present time, I was
involved in automobile accident
which occurred May 30, 1960 and
I am disabled from work. my
doctor tells me it is indefinite
when I will recover, determined
as spinal injury. Enclosed
you will find doctor's medical
statement

yours Truly
Joshio Tatani

VICTOR K. SEINO, M. D.
2064 SAWTELLE BOULEVARD
WEST LOS ANGELES 25, CALIFORNIA
GRANITE 7-3339

November 1, 1960

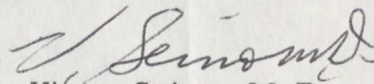
Wayne M. Collins,
Attorney at Law,
Mills Tower, 220 Bush St.,
San Francisco 4, California.

Re: TOSHIO TOTANI

Dear Sir:

This is to certify that Toshio Totani was involved in a car accident on May 30, 1960 in which he suffered an injury of the back with multiple fractures; Dislocation of L 4-5 and fracture of transverse processes L 1, 2, 3, 4, and 5 RT. Reduction of dislocation L 4-5 and spinal fusion was done. This patient has been totally disabled since May 30, 1960 and total disability will continue for approximately 3-4 months.

Sincerely yours,


Victor Seino, M.D.

VS:II

10/16/61

Bal. 500⁰⁰