

6:16

Cons. no. 25294

ABO V. CLARK

Mar. 1968

Nos. 25294 & 25295

Withdrawal and dismissal of last
of parties...

78/177

C

1 WAYNE M. COLLINS
2 1300 Mills Tower
3 220 Bush Street
4 San Francisco, California 94104

ORIGINAL
FILED

MAR 6 1968

CLERK, U. S. DIST. COURT
SAN FRANCISCO

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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

TADAYASU ABO, etc., et al.,
Plaintiffs,
v.
RAMSAY A. CLARK, etc., et al.,
Defendants.

Cons. No. 25294
(Nos. 25294 and 25295)

WITHDRAWAL AND DISMISSAL OF LAST OF PARTIES-PLAINTIFF
WITHOUT PREJUDICE AND COURT ORDER THEREON AND
STATEMENT OF COUNSEL FOR PLAINTIFFS
CONCLUDING CASES

TUKUJI NAKAMOTO, born December 8, 1916, and who became one of the individually named parties-plaintiff in the above-entitled cause, hereby withdraws as a party-plaintiff from the above-entitled cause and the said cause is dismissed as to him without prejudice.

Dated: February 22, 1968, at San Francisco, California.

/s/ WAYNE M. COLLINS
WAYNE M. COLLINS
1300 Mills Tower
220 Bush Street
San Francisco, California 94104

SO ORDERED:
March 6, 1968.

ALFONSO J. ZIBONI
UNITED STATES DISTRICT JUDGE

By *Wayne M. Collins*
Deputy Clerk
Dated MAR 6 1968

1 STATEMENT OF COUNSEL FOR PLAINTIFFS CONCLUDING CASES

2 The signing and filing of the foregoing order disposes
3 of the above-entitled causes as to the last of the individually
4 named parties-plaintiff therein. This brings to a final con-
5 clusion these consolidated mass class equity proceedings insti-
6 tuted on November 13, 1945. The proceedings involved the deter-
7 mination of the basic constitutional rights and liberties of
8 several thousand individually named parties-plaintiff and hundreds
9 of other persons who were cast into a similar predicament by the
10 government.

11 Each of the plaintiffs and persons affected by these
12 causes was a native-born citizen of the United States. Simply
13 because each had ancestors who once were inhabitants of the coun-
14 try known as Japan, each, under "civilian exclusion orders"
15 issued under authority of "executive orders", in early 1942 fol-
16 lowing the onset of World War II on December 7, 1941, was ordered
17 excluded from our West Coast. Under military orders each first
18 was forced to enter a temporary camp called an "Assembly Center".
19 Thereafter, each was ordered removed from the West Coast and was
20 confined in one of our ten wartime concentration camps termed
21 "War Relocation Centers", two of which, strangely enough, were
22 situated in California, namely, the Manzanar Center and the Tule
23 Lake Center.

24 Thereafter, each was interned either in the Tule Lake
25 Resegregation Center in Newell, Modoc County, California, or in
26 an Alien Internment Camp at Bismarck, North Dakota, or at Santa
27 Fe, New Mexico, or at Crystal City, Texas, or placed on "relaxed
28 internment" at Seabrook Farms, Bridgeton, New Jersey. Each was
29 scheduled for removal to Japan under a claim of color of author-
30 ity of the Alien Enemy Act and an Executive Proclamation as if
31 he or she were an "alien enemy" instead of a native-born United
32 States citizen simply because each, while held in custody by the

1 government and under its duress, purportedly renounced his or her
2 citizenship. Hundreds of them were removed to Japan in late 1945
3 and early 1946.

4 The abusive treatment of these citizens was halted by
5 the commencement of these consolidated class proceedings in equity
6 together with companion proceedings in habeas corpus in this
7 court. In the course of time those who had been interned were
8 liberated from internment and returned to their homes. With few
9 exceptions the purported renunciations of citizenship finally were
10 ordered cancelled for having been unconstitutional and void ab
11 initio. A majority of those who had been forcibly removed to
12 Japan were restored to their homes in this country. The funda-
13 mental rights, liberties, privileges and immunities of these cit-
14 izens now are honored. The discrimination practiced against them
15 by the government has ceased. The episode which constituted an
16 infamous chapter in our history has come to a close.

17 Dated: March 26, 1968.

18
19 /s/ WAYNE M. COLLINS
20 WAYNE M. COLLINS
21 1300 Mills Tower
22 220 Bush Street
23 San Francisco, California 94104
24 Telephone: 421-5827

25 Attorney for the Plaintiffs
26
27
28
29
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Receipt of copies of the foregoing "Withdrawal And
Dismissal of Last of Named Parties-Plaintiff Without
Prejudice And Statement Of Counsel For Plaintiffs
Concluding Cases" hereby is admitted this 6th day of
March, 1968.

RANSAY A. CLARK, Attorney General
CECIL F. POOLE, United States Attorney

By: William B. Spohn
Assistant U. S. Attorney

Attorneys for Defendants