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Uchida, HARRY

1945-1946

78/177

C

November 23, 1945

Mr. Harry Uchida Block 3717-D
Mr. Yasuo Honda, Block 3405-D
Mr. Yoshiro Kaku, Block 8115-I
Mr. Fumio Masuoka, Block 5603-C
Mr. George Tsuetaki, Block 4004-D
Defense Committee, Tule Lake Center,
Newell, Modoc County, California.

Dear Defense Committee:

On November 19, 1945, Robert B. McMillan, Assistant United States Attorney at San Francisco, telephoned me to inform me that the Department of Justice in Washington, D.C., had communicated with Mr. Frank J. Hennessy, United States Attorney, and himself, requesting them to communicate with me with a view to obtaining a continuance of the hearing of the Orders to Show Cause in the Habeas Corpus proceedings. I informed them that I would telephone Mr. Ennis and ascertain the reason for the request.

I telephoned Mr. Ennis in Washington on November 20th. He discussed the cases briefly and then put Mr. Burling on the phone. Mr. Burling informed me that the Department of Justice desired that the Orders to Show Cause be continued so as to allow thirty (30) days for preparation of the respondent's reply. I consented.

The next day Robert B. McMillan, Esq., informed me that Mr. Rhetts of the Department of Justice in Washington had requested Mr. Hennessy to get in touch with me with a view of obtaining a consent that the Orders to Show Cause be continued 30 days from December 10th. I informed him that I would consent thereto only upon written Stipulations being entered into followed by Court Orders issuing thereon commanding the respondent Ivan Williams to retain the custody of each and all of the petitioners within the jurisdiction of the Court until January 10, 1946, and thereafter until the further order of the Court. I prepared these written Stipulations which were signed this morning, also the Court Orders which issued thereon this morning. Copies of these documents were sent by registered mail today to Ivan Williams.

In my conversation with Mr. Burling he stated that the Attorney General had actually approved practically all of the renunciation applications even though a few letters of approval had not yet been mailed to some of the applicants. He stated that

Defense Committee, Tule Lake Center
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11/23/45

additional approval letters would be mailed out in the near future inasmuch as approvals sometime ago had been made by the Attorney General.

He stated that following the filing of the suits two representatives of the Department of Justice had been instructed to fly and then were enroute here to confer with Mr. Wixon, District Director of the Immigration and Naturalization Service. He did not explain to me what the nature of their conference would be.

He stated that the Department officials were to confer in Washington to determine what the policy of the Department concerning the deportation, detention and the citizenship issues and questions would be. He stated that in view of the circumstances it probably would take some time for the Department policy to be determined and become crystalized and that, in his opinion, the Department probably would not, for the present, compel involuntary deportations but would place such on a voluntary basis temporarily. (This has been done.) He felt impelled to state, however, that he was expressing his own opinion inasmuch as he could not speak authoritatively for the Department of Justice. (None of the petitioners can be deported so long as the Court Order stands commanding respondent to retain custody of each petitioner within the jurisdiction of the Court until the further order of Court.)

He also stated that it was his impression that the Department would prefer to test the cases by types and classes of petitioners. I informed him that I was prepared, with a staff of attorneys if necessary, to test each case individually on its own merits inasmuch as each petitioner's case might differ as to facts.

When the Department's policy is determined, he is to communicate with me.

Yours very truly,

Wayne M. Collins
1721 Mills Tower
San Francisco, 4, California.

WMC j1

December 3, 1945

Mr. Harry Uchida
3717-D, Tule Lake Center
Newell, Modoc County, California

Dear Harry:

Enclosed find copies for the Committee of a
letter to Mr. Takeo Yamamoto, responding to his inquiry,
which may interest the Committee.

Yours very truly,

WMC jl

December 3, 1945

Mr. Takeo Yamamoto
Block 417-C
Tule Lake Center
Newell, Modoc County, California

Dear Sir:

The deportation of all renunciants had been scheduled by the Department of Justice in accordance with the policy it had repeatedly announced. Upon the filing of the suits which was accompanied by publicity, which on the whole must be viewed as favorable, the Department's policy temporarily underwent immediate change. The evident intention had been sudden deportation en masse, which would have solved the Department's problem and relieved it largely from responsibility and criticism, because that would have enabled it to declare that it was merely carrying out congressional policy. The court orders which issued at the time the suits were filed, prevented the Officer in Charge, an agent of the Department of Justice, from removing the internees from the geographical jurisdiction of the United States District Court for the Northern District of California, in which Newell is situated. This prevented the involuntary deportation of any of the petitioners and plaintiffs in the habeas corpus and equity proceedings.

Thereafter, Mr. Burling informed me by telephone that, temporarily, there would be no compulsory deportation until such time as department officials had full opportunity to confer and determine what their future policy was to be concerning deportation and detention. The deportation program was immediately converted from an involuntary basis to a voluntary basis, care being exercised that no person in the suits was accepted for removal. There can be no deportation of any of the persons named in the suits so long as the court orders prohibit it. There could be deportations of renunciants who are not in the suits inasmuch as they are not protected by any court order. It is possible that the Department may yet suddenly take the view that those who have not proceeded to safeguard their own rights by court action do not deserve consideration and may proceed to deport them. My guess is, however, that the Department will hesitate to enforce compulsory deportation upon any of the renunciants until such time, at least, as its new policy has become crystallized and takes definite form. Doubtless, Department officials and congressional committees jointly will determine what the new program is to be insofar as deportations are concerned.

Mr. Takeo Yamamoto

12/3/45

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Congress cannot, by special legislation, deport those whose actions are pending in court. Detention is another matter. The Department may assert its right until such time as Congress declares that the declared war is terminated, or the President issues a proclamation terminating detention, to detain all renunciants who are in the suits as well as those who are not. In the event, however, that the Court sitting in Habeas Corpus, decides that the persons in the suit are not subject to detention, they must be released, but its decision will not determine the validity of the detention of the renunciants who are not in the suits.

The equity suits will determine whether the renunciations of those in the suits are valid or void, and upon the determination of this the loss or recovery of their citizenship depends. It is not likely that the determination of the petitioners' rights of citizenship will determine the citizenship rights of those who have not proceeded to protect themselves by court action.

One of the chief reasons why the Department of Justice is anxious at the present time, to ascertain whether a prospective repatriate really desires to go to Japan and gives ample opportunity to such a person to change his or her mind, is because it now wishes its actions to be viewed in a favorable light. In the suits the Government is directly charged with having been guilty of duress, among other things, in that it long ago embarked upon a systematic program of causing a mass banishment of persons of Japanese ancestry, and in that the long period of imprisonment and its accompanying mistreatment was pursuant to such an unconstitutional policy. Obviously, if these charges be sustained by the Court, the Department would prefer that the blame therefor be upon the Military authorities responsible for the evacuation, and not upon the Department of Justice.

Since the young lady to whom your letter refers intends to ready herself for a civil service position, and is required to indicate her citizenship status on the application, which status is now in issue in the suits, I suggest that she state thereon that she "claims American citizenship by birth".

With reference to the Tamura case, filed by Mr. Wirin in Los Angeles, I wish to inform you that the case is not identical with the Tule Lake cases, either as to fact or as to law. Mrs. Tamura is still detained, not at Manzanar, which has been closed, but at the Home of the Good Shepherd, at Los Angeles, by arrangement with the United States Attorney and officials of the Department of Justice, pending the outcome of her case. It is my understanding that the Tamura case will not proceed to a hearing before the Tule Lake cases.

Mr. Takeo Yamamoto
... 3

12/3/45

Newspaper reports as to the status of that case, or for that matter, of any case, are not to be relied upon, as they seldom are reported accurately.

Yours very truly,

WMC j1

GILBERT
AVALANCHE BOND
RE CONTENT

3718-D
Newell, Calif.
December 7, 1945

Mr. Wayne M. Collins
1721 Mills Tower
San Francisco, California

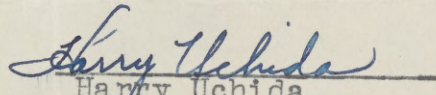
Dear Mr. Collins:

Enclosed you will find, Haruko Tomiyamas' withdrawal signed by them and also Atsume Masui.

Kindly take care of this matter at your earliest convenience.

On your last visit here the Takeuchis, consisting of, Harry Kenneth Takeuchi, and Yemiko Takeuchi, personally handed you a questionnaire and money order without going through our office, therefore, we have no record here so would you kindly give us the necessary information on their case for our office records.

Sincerely yours,


Harry Uchida

Enclosure: 2

December 12, 1945

Mr. Harry Uchida
3717-D
Tule Lake Center
Newell, Modoc County, California

Dear Harry:

Haruko Tomiyama and her husband Kaneyoshi Tomiyama, Block 3403-A-1, have been withdrawn from both the habeas corpus and the equity proceedings and are now free to be repatriated to Japan.

Atsume Masui has been withdrawn from the habeas corpus suit but remains in the equity suit, and is free to return to Japan. Inasmuch as this was pursuant to his express wish in the matter, he is not entitled to a refund of any money whatsoever, consequently, I suggest that you withhold the postal money order heretofore returned to you by me for delivery to him, in the event he was to withdraw from both suits.

Yours very truly,

WM C jl

December 13, 1945

Mr. Harry Uchida
3718-B Tule Lake Center
Newell, Modoc County, California

Dear Harry:

Haruko Tomiyama, Kaneyoshi Tomiyama, Atsume Masui and Fred Otsuka have been dismissed from the habeas corpus cases. Mr. Masui and Mr. Otsuka still remain in the equity suits. The Tomiyamas have been withdrawn from the equity suits.

I have notified Mr. Burling and Mr. Cooley in Washington of these dismissals, and have also notified R. B. McMillan, Esq., of the United States Attorney's office in San Francisco. This is for your information and records.

Larry Kataoka in a telephone conversation with me today, expressed some concern about internees at Bismarck and Santa Fe. As I explained to Mrs. Takeuchi, to Larry and to the Committee, when last I was at Tule Lake, it is necessary for internees at Bismarck and Santa Fe who desire representation to address a letter to me requesting me to represent them. I cannot proceed in their behalf, without first receiving authority directly from the persons who desire such representation.

It was my understanding that Mrs. Takeuchi intended to write, as did the Committee, to certain of the internees in Santa Fe and Bismarck suggesting to them that they communicate directly with me, requesting me to represent them. Unless such requests are directed to me, I would have no authority to appear in their behalf.

The Department of Justice informed me that when and as a policy is determined, I would be informed thereof and that we could then determine upon a program under which Bismarck and Santa Fe cases can be handled. It is probable that such cases would be filed in Bismarck and in Santa Fe and thereafter held in abeyance until such time as the Tule Lake cases have been determined here.

As soon as the Department informs me what understanding we may reach, steps will thereupon be taken by me to protect the interests of the Bismarck and Santa Fe internees who request me to represent them.

Very truly yours,

WMG JL

WAYNE M. COLLINS

ATTORNEY AT LAW

MILLS TOWER, 220 BUSH STREET

SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1218

December 14, 1945.

Mr. Harry Uchida,
Block 3718-B,
Tule Lake Center,
Newell, Modoc Co., Cal.

Dear Harry:

As you have been informed the Justice Department has decided to give some administrative relief to the internees at the Tule Lake Center. The details of this relief have not as yet been completely worked out but the following is the general program as of today, according to a telephone conversation I had this afternoon with Mr. Cooley of the Department of Justice in Washington:

Temporarily deportations of renunciants at Tule Lake, Bismarck and Santa Fe will be kept upon a voluntary basis. "Mitigation-hearings" will be held at Tule Lake but none will be held at Bismarck and Santa Fe for the internees. The 1,500 or so renunciants who were considered "trouble-makers" at Tule Lake and were removed to Bismarck and Santa Fe will not be granted like hearings but will be deported to Japan if test cases are lost in the United States courts.

The Justice Department is now engaged in examining its records and will release from custody those Tule Lake internee renunciants whom it is satisfied, from its records, were actual victims of duress and also those whom it recognizes as falling into a special class of "hardship cases". It has not yet defined fully what it considers a hardship case however. The Department expects to send written notices direct to these persons. Citizenship will not be restored to these persons, however, unless the court orders their citizenship restored.

All renunciants, not included in the above classifications, who are at Tule Lake and who desire "mitigation-hearings" will be granted individual hearings at Tule Lake. These hearings are to be held under the

Alien Enemy Act, each renunciant being regarded as an alien enemy by the Department. No provision has been made and none so far is intended to be made for an applicant for such an examination or hearing to subpoena witnesses to appear and testify upon his or her behalf. The applicant may appear with his or her witnesses, however, and be heard. No attorney is to be permitted to represent an applicant at such a hearing but may appear in the capacity of a friend or witness.

At these hearings no consideration is intended to be given to a claim that a renunciant renounced his citizenship by reason of what the Department considers "community-duress", that is, by the duress exerted upon him in camp that affected the internees generally and which it asserts consisted of rumors, reports, gossip, hearsay, guesswork, imagination, etc. Consideration is intended to be given to claims, supported by written evidence and also by verbal testimony of the applicant and his witnesses, that the applicant renounced citizenship because of "threats of actual violence" made against him or by "actual violence" practiced against him by the pressure groups, members thereof, or by other individuals.

Consideration also is intended to be given at these hearings to what the Department considers are "hardship-cases", that is, cases where an immediate member of the applicant's family is serving in the military forces. Other types of hardship cases are to be given consideration but these types have not, as yet, been defined by the Department.

If the Department is satisfied after the hearings have been concluded that a renunciant renounced his citizenship because of threats of violence made against him or because of actual violence practiced against him or because he falls into one of the types of hardship cases it will recognize such a renunciant will be released from detention and be permitted to relocate in this country. This will not restore the renunciant's citizenship, however. The rest are intended to be held for deportation to Japan and will be deported unless the court prevents their deportation, releases them from detention and restores their citizenship.

Very truly yours,

W. M. Collins

WMC/W

Dec. 9, 1945

Dear Mr. Collins:

Enclosed you will find a letter signed by Fred Otsuka who wishes to withdraw his Habeas Corpus suits.

On the Matsui case when I hear from you stating that Washington has accepted and all arrangements have been made so he can go to Japan I will send you his money order. I'll hold the same until then since we may have to return it to him.

Thank you for your troubles.

Yours very truly,
Harry Uchida

WAYNE M. COLLINS

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

TELEPHONE GARFIELD 1218

December 14, 1945.

Mr. Harry Uchida,
Block 3718-B,
Tule Lake Center,
Newell, Modoc County,
California.

Dear Harry:

Supplementing my letter to you which was mailed to you earlier today I wish to inform the Committee that when the Department of Justice announces that it invites applications to be filled out by the internees who desire "mitigation-hearings" that you should notify me by telephone. On each application made by a person who is in the test cases the following notation should be made in writing, to-wit:

"This application is made and the hearing thereon is held without waiver of and without prejudice to my constitutional and legal rights as asserted in any of the actions included in Consolidated Action No. 25294-S pending in the U.S. District Court for the Northern District of California, Southern Division."

Such a notation will protect the rights of those in the test cases in the event the Department fails to release any of them following the mitigation hearings.

Very truly yours,

Wm. Collins

WMC/W

December 28, 1945.

Mr. Harry Uchida,
Block 3718-B,
Tule Lake Center, Cal.

Dear Harry:

From Dec. 28th to the 31st Mr. Rothstein will conduct a canvass to ascertain what numbers of the renunciants in the Center desire to have hearings. He is not taking applications for the hearing. The purpose of the canvass being conducted by Mr. Rothstein is to enable him to obtain the names of each person who desires a hearing so that he can notify the Department of Justice in Washington to send out the files for each person. I have informed him by telephone that each of the renunciants named in the test cases will apply for the hearing but without waiving their rights to proceed in the test cases and without waiving their legal rights as asserted in the test cases.

Mr. Paul Hayes from Mr. Rhetts office in the Department in Washington and a number of hearing officers will arrive in Tule from Jan. 2nd to the 5th and prepare to give the mitigation-hearings. At that time applications probably will be supplied - and if they are each of the persons in the test cases can add thereto the notation which I sent you in my letter of Dec. 14th which you have had mimeographed. Mr. Cooley in Washington informed me that such a notation will be acceptable to the Department.

It is probable that the hearings may take 1½ months to complete - this is Mr. Rothstein's estimate. The recommendations of the hearing officers then will be sent before a Review Board in Washington - Mr. Rothstein is of the opinion that that Board is liberal in view.

The Department, as I have informed you by telephone will consider the release from detention of what it terms "hardship cases". This field includes to date the following: persons who can prove they renounced as the result of violence or threats of violence made at the time of renunciation; renunciants whose deportation would work a hardship (from a viewpoint of dependency and possibly for other reasons) upon a relative in the 1st degree (husband, parent, child and probably a brother or sister) who

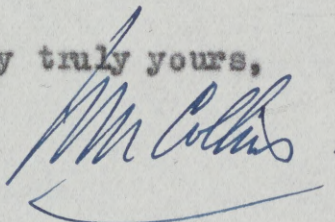
is serving or has served in the armed forces, or who is a citizen of the U.S. or an alien relative who has been permitted to relocate in this country.

Such a release will enable the successful renunciant to return to civil life but will not restore citizenship.

Within a short time now the Department will have decided and defined all the types of cases to which they will give consideration - and I shall let you know so soon as Washington informs me. Mr. Rothstein has not yet been informed by the Department of the details of the hearings but I telephoned him and informed him of the general nature of the hearings as the information had reached me from Mr. Cooley in Washington.

I shall be at the Center before the hearings are held.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mr. Cooley", with a long horizontal flourish underneath.

WMC/W

WAYNE M. COLLINS

ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1218

January 12, 1946.

Mr. Harry Uchida,
Block 3717-D,
Tule Lake Center,
Newell, Modoc County, Calif.

Dear Harry and Defense Committee:

If any of the persons who appears in the test cases for any reason is dissatisfied with his or her "mitigation hearing" a written request can be made direct to Mr. Rothstein for a further or a new hearing. (There may be a few persons who believe their hearings were not fair or were too short or that an interpreter did not interpret properly or that he could not obtain his witnesses to testify for him or her or believed, for some other reason, that there was something wrong with the hearing.). If Mr. Rothstein should refuse such a request for a further or a new hearing then such a like request ~~sh~~ould be made in writing to the Hon. Tom C. Clark, Attorney General of the United States, Washington, D.C. Such a written request can be made simply as follows:

"Tule Lake Center, Calif.
January ____, 1946.

Charles Rothstein, Esq.,
Department of Justice,
Tule Lake Center,
Newell, Modoc County, Calif.

Dear Mr. Rothstein:

Without waiving any of my constitutional and legal rights asserted by me in Actions Nos. 25294 to 25297, inclusive, now pending in the U.S. District Court for the Northern District of California at San Francisco, California, and without this request in anywise operating as a bar to said actions or as a waiver thereof, I hereby request a new or further hearing to show cause why I should not be deported to Japan by the Attorney General of the United States or the Department of Justice or a re-opening of the said "Mitigation-hearing" for the introduction of further evidence for the following reasons:

Secret data cancelled
at request of return

- ① Get interrogations not shown?
- ② No access to get dossier & the applicant
- ③ Immersed to Spanish case find a page,
- ④ Don't get it cancel
- ⑤ Don't ✓ be reported on his occasions.
- ⑥ ✓ ✓ produce returns on our behalf
- ⑦ ✓ Return the point of find to page.

WAYNE M. COLLINS

ATTORNEY AT LAW

MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1218

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The "mitigation-hearing" or examination given me at this Center was neither adequate nor fair for the following reasons, among others, namely:-

1. I was not allowed to be represented by counsel of my own choosing or of any counsel at all;

2. I was not given time or the opportunity to obtain witnesses to testify on my behalf;

3. I was not given time or the opportunity to obtain evidence on my own behalf;

(The add such other reasons which, in your opinion rendered the hearing inadequate or unfair.)

Very truly yours,

Name

Block Number.
Tule Lake Center,
Howell, Modoc County,
California. "

When we receive the final reports as to who has been released we shall then ascertain the names of those, if any, which the Department intends to detain pending the outcome of the court cases. So soon as we learn of the names of those it does not wish to release each of the persons who is to be detained first shall writesuch a request to Mr. Rothstein if he then is at the Center and if he is not such letters are to be sent promptly to Hon. Tom C. Clark.

If Mr. Larry Kataoka will keep in touch with Mr. Best direct Mr. Best will deliver to him list of the names of those who are to be released so soon as he receives them and upon receipt thereof I would thank Larry to send them on to me as fast as possible.

With best wishes to each of you,

W.M. Collins

WAYNE M. COLLINS

ATTORNEY AT LAW

MILLS TOWER, 220 BUSH STREET

SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1218

January 16, 1946.

Mr. Harry Uchida,
Block 3717-B,
Tule Lake Center,
Newell, Modoc County,
California.

Dear Harry:

Enclosed find P.O. No. 127414,
office No. 82205, dated Oct. 25, 1946, in
the sum of \$50.00 drawn payable to Mr. Tom
C. Clark, Department of Justice, by Mitsu
Mishigushi of Block 6907-C, which was among
other P.O. orders received by me.

It is probable that the P.O. was
drawn to Mr. Clark in error and that it was
intended to be drawn in my name.

Will you, therefore, kindly de-
liver said P.O. to Mitsu Mishiguchi. If it
was intended to be drawn to my order she can
have a new one made out.

Very truly yours,

WMC/W

Catherine Porter
3234 Pacific Avenue
San Francisco 18, 1945

HEARINGS ATTENDED AT TULE LAKE

JANUARY 18 and 19, 1946

<u>Renunciant</u>	<u>Hearing Officer</u>	<u>Comment</u>
Jan. 18. AM Hashiguchi, Nagatosni (brother)	Holton, R.H. (hearing re- corded by stenographer)	Holton seemed to give a fair hearing and tried hard to make his questions as clear as possible. N. Hashiguchi stammered very badly therefore did not present his case well. He barely managed to answer all the questions.
Jan. 18. AM Hashiguchi, Chaico (sister)	Holton, R.H. (Stenog. present)	Hearing seemed fair and Chaico answered fluently and well. Holton cross-questioned her thoroughly about her brother's "affliction."
Jan. 18 PM Hayashida, Hatasha (brother)	Boyle (stenog. present)	Boyle brusque (Immigration official type), however hearing seemed fair and went well.
Jan. 18 PM Hayashida, Kykuye (sister)	Boyle (stenog. present)	Hearing fair (by government standards). Kykuye claimed she had never been asked loyalty question is in the transcript. Many questions over this.
Jan. 18. PM Hayashida, Natsuie (sister)	Boyle (stenog. present)	As fair as the other two hearings with her family. Boyle questioned Natsuie thoroughly as to whether she had discussed this hearing with her sister (because of Kykuye's denial of the loyalty question.)
Jan. 18. PM Hayata, Miiwako	Boyle	Hearing seemed fair.
Jan. 19, AM Kaku, Charles (Noburo)	Barber (stenog. present)	Fair hearing. Barber made sure all questions clearly understood.
Jan. 19. AM Kariya, Michiko (Susie) (Wife)	Field, Howard L. (stenog. present)	Field very brusque and probably frightening. Interview seemed fair enough. Kariya's sister had been in the WAAC after Pearl Harbor.
Jan. 19 AM Kariya, Hajime (husband)	Field, Howard L. (stenog. and interpreter present)	Field's attitude the same. Questions may not have been completely clear to Hajime. However, he answered all of them. His brother had been in the army.

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WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1218

C
O
P
Y

January 26, 1946

Mr. Harry Uchida,
Block No. 3717-D,
Tule Lake Center,
Newell, California.

Dear Harry:

Chizuko Shinzaki, Block No. 5616-E who, according to your letter to Mr. Besig of January 24, desires to remain in the test cases may have cancelled her request for a mitigation hearing. I suggest therefore that you communicate with her immediately and see that she applies for and gets a mitigation hearing.

I also suggest that you communicate with Mrs. Shigeo Nakata, Block No. 2301-A, Tule Lake Center and inform her that it might be best that she also have a mitigation hearing. Her husband, Shigeo Nakata who is in Bismarck has signified his intention of being voluntarily repatriated to Japan, but there is a chance that he might yet change his mind and in case he does, Mrs. Nakata ought to have had a mitigation hearing so that her rights will be preserved. In the event that Mr. Nakata is repatriated his wife and children will be permitted to be repatriated with him.

Very truly yours,

WMC:cnw

WAYNE M. COLLINS

ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1218

February 4, 1946.

Mr. Harry Uchida,
Block 3717-D,
Tule Lake Center,
Newell, Modoc County,
California.

Dear Harry:

The first releases have been received in Tule Lake Center as the result of the mitigation hearings and others are in the mail at the present time, consequently, the Center is being rapidly drawn to a close.

Larry Kataoka and George Tsuetaki have informed me of their willingness to remain at the Center until the final releases have been received from the Department and I desire that they remain there so as to complete the records pertaining to all those who are in the test cases. They will obtain the lists of the persons released from day to day and notify me and also will obtain from the released persons their permanent addresses and telephone numbers for future use.

All renunciants who are presently confined to Bismarck and Santa Fe have been made eligible for mitigation hearings even though they were previously given hearings at Tule and removed from Tule after being classified as being "trouble-makers".

The Immigration Department no longer intends to deport aliens who have overstayed their leave - that is, it does not intend to deport them immediately and there is a good chance that they may be enabled to remain in this country without resorting to court action to protect them.

Bismarck now houses 250 renunciants and 1 alien; Santa Fe houses 160 renunciants and 180 aliens.

The picture is much brighter at the present time.

I hope to see you and most of the committee members in San Francisco in the near future.

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I am sending a copy of this to Larry Kataoka.

With best wishes for your speedy release
from detention, I am,

Very truly yours,

WMC/W

WAYNE M. COLLINS

ATTORNEY AT LAW

MILLS TOWER, 220 BUSH STREET

SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1218

February 8, 1946.

Mr. Harry Uchida,
Block 3717-D,
and
Mr. Larry Kataoka,
Block 603-D,
Tule Lake Center,
Newell, Modoc County,
California.

Dear Harry and Larry:

I wired you this afternoon that Mr. Nakashoji, an alien hardship case, would be released without having to post a bond. Mr. Hertogs of the local Immigration Office (Mr. Wixon's) promised to send a wire to Mr. Ivan Williams this afternoon instructing him to release Mr. Nakashoji without requiring him or his friends to post any bond whatever.

Mr. Best informed us yesterday that 94 releases of renunciants had been received up to Wednesday. His figure apparently was not accurate because he had not been in Tule for some time and only returned there yesterday. Our information is that as of yesterday in excess of 150 renunciants had received releases.

Copies of the ACLU papers are being put in the mail for you. Mr. Besig therein exposes the peonage system that has prevailed at Tule and other camps. He also criticizes the hearing officers who conducted the mitigation hearings. It is hoped that the articles will have a salutary effect.

Mr. Shevlin left Tule for Bismarck, N.D. in connection with mitigation hearings there.

KGO is to broadcast the peonage system which reigned at Tule and elsewhere Saturday evening at 6 P.M. and probably later. The S.F. News is expected to run an article on it. Fulton Lewis has indicated his interest in the situation generally in Tule and may yet conduct an examination into the peonage system and the duress which resulted in renunciations. Whatever is said can be helpful to us.

A bill has been introduced into the House of Representatives to enable alien parents of war veterans to become naturalized citizens. We do not yet know what prospect is has of passing and finally becoming a law.

Prof. Hayes is in New York - Ennis is leaving the Department of Justice - Burling is on leave.

I have just been informed that KPO may broadcast the story of peonage at Tule on Saturday. The Associated Press and the United Press also are expected to run a story on the matter. The S.F. Chronicle has exhibited interest in writing a story about it.

Another bill has been introduced in Congress designed to aid hardship cases involving aliens ineligible to citizenship whereby they will be given like consideration as alien Caucasians eligible to citizenship who become hardship cases and desire to remain in this country. It would, if it becomes law, extend the same privileges to orientals under the immigration laws and give them the benefit of showing cause why they should not be deported, the right to pre-examination and legalizing their stay here permanently.

Fred Otsuka has written me that he arrived at the Uraga Reception Center in Japan - that conditions there were terrible - the black market operating openly and that money has no value to speak of - that food is scarce - that clothing is scarce - that he wishes he were back here. He is to be restored to the equity suit.

I suggest that you advise the aliens in Tule who are seeking to remain in this country that they should not rely upon any statement made by Mr. Noyes or any other WRA officer concerning their rights inasmuch as neither he nor any of the other officers represent these aliens and are not informed either as to the law or the procedure concerning their status. Mr. Hertogs has informed us that Mr. Noyes makes statements which are not only confused but, in fact, are not true. Perhaps he is confused because he obtains his information second hand - and because it is hearsay.

The International Institute is assisting aliens to remain here where their cases are hardship ones. There appears to be no necessity at the present time for any of them to pay an attorney to represent them. Mr. Design is having a great measure of success in his handling of these cases and we hope that none of the aliens will be deported either now or in the future. Even when all administrative remedies have been exhausted on behalf of such cases the Department (Immigration

& Naturalization Commission) gives an alien 30 days notice before actual deportation under their regulations and it is during that period that court action may be taken to prevent deportation finally. With this information you now realize that the aliens are still a long way from being forcibly deported. Bonds will not be required by the Immigration Service of aliens who are in hardship circumstances - one reason is that their regulations provide that it may not require a bond - and another is that the government does not like to detain them while their cases are being decided because it costs ~~the~~ government approximately 75¢ per day to support them while they are detained - hence it is easier and less costly to the government to release them without bond being posted.

The Pacific Citizen for Feb. 2nd carries an article that Mr. Wirin had some 30 cases postponed by the Board of Immigration Appeals while he was in Washington. Apparently Mr. Wirin did not know that postponements had been agreed upon for all alien hardship cases - so you can discount the article as containing information of no value - examinations are first held by local offices before the matters are appealed to the Board of Immigration Appeals - so someone has reported what does not appear to be correct, thereby getting the cart before the House. Mr. Wiring probably asked someone in the office of the Board in Washington what policy it was going to adopt and received the information that it had not yet decided upon a policy. He was unaware, perhaps, that we had taken steps to preserve the rights of the aliens before he arrived in Washington, consequently, the information he imparted to the Pacific Citizen was stale at the time he informed it.

Kindly send me the lists of the persons who are released so soon as you can. If neither Mr. Best nor Mr. Black deliver copies to you promptly you probably can obtain a list or the numbers from Mr. Namakawa who is the reporter for the Newell Star.

With best wishes, I am,

Very truly yours,

WMC/W

Newell, California
February 22, 1946

Mr. Wayne M. Collins,
Attorney at Law,
1721 Mills Tower,
San Francisco 4, Calif.

Dear Mr. Collins:

I have received your letter in regards to Takashi Motoyasu and I went to see him as you suggested.

He tells me that it is his parents wishes that he withdraw from the case as they feel that in fighting against the government we would not have much chance of winning and he feels that it will hinder his chances of being released. He also feels the same as the parents and he says he has written to them that he has withdrawn from the case so he has asked me to withdraw his name from the case.

He told me that the main reason for joining the case was to stop deportation. I pointed out to him that if he was on the rejected list he was by no means clear of deportation and that he should be in the case all the more. He is so much set on wanting to withdraw from the case that nothing mattered to him. He says that he is willing to take the chance of being deported. I told him that we could not return his money and he said that did not matter.

Larry has told me that you are coming up here next week. I think that is a good idea since the boys that are in the case and those who have been rejected are starting to say "Whats Collins doing? He told us that we would not be moved from this camp and now the Justice Dept. have told us we will be moved either to Santa Fe or Crystal City." Little did they realize that we have come this far because of your effort. The trouble is they think that all you have to do is to go into court and we have the case won.

Another thing is about this Wirin coming in here trying to scrape up few stray cases and trying to make a issue of it. Noyes is the head of this thing and have convinced all W.R.A. employees that you are only interested in the money angle of the thing. There seems to be quite a few people

going up to see Noyes, as to what they should do since they are on the rejected list. Of course Noyes's advise is to join up with Wirin. The biggest issue they seem to stress is that Wirin is getting the backing of the national Civil Liberties Union. People are wondering why you don't have the National Civil Liberties Union backing. I think it will be a good idea if you will explain to the people some of the points I have mentioned and other issues which are bothering the rejected peoples.

We will be expecting your visit here in the near furture.

Yours very truly,

Harry Uchida

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February 27, 1946.

Mr. Harry Uchida,
2905-D,
Tule Lake Center,
Newell, California.

Dear Harry:

I have asked the Department of Justice, through Mr. John Burling, to give immediate consideration to my proposal that the Department consent to release all persons in Tule Lake, Bismarck, Santa Fe, and Crystal City, whether or not their names presently appear on the unfavorable recommendation list. I have stated to the Department that no person presently detained in any of these internment camps is either dangerous to our security or hostile to this nation, and under these circumstances there appears to be no justification whatever for the Department to detain any of said persons. I believe that the Department will weigh these proposals, but whether or not they will consent to such releases yet remains to be seen.

All the persons whom I represent in Bismarck and Santa Fe are to be included in the Tule Lake cases by agreement with the Department. Mr. Burling will endeavor to have the letter of Hon. Abe Fortas stricken from our supplemental complaints and petitions on the grounds that it is evidentiary matter and will file responsive pleadings to our petitions and complaints. So soon as he does this, I shall make appropriate motion for judgment on the pleadings and for summary judgment. There is a possibility that the Fortas letter may have controlling weight on the question of duress and that letter with its admissions, together with other facts of which the court takes judicial notice, will be of inestimable value in these cases.

Mr. Burling will inform me in advance of any anticipated transfer of any person from Tule Lake and Bismarck and I shall inform you thereof. In the event that we do not obtain releases for any person whose name might remain on the unfavorable recommendation list at Tule Lake, we consent to the transfer of such persons to Santa Fe inasmuch as the Government assures me that it will produce such persons in court at the expense of the Government.

Mr. Burling informs me that he has heard that some attorney has either negotiated or appeared at Tule Lake with a view to obtain approximately 20 cases for persons endeavoring to prevent the removal of such persons from Tule Lake to Santa Fe in the event that the Department desires to remove them for the sake of convenience. I assume, without knowing, that this may be one of the endeavors of Mr. Wirin and Mr. Noyes to obtain publicity for one of them in the "Pacific Citizen," and other newspapers. Such an endeavor probably will result in a refusal of the Court to prevent such a transfer because the government is perfectly willing to produce such persons in court from whatever camp they may be in at the time of any expected hearing.

In the "Rocky Shimpo" of February 18th there appears an article that Mr. Wirin obtained a postponement on motion for a hearing on cases involving 30 Japanese aliens who had been ordered deported. Mr. Wirin evidently had been driven to correct the statement that he had obtained stays of deportation for said aliens. The article also carries an admission that no hearings had been had in their cases and that no oral argument had been made in those cases. Previous publicity, evidently emanating from Mr. Wirin, had announced that he had argued those cases and had obtained stays of deportation and those statements were not truthful.

In my opinion it is a mistake for any person to contest a removal from Tule Lake to Santa Fe when the Government has agreed that it will produce those persons at the trials. Such a contest will not redound to the benefit of persons who might seek to prevent such a transfer.

Kindly send me the list of names of persons who obtain their releases or who are notified that they are given unfavorable recommendations so soon as possible after you receive them.

Keep up your spirits. The court cases will now come on rapidly for determination inasmuch as the review board ought to complete its recommendations within a period of two to three weeks and there is a possibility that I may be able to obtain releases for those whom the Attorney General may decide to detain either with or without posting bonds in their cases.

Very truly yours,

WMC:cnw

cc: Larry Kataoka