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Resume of Meeting with Mr. Collins

Oct. 8, 1945

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RESUME OF MEETING WITH MR. COLLINS

October 8, 1945

*Yoshio Yamada
Suspend Cont 28
Cont Report*

Present:

Mr. Collins

Mr. Taketaya, Mr. Takahashi, Mr. Kimura	
Larry Kataoka	603-D
Masato Nitta	4105-D
Betty Omi	7313-E
Marubashi, Frank	4215-D
Sano, Elsie K.	7313-F
Shimada, Jack	1317-D
Shinagawa, John	5802-A
Tamura, Jim	1418-F
Uchida, Harry	3717-D
Yamaichi, Mamoru	2704-CD
Yamaichi, Masaru	2704-CD
Yoshimura, Misao	7308-C

The fact is that the renunciants are all scheduled for deportation. That has been the understanding for some time now - that deportation will take effect. When it will take effect nobody knows; there has been no public announcement as yet. They might make it at any time. They can deport at any time it is convenient to the Department of Justice. Mr. ~~Beale~~ is anticipating that when it does come, it will take a month, anywhere up to nine months. On the other hand, there can be deportation just as soon as the renunciants could be picked up, thrown on ships and deposited on the coast of Japan. . . . So we don't know precisely when it will occur.

The department has been in here now and they are taking control. On Wednesday you will no longer be detained by the WRA - it will be under Justice. Mr. Ivan Williams is now in active charge; border patrols will be established - they come from the Department of Immigration and Naturalization. You are now being detained under the Alien Enemy Act ~~set up by Congress during the last war~~ which gives the President power to detain you under proclamation and to confiscate your properties and leave it up to the discretion of Congress at the conclusion of the war. They have invoked the Alien Enemy Act to all renunciants. There is no indication that they are making any

exception here, regardless of the hardship. We might hope that there is a possibility that the Department might relent, if Congress could be persuaded to make them relent or President Truman may order the Attorney General to relent, in which case he must obey as a subordinate. The point is there: there is a law that states that those persons who pledge their allegiance to a foreign country would be permitted to go there. You noticed that in the case of Fritz Kuhn, who was de-citizenized. He was picked up and deported. Chances are that is the schedule set for the procedure in the handling of your cases.

There are two problems. One is this: Renunciants will be divided into two cases: those who have dual citizenship and those who have not. In the cases of the dual citizens, where they renounced one, it automatically revives the other. They become aliens and are automatically citizens of Japan. They immediately fall into the definite legal classification and they are immediately subject to deportation and their properties are immediately subject to confiscation. That is the classification you are now held under.

Whether you are dual or not and whether the court will take another stand in the position of stateless persons is another question. In the cases of those who are not dual citizens, they automatically become stateless. Such persons could not be deported. They would be in the similar position as the Indians heretofore governed by treaty rights. They couldn't deport them; at the same time, they couldn't be free or would not permit them to leave the confines of the United States. The government could never grant them visas and they couldn't vote. You are in a position worse than the Indians ~~because the Indians~~ because the Indians have certain rights under the statutes now. These Indians were originally governed by treaties by the United States.

As a stateless person you might be in a very peculiar position. If such a person should revoke his citizenship, he has no form of citizenship. He might fall in the classification of a stateless persons and could not own land in the United States in certain places, such as agricultural land and land that is used simply for dwelling habitats. In this case, they would be allowed to remain in this country. The others would simply be deported.

The other question is this: If these renunciations were filed while you were confined here by the United States, there is a possibility that the courts might take the view that renunciation took place while you were under governmental duress, which would invalidate or void those renunciations. You were under the state of government duress by the mere fact of your confinement; in other words, you were prisoners. If you prove in court that this constituted duress, the renunciations would all be set aside and you would all be citizens. It might not go that far since peace has not been declared. No formal declaration has been made by Congress because, for one thing, they desire to settle this renunciant's problem first. Since you can be treated as alien enemies while this state of war emergency still exists, they still have the authority to pick you up and send you to Japan. You are in a class as alien enemies; if they do that you are still under duress while you are still under detention.

To go farther: Underlying this whole detention, there is no question of undue influence in the signing of those renunciations. You were coerced and intimidated into signing the renunciation papers by those pressure groups called the Hoshi-gan, and even if you became members of that group, you can still state that you went through renunciation by virtue of that coercion. It doesn't make much difference whether you were members of the organization or not. You were under duress and in confinement excluding you from certain inalienable rights. There is a common point to be determined for the group who renounced; whether you were under government duress, and whether or not the pressure groups here persuaded you by virtue of intimidations to execute the renunciation. If that is found for a fact by the court, they will set aside all renunciations, by the fact that there was coercion. Automatically you would have your original classification as a citizen and would be free from this unlawful restraint. You see the picture. . . .

Q: Are we considered undesirable citizens because we renounced?

A: I don't think anybody has used that phrase. Newspapers have said all persons at Tule Lake are disloyal; but that word, disloyal, has no particular significance. It may mean, persons with no loyalty to any country; that is, lack of loyalty; and there are many aliens who are absolutely loyal to the United States even though they have been in confinement. If any individual who had not been held in detention committed an act of espionage or sabotage, that person is obviously overtly disloyal. He would be an actual enemy. Those persons are probably subject to detention. They have not found any person in any of these camps who would have committed an overt act. Furthermore, a neutral person, because of circumstances or family ties, would be considered disloyal - that is a negative loyalty. It isn't harmful. So you have the question as to who is actually "disloyal" - the subversive people or the disloyal people who have no loyalty? It is a question of whether he is a menace to our security or not. At the hearings conducted at Bismarck, some Issei stated that their loyalties were with Japan, while there was no case of the Germans making that statement. However, it was found that many of the Germans came over here for the purpose of committing espionage and sabotage. You have to consider what is said with the circumstances under which it is said. I doubt that there were many actually dangerous ones - they were all picked up. Some of them were innocent and some were not. They were given hearings and I think all the Japanese cheerfully admitted that they hoped Japan would win the war. The FBI picked up those people very promptly. As to the rest of them who were placed under the custody of the WRA, I don't think there was one genuine person who would raise their hand against the government.

Segregation is the second step the renunciatees came through, so they considered that your allegiance must be with Japan and not with this country and treated you as a class. They have never examined into the renunciation; that you were under pressure here in camp. They didn't consider for a moment that they were dealing with prisoners without a commission of crime. And so the newspapers have given you a very bad treatment all the way through.

To go farther: Underlying this whole definition, there is an influence in the signing of these remonstrances. You were coerced and included into signing the remonstrance papers by those persons groups called the Koshu-Gun, and even if you became members of that group you can still state that you went through remonstrance by virtue of that coercion. It doesn't make much difference whether you were members of the organization or not. You were under duress and in confinement, excluding you from certain inalienable rights. There is a common point to be determined for the group who remonstrated: whether you were under government duress, and whether or not the pressure groups have persuaded you by virtue of intimidation to execute the remonstrance. If that is found for a fact by the court, they will not make all remonstrances, by the fact that there was coercion. Automatically you would have your original classification as a felon and would be free from this unlawful restriction. You see the picture. . . .

Q: Are we considered undesirable citizens because we remonstrated?

A: I don't think anybody has used that phrase. News papers have said all persons at this time are disloyal; but that word, disloyal, has no particular significance. It may mean, persons with no loyalty to any country; that is, lack of loyalty; and there are many others who are absolutely loyal to the United States even though they have been in confinement. If any individual who had not been held in detention committed an act of espionage or sabotage, that person is obviously overtly disloyal. He would be an actual enemy. I see persons are probably subject to detention. They have not found any person in any of these camps who would have committed an overt act. Furthermore, a neutral person, because of circumstances or family ties, would be considered disloyal - that is a negative loyalty. It isn't harmful. So you have the question of who is actually "disloyal" - the negative people or the disloyal people who have no loyalty? It is a question of whether he is a menace to our security or not. At the hearings conducted at Hawaii, some have stated that their families were with Japan, and there was no case of the Germans making that statement. However, it was found that many of the Germans came over here for the purpose of committing espionage and sabotage. You have to consider what is said with the circumstances under which it is said. I don't think there were many actually dangerous ones - they were all picked up. Some of them were innocent and some were not. They were given hearings and I think all the Japanese cheerfully admitted that they had Japan would win the war. The FBI picked up some people very promptly. As to the rest of them who were placed under the custody of the WRA, I don't think there was one genuine person who would raise their hand against the government.

Separation is the second step the remonstrance came through, so they considered that your allegiance must be with Japan and not with this country and treat you as a class. They have never examined into the remonstrance; that you were under pressure here in camp. They didn't consider for a moment that they were dealing with prisoners without a conviction of crime. And so the newspapers have given you a very bad treatment all the way through.

The suit of equity would be to set aside the renunciation based on governmental fraud, duress and the conditions here, and the undue influence of the pressure groups: the factual influence of the pressure group in not one case or in 10 or a 100 cases, but in all cases, of all persons who want to stay here. It would take hundreds of witnesses when you are confronted with this situation. You would have to bring in the WRA officials who are very familiar with the Hoshi-Dan group. They have photographs and evidence on the other facts, the complete and accurate history of the organization here. It will be of inestimable value to you. These officials will come to your assistance to testify for you and to prove that there was undue influence. If you are removed from here, the trial will be transferred from here. ... They will go back into civilian life, and those are your witnesses. Those are your chief witnesses. You could take depositions wherever they go. ~~XXXXXXXXXXXX~~ That is almost impossible financially. You would have to get individual attorneys in the nearest city and a government attorney to produce the testimony; you have to get the transcript typed up and brought back here.

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Hundreds of dollars just to transcribe those testimonies in writing, and it becomes a prohibited cost.

You have cost on the other side, too. You bring your witnesses together, and they have to go up and recite these cases. Transportation charges and the cost of sustaining them while they are detained in town, which might be weeks, and hotel space for them and all of that. It's a very, very expensive proposition.

Then you have the major trial. Whether it's a habeas corpus or equity case, it will take weeks and weeks and weeks. You have hundreds of witnesses only on the activities of the pressure group. When you finish with that and if they find that there was duress and the hearings were not fair and if they find people here acted in response to intimidation and coercion of the pressure group, then you have your big background picture before the court. Then you have to follow with each individual case. You have to have a hearing on each case to show how each individual was affected by the pressure group; why he signed the renunciation and why he sent in his revocation, and that requires witnesses there, too. You follow up the major case with all the individual trials. You see how long it will take - 2,000 renunces, 3,000, 4,000 - do you see the expense? If the witnesses themselves are in remote parts of the United States, you see the difficulty of getting them fetched here. Do you see - the sooner the trial comes, the better - while the detention is still here?

No court can handle it - it will be a gigantic thing. It will be something that might induce the Attorney General either to seek new legislation or proceed under the present legislation to grant rehearings to set aside the renunciation, and leaving the remainder, the members who were responsible. All the legal issues would have to be determined. If governmental duress is found there, the renunciation will be set aside, too.

But it will take thousands of dollars to produce your witnesses. You would have to have a staff of attorneys and take them a lot of time marshalling the witnesses, and those attorneys have to be compensated.

That is why I think that if we convince the Attorney General that there was duress, the Attorney General will stipulate judgment in a great many of these cases and reserve comparatively few. That's a possibility - that's policy.

No judge wants to sit in the trials for years, but if we can get a good picture on it, maybe we can get it done in three months alone.

Q: What we're confronted with is the expense. It costs us money - suppose we exhaust our funds?

A: As I would say here, we are dealing in the dark. Four years ago, you didn't know what was going to happen to you; a year ago you didn't know. You have to go ahead as the additional problems occur. If the suits are prompt and if we work like Trojans, we will get releases absolutely and prevent a great number of deportations. That is one step. Second, I think that they will turn around and issue a stipulated judgment. Renunciation in a great number of cases will be cancelled and automatically restore citizenship to those affected, and leave only a remainder to put up for individual trials. If that is the case, our burden is appreciably lightened.

I assume that some individuals can pay a substantial amount but others will not be able to do so. I think that you should get over a thousand people and try to collect \$100 as a minimum. It might do it and it might not.

If one person who put up \$100 is released, he did so not by virtue of his \$100 - but I doubt whether that person will contribute to the remainder. That's one of the problems you have to think about. No one person would have sufficient funds to do a good job. You can do something with \$50,000 if you are not going to take the maximum amount of protection for everybody. You are jeopardizing your own position.

You can't do this individually. You can't pay for all the transportation costs, a flat charge of \$2 to \$5 a day while they are held as witnesses - you could call in 10 witnesses. Do you think a fair job can be done by ten witnesses, when the rights of 4,500 are concerned. If anyone thinks they can, they are only foolish enough to do that. A person who goes in individually will lose, because they will never be able to try adequately.

Q: There are many here who have been advised not to join any group to fight this - what steps should we take about that?

A: You have to figure that some people will pay, can pay, and some cannot. For example, you can't expect to ask money from a woman with four small children. . .

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I am personally willing to try cases from now until doomsday. Normally, I would only take the hardship cases, but I am willing to take all the hardship cases and those not hardship cases and sandwich them in somehow. We will not reach a stalemate - we will accomplish something good.

I think we're going to have a residue left over. You can sit down and get a committee and get them to contact those who are out and ask them to contribute. If a man goes out as the result of his \$100, remember that he has gone out as the result of the thousands of dollars behind him.

You are up against deportation. You are up against the loss of your citizenship rights. It's worth a hundred dollars to anybody in the world to be a citizen in this country. I think nearly everybody in this center should have the right to contribute, and if you have reason to believe that there are people who are willing to proceed, you can ask them to contribute. Just put their names down, and I'll watch from behind.

Q: Is there a possibility of parole out of this center?

A: Everything is possible. That's always possible. But I tell you from years of experience as a lawyer, that if a person goes out, ~~they are not~~ he is not going to contribute to a cause, because he has his ~~immediate~~ immediate problems to face. You can't collect from people that way; they are exempt from state law, even though they have signed a contract. And you are dealing with poverty-stricken people in the first place.

You have to do that now. You have to do the maximum at the outset because what you are going to do for yourselves is problematical, and what you do in the future is only problematical. When a person goes out, his intentions are always good, the ability may be even there, but is very inconvenient for him to do anything. Other problems become more pressing. Do it as a group so all of you can get the maximum benefit. If we can get a large number and proceed in class suits, then we can go right in and hammer the nail in and work out something with the Department of Justice. Maybe we can sift them down and get rid of deportation for a great number of people and get stipulations.

Remember that you have lost everything and we've got to whittle it down. Start whittling down the branch, and even the trunk, if possible. You can't go out and fight against the whole power of the government alone.

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These questions are not well-framed. I'm trying to grasp what they are trying to drive at. I'm only guessing at what their real question is....

I'm trying to stay all day Wednesday and come back on Sunday or Monday morning. I'll be willing to discuss it with you at any time, in groups or individually.

I am not allowed to solicit cases. I am not soliciting cases and no lawyer should solicit cases, because if he does that he is violating the canon of ethics.

I have about 300 letters here with me from people who are asking for assistance. Until you ask me to do something, I can't do it, but I have to have the means to do that which you want me to do. I don't want to do a 5 per cent job or a 10 per cent job when I can do a 100 per cent job. Do it. Do it right with maximum protection for the individual and maximum protection for the group that is affected. But if you go in with inadequate funds you can't hardly whittle down this great tree.

Q: We can pass this along as advice from you?

A: Sure. You, individually, have no right to intimidate or coerce anybody to join in which you to take any action. You have the right of moral suasion to ask them to join with you in any contemplated act, and nobody has the right to interfere with you. You must leave it all on a purely invitational basis and leave it at that.

You must appreciate the financial situation. You have to take into consideration what the people have - what they can afford under the circumstances.

I can't conceive myself that the whole thing can be lost. Maybe everything can be salvaged..

To those individuals who are going to proceed with their cases, don't write any more personalized letters. That is important. A letter was prepared here for a number of persons that asked me for it, and that, and that only, should be sent. Precisely that, and nothing more, because that makes no commitments that could be used against you and raise only the legal issue. It is evidence that could be used in a contemplating legal action to set aside the renunciation. The mistake has been made by many who are acting on advice of friends or attorneys - don't! Don't make any statements to any outside party that can be used against you. You've got your renunciation in writing - that's bad enough. Those who have done so, it shows just what they thought and they are contradictory to the statement that they were acting under undue influence and duress. For a person who does that, you see how hard it is to retrieve it.

Q: Suppose you've sent in a personalized letter already, should you send in the form letter now?

A: Hold that in abeyance now. It could all be sent at once. If I'm going to represent you, we'll all send it out at once - to the Attorney General, Department of State, Alien Property Custodian and the Immigration Department, and it will be just as precise. I wouldn't want - if I'm representing you - I wouldn't want any personalized letters in conflict with these claims that are made.

Q: Any action taken by the group or decision handed to the group - does that affect a person who is not in the group?

A. It will affect a person who is not in the group by indirection, should the government change its policy. You are asking Congress to change its policy, and Congress has made no such admission. A member of the Dies Committee has stated that it will be subjected to a test case in court but that it will be blocked. That that is a publicity statement by a Congressman. Nobody can tell what the court will decide. You can predict what the courts will do, but there is no assurance of what the courts will decide.

Q: What do you think of small groups ~~getting together and~~ fighting?

A: Not into small groups. If you went into small groups, what good will it do you? Suppose there were five here, 100 here, and 1,000 here. What is the group of five going to do? Where can the 100 do it? Then you begin to have a conflict between those groups, and then it will resolve itself into nothing. And do you suppose, for example, that you have a thousand cases; that another lawyer should come in for 20 people who put up \$10,000 apiece. Our group would ~~pay~~ put up \$100 and they would expect to come in on the benefits from the hundreds of witnesses we would produce, when they would produce only 10.

I can get a staff that knows exactly what they are doing, and direct it but there will be cases that will be tried 20 or 100 at a time. There will be an administrative problem that the courts would have to decide. There will be a question of venue whether we can raise the question in Eureka or Sacramento. We might have a hard time of it. It's called the jurisdictional venue ground, and the government is going to do a hop, skip and jump, and we're going to hop right after them. And they will have, I assume, public sympathy on their side, because all persons here have been classified as disloyal. We've got to overcome that. I don't think the judges will let the unfavorable publicity sway them, but the judges are still human. We must get our cases known. It makes truth on a person's mind when he reads it 100, 200 times in the newspapers, and you know now in this camp that the members of the Hoshi-Dan are still believing that the Japanese Navy are shelling San Pedro and are on their way up here.

Q: In the case of a husband and wife renouncing, what will happen to the child?

A. The baby is an American citizen, and if you were to be deported to Japan, the baby could come back here after a reasonable period of time. No one can say what the reasonable period of time is - the courts never say. The child can come back after reaching majority, the age of 21, and a reasonable time thereafter, the U. S. Supreme Court so holds.

Q: The baby would go voluntarily?

A: The parents would have the right to exercise that right because the child is a minor. The law recognizes your rights so long as the child is a minor; you can take that child with you.

Q: Are there any suggestions as to how we should go about this?

A: If I were in a position of one of you, I would select a small committee to act as trustees for the group that you are representing, and all those who wish to join you can join you, and you should fix the contribution that they should make to the joint cause. I would say that it would be \$125, or more if you can get it, but that's as much as you can get from many, and if you can get a thousand or more members, you are ready to proceed. With less than that, it gives you a start and there might be others who will join you. But with a hundred, I don't see how you are going to go at it.

Q: If it is less than \$100 for some?

A: Let them contribute as much as they can, or none if they can't. We meet that problem as we come to it. The point is that nobody is to be excluded if they want to proceed. How many renunces are there here?

4200.

How many of those want deportation. More than 2,500 sent in revocations of renunciations, and of that a fairly large number were youngsters whose parents didn't know that they had revoked their renunciation. You see the situation: there are hundreds of aliens here who are going to be liberated, while the children are to be deported. There's no sense to it, but you're not dealing with sense. It's the act of renunciation, and there's no sense to that. Now we have to undo it and we have to compel the government legally to undo the acts they have committed. We hope to convince the courts. After all, that's the final avenue of escape for you. There is a possibility that they will exchange you for prisoners of war....

Q: Exchange will be all right, won't it?

A: Why? Exchange simply means that they will simply take you and send you back.

Q: In other words it will be in the same category?

A: Those who are exchanged or deported will never be able to come back.

Q: Even voluntary deportation and deportation?

A: In ordinary times, people that unlawfully entered this country were picked up in due course of time by the Immigration Department and they were given hearings and in hardship cases, they have the power to recommend that they be voluntarily deported at their own expense, and if they have granted them pre-examination because of hardship, they permitted them to go through the nearest port of entry, to the foreign consul in that port of entry and to enter the United States legally,

and if all papers are filled out properly, both with the foreign consul and Department of State, it can be completed in an hour or two. No such opportunity will be granted to anybody here. That was in the case of a husband coming in and marrying an American citizen and had children or vice-versa, or whether the parents were here and the person who illegally entered was supporting them. Voluntary deportation is permitted provided they post a bond and comply with all the provisions.

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TO: Mr. Collins.

This is the remainder of the notes on yesterday's discussion. Will you please check and revise it?

Thank you very much.

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You are not classified as a subversive group. You are simply classified as disloyal. What they even mean is a problem; newspapers are not interested in your individual stories; they are only interested in the general story.

The question is what are the people going to do? All those who want to be repatriated, it is their privilege, so long as it is not done under duress or undue influence - so long as they don't engender fear in them by any threats or any other methods of coercion or intimidation. It's all right, but those that don't want to be deported had best decide what they are going to do.

Have all of you sent in letters revoking your renunciation?

Yes.

Individual letters or form letters?

Form letter.

Personal letters are no good. Pleading with the Attorney General to re-examine your case will not do you any good. If you are going to stay in this country, you should send the form letter, which states that you signed the renunciation by virtue of your detention; next if you were coerced or intimidated to sign that renunciation, etc. But to write to the Attorney General saying that I regret that I signed this, and I am sorry, etc. - that won't do you any good. It proves that you did sign that renunciation form voluntarily.

Q: What do you think of the advice given by the project attorney here urging us to write personal letters to the Attorney General and the Justice Department?

A: In the first place, he doesn't know. He doesn't practice law here. He is most sympathetic to you, but he is not in a position to give you advice, and he has done that which in his own mind he thought was protective to you. By writing personalized letters, I wonder if that did not jeopardize your legal position. Don't rely on these people here - even if they desire to help you. You can't rely upon them because they are in a position as neutrals; they are governmental agents. They are sympathetic to you but because they occupy that position they are very cautious. It was not from the legal viewpoint that such advice was given; it was probably the hope that the Attorney General, through the largeness of his heart, would grant you a rehearing, which he isn't going to do. It's too bad, but he hasn't done it and he won't do it. It was his duty to make a finding whether the renunciation was contrary to national defense and to set up hearing officers and accept their recommendations. It was a discretionary power, once having been exercised he himself couldn't recall. We could argue that he could, because of the manner in which the hearings were conducted. The applicant comes in before

the hearing officer and there is a finding made that isn't shown to the applicant. The court probably would not be granted judicial review. They have no power to re-examine or review that findings and the power that was lodged in the Attorney General was a ministerial power and no court dares disturb it, and the Attorney General once having made or sent the approval has no power to retract or to re-examine the case. The power will be lodged in Congress - whether it grants the power to some governmental agency to review these cases. So far there has been no indication from Congress that they plan to do this. They are merely following up with deportation.

Q: Some people with pending cases are now free.

A: If the application for renunciation was not approved and if the revocation was sent in before the renunciation was approved it is no good; it cancels the contract. You have the right to reject it before the approval comes. There were a ~~few~~ few people who probably cancelled their renunciations in time and if after that time the letter of the Attorney General's approval came, it will be no good.

In one case, I hear a renunciate has gone out on parole. Why, I can't tell you. The government holds that in certain industries they could use certain skills. But to go out on parole is no guarantee that he will not be deported. A parole is something that is subject to terms and conditions and always subject to revocation. The fact that they are paroled does not restore citizenship to them and they are subject to certain prohibitions. They couldn't purchase land or own certain types of property.

There is a chance to file a suit of habeas corpus and suits in equity for a great class of you to determine your rights. It is possible that all those who did not have dual citizenship might remain here. They would be permitted to go back to their homes. But if they want to avoid deportation that is one case - and citizenship, that is another case.

In the case of the stateless persons, they are not dual citizens; therefore, they must remain here. Since the war is over, they are subject to release immediately. Nevertheless, they can detain you under Presidential Executive Order, and that is the Presidential proclamation permitting the military authorities or the War Department to pick up any class of persons and exclude them from certain areas and as a result of that came the War Relocation Project. They can still use that Executive Order No. 9096 to justify your detention.

Q: In regard to dual citizenship, at the time of the hearing sometime in February or March, they felt that they were dual citizens. When you are instituting this case, ~~you~~ can you deny it?

A: You would have to deny that. I don't think there is such a thing as dual citizenship. Dual citizenship is what we call the law of the blood - jus sanguines. United States law is based not upon the blood but by jus sole, the law of the land or place of birth.

The mere fact of birth makes you an American citizen. But that doesn't prevent Japan from claiming you as one of their citizens. In normal times if they picked up you up there, the American Consul would intervene and get you out. We don't recognize their laws. However, under the laws of Japan, up to 1924, they were automatically deemed to be citizens of Japan under the laws of race or blood. In 1924, Japan passed such a legislation that if you were registered within 14 days after birth you would be entitled to become a Japanese citizen. It's by your parents - an infant 14 days old can't go out and sign a contract, could he? Therefore, a person cannot have dual citizenship. The 14th amendment states that a child is considered as sui juris.

Therefore, he cannot make an election of citizenship. He cannot accept the dual citizenship. The Nationality Act of 1940 repudiates the allegiance of any foreign born American. I don't think in the final analysis the courts will treat anybody as being a dual citizen. If a person reached his majority; that is, the age of 21, and voluntarily, held himself to be a Japanese citizen, that will be another story. There was a method prescribed by federal law - by joining a foreign army or by going to our own consul, and stating the fact that he desires to be expatriated. He went through a legal machine and he was expatriated and he was no longer a citizen.

Q: At the hearing you said you were dual and now you deny it....

A: As a matter of law, I state that you can't have dual citizenship. I don't care about that. It is of no significance to me whether you are or not. I say that it cannot be done. Logically, it is impossible. ~~The~~ Dual citizenship is no problem at all. There has been no legal determination that a person can be a dual citizen.

Q: A lot of people figure that if parole comes, they don't have to fight the case....

A: Anybody has a perfect right to sit back and do nothing. You can say, "I'm a hardship case. Maybe the government will relent and do something." If the people think that the government will cancel renunciation, you can believe that, too. I'm saying that if a person is going to do something about it, he'd better start in soon to determine his rights. Anybody who says this government will relent is just downright foolish. If anybody thinks that they are not going to be deported they are sadly mistaken. Once you have executed an instrument, if you claim that it was executed under duress, menace, fraud, coercion or intimidation, you must, when you come to your senses, when you have the opportunity to be free from that coercion, you must take steps within a reasonable time - prompt step - to repudiate what you have done. The purpose of that is to protect your inalienable rights. Law sets up a procedural bar against you. As an example, in a promissory note, the procedural bar is set against you after 4 years. The person who made the note still owes you the money but after four years you can't use the court to collect. The procedural bar is set against you.

If you have written the letter to repudiate your renunciation, don't set it aside because if you wait the procedural bar will be set against you. The time - I don't know. Nobody can give that answer. In law, we have a certain period of time; in cases of juvenile contracts, within 2 years; in suits against state officials, 6 months; in open books accounts, 4 years. When you execute an instrument or perform an act and then you repudiate that act or cancel the instrument stating that you were acting under duress, we have a rule that determines the general period. We have a term called "laches in equity." Here is a case where no period of time is stated.

There is what is called, "a reasonable period of time." No human being can tell you what is a reasonable period of time. It depends on the circumstances, and the conditions. It is possible that on the grounds of governmental ~~det~~ duress, you might wait until the detention is released and then act - if you were going to be released and sent back to your homes. But that isn't the case. When the war is over, you act within the period of time reasonable - it might be 6 months, 30 days or 2 or 3 years. Nobody can actually say. But the point is: the longer you wait the worse your position becomes. I wish I could answer that.

Just as if I would ask: What is the reasonable time to get to L. A. Nobody can say, because if you walked it would take 30 days; if you went by train, a couple of days, and by plane maybe 24 hours. The circumstances and the conditions - the mode of travel, the time of the year - would determine that. Here we are dealing with an immense project and thousands of people are familiar with our rights or ought to be familiar with our rights.

The renunciations were signed in January. As soon as the persons has time for reflection - 24 hours, 6 months, we don't know what the time is - and having the opportunity to see why they renounced, they should have cancelled their renunciation, to set themselves in status quo. So we are dealing with things that are hypothetical. You can bet this: everything will be resolved against you at law and at fact, because your cause right now is not a people's cause. Mass exclusion order has been cancelled, individual exclusion orders are being cancelled, the centers are scheduled for closure, and here you are - the last of the detainees. You ~~h~~ will have to act.

Q: If a person was under 21 and had signed for renunciation, is there a difference.

A: That is another legal problem and we expect to get a determination there. They said persons 18 to 21 can renounce, but we don't know whether persons 18 to 21 can renounce. Under common law, he has no mind to contract; he is considered to an infant and is a minor.

The courts might say that since ~~they~~ they were between the ages of 18 to 21, the Attorney General was incorrect and it would save those between 18 and 21. Since he was in the custody of his parents, and if there ~~a~~ was a possibility for him to revoke his renunciation and he did not

want to renounce, he should have done so. In my opinion, the courts may say that he was a minor, a minor cannot enter into a contract without the consent of the parents, and the consent must be in writing and therefore the act of the child was presumed to be invalid - and they might be saved. I would say that if they did not have dual citizenship they stand the very best chance of all of them of being released from this renunciation.

Q: Is there any way to prevent their removing us from this center to ~~another~~ another center.

A. There isn't any chance to prevent removing renunciants to another center. That isn't quite the problem. Suppose that they have the power but not the right. If you filed a suit of habeas corpus and the court issued a writ, there are two methods by which it is possible for you to contest. One is by a motion to dismiss, raising legal issues and while that motion is being heard no other writ can be considered. Consequently you are still in detention and you will be subject to deportation to any place in the United States unless the writ is issued. If they issue the writ, then you are taken out of the custody of the government and removed in the custody of the court and the government has no power or right to removed a person.

The chances are they will not issue the writ. If they issue the writ you will be in a very peculiar position

In this case it will not be in the ~~cost~~ custody of the WRA, because they are no longer in charge here. You are under the custody of the Dept. of Justice and their headquarters are in Washington, D. C., but they maintain an officer here in whose immediate custody you are situated.

Q: There isn't any legal step we could take to prevent removal?

A: Not unless the court would issue a writ and the practical method would be if suits were filed covering 2,000 or 3,000, I think that the government would consent, even though the writ was not issued.

It would be impossible for the Supreme Court to sit and try 2,000 or 3,000 cases because they are an appellant body. It would not take jurisdiction on an ~~original~~ original writ but simply refer it back. We could meet a very ticklish legal problem. It could be batted from pillar to post. ~~and whatever action you take could not be public bec~~

You might get a great deal of adverse publicity. It will be a lot better for you to ~~exhaust~~ exhaust your sources of possible favorable publicity. There are many ~~people~~ people in this country who are willing to help you - not from the legal standpoint but from the moral angle - like the church organizations. They could certainly write letters to the Attorney General, the Congress and get favorable comments for you in the newspapers and magazines and over the radio. Basically you have got to think of your pure legal rights and with what force you can fight and the longer you hesitate the worse your position becomes.

1. Renunciants can be detained here and they can be shifted on instructions from the Attorney General to such places as he sees fit at any time. It can only be tested by a suit of habeas corpus and revocation of the renunciation of citizenship form. A test case can be given here. But a test case given here would not affect those who were not included within the test case. The test case would be ~~prop~~ by proceedings of habeas corpus and by a suit in equity to revoke and set aside the renunciation and approval by the Attorney General, in which latter suit declaratory relief would be asked for and an injunction restraining the government from removing the plaintiffs. (The court probably would not grant an injunction.)
2. The habeas corpus proceedings would be in the U. S. District Court, preferably in San Francisco, but I can't say definitely. Venue would be had in the District Court in Eureka or Sacramento, but by consent it might be tested in San Francisco.
3. No one is now held under a presidential warrant. No provision is set forth at law defining an instrument to be a presidential warrant insofar as detention is concerned. It is simply a phrase used by the Department of Justice. Detention is under and in pursuance to the Alien Enemy Act and in the background, the Presidential Executive Order #9096.
4. There is already legislation - the Alien Enemy Act, which affects all persons who would fall in the classification as alien enemies under that Act.
5. The authority of the Attorney General to do this is the Alien Enemy Act and probably also the power lodged in him under Executive Order #9096, and subsequent proclamations issued by him. I would ignore that because it would have no significance anyway.
6. Department of Justice does not have to draw any difference between Issie and Nisei. It ~~is~~ treats both classification as being the same since the Nisei are renunciants who upon renunciation automatically became subjects of Japan, whether they had or had not dual citizenship. (The Nisei who did not have dual citizenship, upon renunciation became stateless or mere inhabitants of this country and they might not be subject to deportation in the event the court should hold that they are not alien enemies.)

they
~~became stateless or mere inhabitants of this country and you therefore might not be subject to deportation in the event the court should hold that they are not alien enemies.)~~

7. If an alien under the alien registration act of 1940 refuses to register as such, there are penalties provided by the statute. If, however, a person who is required to register asserts U. S. citizenship he should call the attention of the registration officer to that fact and in so registering should register under protest by stating: "I am an American citizen and I register under protest and ^{under} in compulsion." Or at the time of registration he can file a letter with the registration officer asserting that he is an American citizen and that he registers under protest and ^{under} in compulsion.

8. The statute does not, on its face, lodge power in the attorney general to set aside his own approval of a renunciation, although it may be asserted that this power resides in him by implication. Since the statute is a new one, there is no interpretation by the courts, and the final power to refuse is lodged in the court.

9. So far no provision for voluntary deportation has been recognized by the Attorney General and since detention is now under the Alien Enemy Act, ~~a~~ voluntary deportation ~~is~~ probably would be refused.

~~10. There isn't~~
It isn't regarded as a hostile act. Renunciation is simply regarded in the individual cases as not being contrary to national defense interests.

11. It is possible to deport any ~~persons~~ ^{persons} detained ~~under~~ ^{under} authority of the Alien Enemy Act without a deportation trial, and the attorney general has indicated that no such trial will be held.

12. A judicial review both on mass and individual cases is desirable, on questions both of law and fact.

13. The government ^{has not} prevented any individual ~~group of~~ ^a or group of individuals in this center from seeking legal advice at any time, so far as I know.
or any other center

If that is denied at any time inquiry can be made into the denial ^{by} and mandamus and other proceedings in court. The legal question arises whether the hearing conducted before a hearing officer on the renunciation constituted wither legal due process of law or administrative due process of law under the provisions of the 5th amendment. Is it possible that a court might take the view that there was a want of such due process of law at the time the renunciations were signed by virtue of the duress under which they were held and by ~~the~~ ^{by} virtue of the undue influence exerted upon the renunciants by pressure groups in the center. Even though the individuals may have been free from the present coercion of such groups at the exact time of his hearing.

14. The discretion lodged in the local draft board is not subject to judicial review, save and except in those cases where that discretion has been grossly abused, ~~however~~ ^{light}, to sustain the local draft board that you can get a judicial review.

You must pursue the ^{complete} administrative remedies opened to you under the Selective Training Act of 1940 by appealing from the classification of the local draft board up to your application to the President. (They will not go into it unless there is a gross abuse. The courts will then review and set it aside.)

(d) Registering with an employment bureau will get one a job if she is qualified for it in all terms. An employment bureau does not merely write your name and file it, they try to discover the assets that you have never suspected present in you and try to place you around surroundings and in a position best fitted to your character.

6. After registering with an employment bureau, you name is taken and with your qualifications

11-
15. They made the original blunder of mass deportation which was a terrible blunder and everything they have been doing since then has been adding blunder upon blunder. That is one of the arguments to be given in your case. It has been discrimination right down the line. Those who were residing in the B. Zone were just as much prisoners. There were travel restrictions set upon them. There were handicaps. It's all wrong. If they could do that to a Japanese they could do it to me....

16. It set up hearing officers and accepted their recommendations. His was merely a ministerial act - the hearing officers made the discretionary act and it was merely a ministerial act for him, and he assumed that.

17. If you wait until the time of deportation, the odds are probably ~~2/3~~ against you. They will probably seize you, take you on the train and put you on a boat - they have the power, but not the right, we assume. But we don't know yet, because they are treating you under the classification as alien enemies under Executive Order #9096 and under that statute the President has power to seize the property of alien enemies and now the power to seize carries with it the power to deport.

18. I can tell you ~~for~~ there is no responsibility upon the WRA to advise. The WRA is only an administrative machine here set up for the purpose of giving habitation. It is now the Department of Justice.

19. I assume that there were copies here. As to whether you had access to it, I don't know. If you had asked the WRA officials or written to the government printing office, I'm sure you could have had copies of it.

20. Yes, people are subject to penalties. It is no worse than criminal law generally. Ignorance of the law is no excuse. If a statute is printed and public notice of it is made somewhere the government cannot be held by it.

21. Anybody upon whom pressure was brought to bear, who can as a factual matter prove that he acted by virtue of coercion will not be held responsible to any act done during the state ~~of~~ of coercion. You must prove that - you must have witnesses. That's the point you must prove to the court and they will set aside the renunciation and restore your citizenship.

22. It is based on the fact of renunciation and renunciation shows that you no longer give allegiance to the U. S. and give allegiance to Japan, and allegiance to Japan is merely assumed because of racial origin.

23. Renunciation was ground for detention and immediately upon renunciation they treated you automatically as alien enemies under the Alien Enemy Act, which vested in the executive branch of the government, that is, the President and the Attorney General, the power to detain, which is followed by the power to deport.

11-24 You sent for the application. That's one of the sad facts against you. You asked for it, but they intended

The hearing officers said that they are here, if you want to renounce we are ready to help you renounce. But if you can show that you were nevertheless acting under compulsion, you have your point. For example, if you take a child and tell him to go over and jump across the 100 yard cliff... Every step he takes is the result of compulsion. You are all children when you are under duress. It assumes that you are able to think because not

You are under compulsion. Here's the point: they have deported you from the West Coast; they have put you into camps; and they have put you in this here; they have created the Hoshi-Dan to intimidate the groups and did not prevent it. It was all governmental duress and we believe the courts and they will take that stand that the govt. is presently responsible for any and all consequences and they ought not to penalize. You have that fact that pressure groups influenced you, and that they made threats to to prove individuals and to families.

a reasonable period of time.

But there is a limit when persons can be under compulsion. For instance, you are told to walk across two miles, and a gun is pointed at you. You know that after you walk the first one mile the gun cannot reach you after that one mile. The first mile you walk you are under compulsion, while you are under the influence of the gun. When you are two miles away, and you know that the gun can't reach you there, then you are on your own. There's a limit. The law has allowed you a limit if you endeavored to revoke your renunciation; otherwise, you are going to be barred.

25. You claim that the fact that you are in a prison and subject to these internal influences is a denial of the due process of law. They give you a hearing with secret files, and accept your renunciation; but if that be under duress and undue influence they are substantially the same. While you are acting under that influence, you are not a free agent. You haven't the opportunity of making a proper choice or any choice, and you have no alternative and if that is the case, it is void under law. But that is what you will have to prove.

5. Congress has the power to set up a method by which a person can be expatriated: just simply lose citizenship, and it can set up any method it sees fit and if you follow that method you become expatriated. Expatriation means that you cease to be a citizen and lose the rights of a citizen. It doesn't establish allegiance to any other sovereign and no other sovereign can claim you, so that it will leave you stateless the same as the aboriginal tribe of Indians.

In other words, they could deport you. They have the power to deport but they might not have the right to deport you under the constitution, but you couldn't assert the rights that are peculiar to citizenship alone, which are in addition to those which are attached to those as a person. Congress could set up restrictions to travel or put you in reservations. It's an anomalous position. Those questions were raised in the Korematsu case, but the court was not required to pass on it.

Hostility not coupled with a hostile act is not punishable. Hostility is a state of the mind - by threatening the security of the people or if it is contrary to criminal law, then you can be tried in the criminal courts.

Q: They simply hold that the approval is not contrary to national defense.

A: The old juridical theory is that a person in this country could not renounce in time of war. In 1940 they re-enacted the Nationality Law and enabled people to renounce in time of war. But the renunciation act is against the sovereignty because it is the right of every individual to bear arms for his country. It was Congress that permitted the renun-

ciation to be effective, and since they probably were not going to allow you to bear arms for the country, then they could accept your renunciation as not contrary to the national defense interest. In other words, if you take a man in jail - he has a duty to fight for his country, but if you put him in jail, you are finding that his detention is not contrary to national defense interest, ~~The same is~~ The same as the right to renounce and the right to bear arms is not contrary to national defense interest. It is contrary to all the rights of sovereignty itself. When Congress imposed that power in the Attorney General it lodged concurrently with the Attorney General a power to determine whether a person was of any use in time of war. If they had deported you before Japan was defeated, it would have been definitely contrary to the sovereignty of this country because she should have been giving Japan manpower to fight us. Congress is acting inconsistently. It's inconsistent with national defense purposes. You won't get very far but it is an arguable point. We have to use it. We have to use everything that can be said in your defense in this matter. Public sympathy is that all of you are disloyal because the newspapers have said so. There were a number of people here who refused to join the army as long as they were compelled to remain as prisoners here. There were many hundred who were sentenced to prison in other centers ~~and are now~~ . . . we ~~have~~ but one of the that is

matters we have to convince the courts - that you acted under coercion, intimidation and undue influence. It wouldn't make any difference whether you became a member of that organization or not. You can be compelled to become members of that organization just as much as you could be compelled to sign the renunciation.

Q: Would the fact that you were a female or under 21 - would you have a better chance?

A: From purely a legal viewpoint those under 21 have a better chance. They have an added chance because the assumption is that they are infants; they have not minds of their own. They can't even sue in court; they must have a guardian. Females over 21 are in no better position than males over 21 - absolutely no better.

Q: Could you explain to us how you want us to go ahead?

A: The only way I see is that no one individual, no small group, could possibly proceed because it is financially impossible, because in the first place in habeas corpus only tests the validity of detention. If the court should decide that those who did not have dual citizenship would be entitled to leave, it would leave them stateless and would be barred from owning land in those states that they are barred from owning land. It would take some time to have the matter determined on appeal.

~~The/s~~