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TULE LAKE DEFENSE COMMITTEE

CORRESPONDENCE

1947

78/177

C

Recd 1/17/47

Isao Tokoshima
T-2-A
Crystal City, Texas

January 7, 1947

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

Dear Sir:

This is written in reference to my letter to you dated October 15, 1946, signed by Mr. Hayao Chuman and myself.

Since we failed to receive your response, I am placed in an embarrassing position when the matter is brought to my attention.

Will you be kind enough to acknowledge the letter above mentioned and the enclosure therein?

Thanking you for your prompt attention to this matter.

Very truly yours,

Isao Tokoshima
Isao Tokoshima (committee)
for Japanese Renunciants transferred from Santa Fe Detention Station.

January 17, 1947.

Mr. Isao Tokoshima,
Mr. Hayao Chuman,
T-2-A,
Alien Internment Camp,
Crystal City, Texas.

Dear Mr. Tokoshima and Mr. Chuman:

In reply to your letter of January 7th, 1947, please be informed that I received your letters dated October 15th and 26th, 1946, enclosing a money order in the sum of \$527.36 which you forwarded to me as an accumulation of the donations from the renunciants at Santa Fe and which you desired to constitute a contribution to the renunciation cases.

I am sorry that I did not send you an acknowledgement heretofore. However, you will realize that because of the large volume of correspondence involved in the cases that are being handled that it is difficult for me to reply to letters unless they present immediate problems which require prompt answers.

Very truly yours,

WMC:cw

Q-11-B-1
P.O. Box 788
Crystal City, Texas
February 10, 1947

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

Re: Comm. # 1012
Isamu Myose

Dear Mr. Collins:

The letter of my inquiry to local Board No. 244 dated Jan. 31, 1947, the copies of which were sent to you on Feb. 3rd, was returned to me on Feb. 7th by Mr. E.D. McAlexander. His note read: "You may not apply for enlistment in the U.S. Armed Forces at this time. If and when you are released you may do so."

The Hon. Thomas M. Cooley, II, at Washington D.C., responded to my petitions on August 22, 1946 that:

"In response to your letters of August 5th and 7th, I regret to inform you that there is at present no procedure by which you can regain your United States Citizenship. Certain provisions of the statute under which you might have qualified by service in the Army expired last December."

"Your status at present is that of a non-citizen and the question of whether you are eligible for induction into Army is wholly within the jurisdiction of your local Draft Board."

Mr. Sakae Komiya who was released last June, a tuberculosis patient, is leaving for Alameda County Hospital this afternoon. He said that he will mail the letters for me at Los Angeles. Enclosed is the copy of my letter of inquiry to local Board No. 244, which will be mailed at Los Angeles.

Approximately 40 renunciants who have been detained here are expressing their intentions that they are willing to accept the employment and parole to Seabrook Farms at any time.

P.S.

Mr. McAlexander is an Internal relation officer in this camp.

Very truly yours,

Isamu Myose

copy

copy

Q - 11 - B - 1
P.O. Box 788
Crystal City, Texas
February 10, 1947

Local Board No. 244
Los Angeles County
68½ Windward Avenue
Venice, California

Re: Order No. 4340
Isamu Myose

Dear Sir:

The Hon. Thomas M. Cooley, II, Director, Alien Enemy Control Unit, Department of Justice at Washington D. C., responded to my petitions on August 22, 1946 that:

"Your status at present is that of a non-citizen and the question of whether you are eligible for induction into Army is wholly within the jurisdiction of your local Draft Board."

Many renunciants have been accepted for service both as enlistees and inductees. A fortunate example of some cases may be cited as in the case of my former room-mate at this camp, Mr. Ben Hara, an enlistee is now serving as a Pvt. Ben Hara RA 19256008 at Camp Stoneman, California.

For your reference, I'm enclosing one of my petitions which I forwarded to the Department of Justice at Washington D.C. and also enclosed is a letter of reference from Dr. Robert F. Martin, the former Medical Officer in Charge of this station hospital, Texas.

The each of the following persons has stated that he will vouch for my character and will furnish you with further information on my behalf:

1. Mr. Frank T. Matsui 3676 3rd Ave., Los Angeles, Calif.
2. Mr. Harry H. Tsutsumiuchi 22707 So. Figueroa St.
Torrance, California
3. Pvt. Ben Hara RA 19256008 Co. C 1st Tng. Regt. O.R.D.
Camp Stoneman, Calif.

4. Mr. Kaoru Takahashi 1248 Griffith St.
San Fernando, Calif.
5. Mr. Zenshiro Okubo c/o Southern Pacific RR Co.
Dunsmuir, Calif.
6. Brother, Noboru Myose 314 E. 54th St. New York 22, N.Y.
7. Brother,
Pfc. Susumu Myose #17205223 Company E, School Bn.
Presidio of Monterey, Calif.

I understand both English and Japanese language well so that I can serve as an interpreter or a translator. I really need an opportunity to prove my loyalty to my native land by serving in the U.S. Army to do my part as an American Citizen. However, my future political status is pending before the U.S. District Court in San Francisco and until a final decision is reached by the courts, I will not know whether I am actually a U.S. Citizen, a non-citizen or an alien.

Your consideration on my case will be greatly appreciated. May I hear from you real soon, as to whether or not I may enlist in the U. S. Army at this time.

Very truly yours,

Isamu Myose

February 13, 1947.

U.S. Imm. & Nat. Service,
1500 Chestnut Street,
Philadelphia, Pa.

Attention: Willard Kelly, Esquire.

Dear Mr. Kelly:

Approximately 40 of the renunciants who are still interned at Crystal City, Texas, are ready and willing to be employed by Seabrook Farms. If you can arrange to have Mr. Letts authorize his field man to accept their applications the burden of the support of those renunciants may be relieved from the Government.

It may be that a few of the aliens still detained at Crystal City and who are not ill or infirm also would be willing to accept employment at Seabrook Farms.

Very truly yours,

WMC:cw

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

FRANKLIN TRUST BUILDING

PHILADELPHIA, PA.

February 18, 1947

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

56125/182

Wayne M. Collins, Esq.
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

This refers to your letter of February 13, 1947, concerning your interest in approximately forty renunciants and others at Crystal City who are ready and willing to accept employment at Seabrook Farms, New Jersey.

Representatives of Seabrook Farms have informed us that although they are anxious to accept a number of detainees for employment, this cannot be done until the early part of April 1947, when Seabrook Farms again will be operating at full capacity.

You may be assured that applications for employment at Seabrook Farms will receive consideration at that time.

Very truly yours,

W. F. Kelly
W. F. Kelly

Assistant Commissioner
for Alien Control

May 7, 1947.

Charles M. Rothstein, Esq.,
Alien Enemy Control Unit,
Department of Justice Building,
Washington, 25, D.C.

In re: Tule Lake Cases.

Dear Mr. Rothstein:

Mr. Olshausen forwarded to me a list of names in the above mentioned cases whom you were unable to identify. Each of the persons in that list is a party plaintiff in the above mentioned suits save and except those persons after whose birth dates "no record" appears. It is likely that these persons of whom I have no record are renunciants who have been released or who are still detained and have not requested me to join them in the suits.

There is a party by the name of Masami Yasuda whose birth date is 3/25/1913. This may be the person whose birth date your list shows as 3/25/23.

I am informed that there are 14 other persons whom you were of the opinion either might be listed twice or share identical names. If you will supply me with those names I will give you their respective birth dates if they are parties in the above mentioned suits.

Very truly yours,

WMC:cw
Encl.

KATO, Kenji	b. 6/12/22	
	b. 10/10/26	- No record.
MATSUMOTO, Minoru	b. 7/19/08	- No record.
	b. 2/5/20	
MIKUNI, Shigeo	b. 6/20/21 (John Shigeo)	
	b. 8/20/17	
NISHIKAWA, Hiroshi	b. 5/12/21	
	b. 11/25/22	
NISHIKAWA, Yutaka	b. 4/3/27	
	b. 10/15/22	
SASAKI, Hideo	b. 4/3/22	
	b. 12/26/24 (George Hideo)	
TABATA, Yoshio	b. 12/28/14	
	b. 11/8/18	
TAMURA, Yoshio	b. 11/1/15	
	b. 9/5/20	- No record.
YAMAMOTO, Kazuo	b. 2/13/19	
	b. 6/3/21	- No record.
YAMAMOTO, Shigeru	b. 12/18/20	
	b. 4/21/18	
	b. 7/11/11	
YAMAMOTO, Shizuo	b. 12/4/08	- No record.
	b. 3/18/23	
YAMAMOTO, Yoshiye	b. 11/17/15	- No record.
	b. 4/24/19	
YASUDA, Masami	b. 4/14/25	- No record.
	b. 3/25/23	- No record.*
YOSHIMURA, Yoshio	b. 1/25/11	- No record.
	b. 7/3/10	
ISHIDA, Tsutomu	b. 5/10/16	
	b. 3/16/19 (Ben Tsutomu)	

*See letter.

PERSONS IN COLLINS (ABO) SUITS WHO CANNOT BE IDENTIFIED:

KATO, Kenji	✓ b. 6/12/22 ✓ <i>in case</i> b. 10/10/26 ?	IN ADDITION TO THESE, there are 14 others who were listed twice (or share identical names)
MATSUMOTO, Minoru	✓ b. 7/19/08 <i>?? no record</i> ✓ b. 2/5/20 ✓ <i>in case</i>	
MIKUNI, Shigeo	✓ b. 6/20/21 ✓ <i>Shigeo John Nakano</i> ✓ b. 8/20/17 ✓ <i>in case</i>	
NISHIKAWA, Hiroshi	✓ 5/12/21 ✓ ✓ 11/25/22 ✓	
NISHIKAWA, Yutaka	✓ 4/3/27 <i>Yutaka</i> ✓ 10/15/22 ✓	
SASAKI, Hideo	✓ 4/3/22 ✓ ✓ 12/26/24 <i>Hideo Sasaki, Auburn, Calif.</i>	
TABATA, Yoshio	✓ 12/28/14 ✓ ✓ 11/8/18 ✓ <i>Yoshio Tabata</i>	
TAMURA, Yoshio	✓ 11/1/15 ✓ 9/5/20 <i>?? no record</i>	
YAMAMOTO, Kazuo	✓ 2/13/19 ✓ <i>Kazuo</i> 6/3/21 <i>?? no record</i>	
YAMAMOTO, Shigeru	✓ 12/18/20 ✓ ✓ 4/21/18 ✓ ✓ 7/11/11 ✓	
YAMAMOTO, Shizuo	12/4/08 <i>?? no record</i> ✓ 3/18/23 ✓	
YAMAMOTO, Shizuo Yoshiye	11/17/15 <i>?? no record</i> ✓ 4/24/19 ✓	
END		
YASUDA, Masami	4/14/25 <i>?? no record</i> 3/25/23 ✓ <i>3/25/13</i>	
YOSHIMURA, Yoshio	1/25/11 <i>?? no record</i> ✓ 7/3/10 ✓	
ISHIDA, Tsutomu	✓ 5/10/16 ✓ ✓ 3/16/19 <i>Bog Tsutomu Ishida</i> ✓	

Minoru Matsumoto 1/10/16 ✓

June 5, 1947

Charles M. Rothstein, Esq.,
Alien Enemy Control Unit,
Department of Justice,
Washington 25, D.C.

Dear Mr. Rothstein:

I am in receipt of information from Crystal City that the following named renunciants there detained have never been outside the continental United States and their births have never been registered with the Japanese or any foreign government:

	Date and Place of Birth
Yukio Allen Tsuchitani	Nov. 20, 1926 San Francisco, Calif.
Shigeo Aramaki	Dec. 12, 1925 Watsonville, Calif.
Yoshio Shibata	April 26, 1918 Salinas, Calif.
Iwao Shibata	August 8, 1915 Salinas, Calif.

I am informed that Tomeo Shibata, born Nov. 24, 1920, Salinas, California, never left the continental United States and that his birth was at no time registered with any Japanese officials by either of his parents. He was informed that a midwife without authority registered his birth without the consent or approval of either of his parents. The matter first became known to him and to his parents when he was about the age of 19 or 20 years and either in 1939 or in 1940, he applied for cancellation of that registration and repudiated Japanese nationality.

The following named renunciants detained at Crystal City inform me that they renounced their Japanese nationality soon after their return to the United States:

Riichi Yoshida, born October 29, 1911 at Kerrieston, Washington, and his renunciation was accepted by the Japanese Government in August 1932. Please be informed that Riichi Yoshida is in possession of a written recission

of the individual exclusion order which was issued against him.

Masayoshi Sakai, born June 13, 1919, Fresno, Calif. renounced Japanese nationality in 1935 and his renunciation was accepted by the Japanese Government in 1936.

Very truly yours,

WMC:cw

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

MRM:wp

June 16, 1947

Wayne M. Collins, Esq.
Mills Tower
220 Bush Street
San Francisco 4, California

Dear Mr. Collins:

Receipt is acknowledged of your letters of June 5th and June 6, 1947, raising the dual nationality question in certain renunciants' cases.

As you know, under Japanese law, all persons born in the United States prior to December 1, 1924, of a father who was a Japanese subject at the time of birth, automatically acquired Japanese nationality and retained that status unless they subsequently renounced it by official act. The facts of continuous residence in the United States or registration of birth with the Japanese government or its agencies are immaterial in these cases.

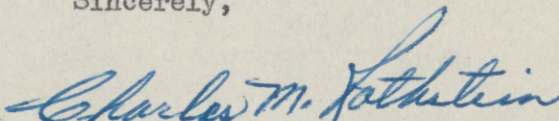
The following persons mentioned in your letters were born before December 1, 1924, and, according to the preliminary list received from Japan, they are not shown to have renounced their Japanese nationality. It must therefore be presumed, at least until the final list is received within a few weeks, that they are Japanese nationals:

Makio Nojima
Yoshio Shibata
Iwao Shibata

Tomeo Shibata
Riichi Yoshida
Masayoshi Sakai

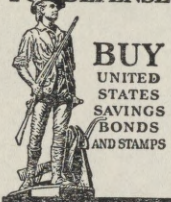
Persons born in the United States after December 1, 1924, of a father who was a Japanese subject at the time of birth, did not become Japanese subjects unless their birth was subsequently registered with the Japanese government or its agencies. The final list expected from Japan should definitely establish the Japanese nationality status of the remaining renunciant-internees, including Yukio Allen Tsuchitani, one of the subjects of your June 5th letter, who was born in 1926. The other subject of your letter who falls within this category is Shigeo Aramaki; he was ordered released by the Attorney General on May 27, 1947.

Sincerely,


Charles M. Rothstein

Acting Director, Alien Enemy Control Unit

FOR DEFENSE



BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

Seabrook, N. J.
July 1, 1947

Dear Mr. Collins:

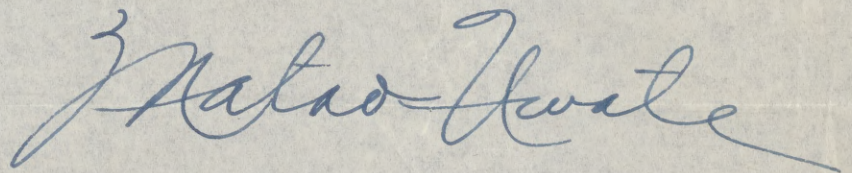
Although I informed you that I was ~~not~~ willing to be a correspondent between you and us, your clients, I am writing this letter to you in behalf of those who have not yet joined our cases represented by you.

I received your telegraph yesterday. How glad was every one of us to hear such an encouraging news! However, your letter which stated that the Department of Justice has a desire to be able to deport those who are not in our cases at the earliest opportunity was a shock to me. I posted your letter on the bulletin board, but I still do not know the reaction of the others. Is not it possible for them to join the cases even after the decision of the court? Doesn't the decision apply to everyone who is now detained? What about the others who are represented by some other lawyers? Incidentally, I received the letter after the telegraph arrived.

What will be the immediate effect of the decision? Will the Department of Justice take the action to release us at once? Or, will it appeal to the higher court for another trial?

This is merely a personal letter, and I am afraid that I cannot ask every question which might be in others' mind. Please write to me the detail about this outcome of Judge Goodman's order.

Yours very truly,

A handwritten signature in blue ink, appearing to read "J. M. Howard". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Department of Justice

Alien Enemy Control Unit

Washington

July 16, 1947

Wayne M. Collins, Esq.
Mills Tower
220 Bush Street
San Francisco, California

Dear Mr. Collins:

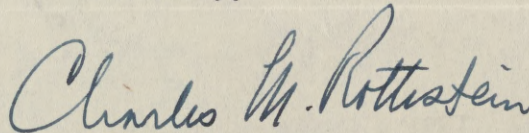
The final list, to which I referred in my letter of June 16, 1947, has been received from Japan, and it confirms the presumption expressed in my previous letter that the following six renunciants, all of whom were born before December 1, 1924, are considered to be Japanese nationals by the Japanese government, since they are not shown to have renounced their Japanese nationality:

Makio Nojima	146-54-2149	Tomeo Shibata)
Riichi Yoshida	146-54-3295	Iwao Shibata) 146-54-921
Masayoshi Sakai	146-54-2793	Yoshio Shibata)

A further check is being requested in the case of Riichi Yoshida, because he has alleged that he renounced in 1932, and submitted a census certificate as proof.

The authorities in Japan are also being asked to make a further check in the case of Yukio Allen Tsuchitani (146-54-607), as it appears from the list that his family register could not be found.

Sincerely,



Charles M. Rothstein
Acting Director, Alien Enemy Control Unit

4123 El Camino Way
Palo Alto, California
July 17, 1947

Dear Mr Collins;

With your advise concerning my family (wife and son) in Japan to join me here.

My wife being an alien has her permit. My son at present is working as a interpreter for the M. P. Provost Marshall Office in Kyushu.

I have not heard from the Dept of State to whom I have wrote.

If you have any information regarding their passage here I shall appreciate it very much. Thanking you I remain

Sincerely yours
Masami Murakami

July 18, 1947

Mr. Masami Murakami,
4123 El Camino Way,
Palo Alto, California.

Dear Mr. Murakami:

In reply to your letter of July 17th, please be informed that if your wife is in possession of a re-entry permit she would be entitled to return to this country when she could book passage. It would be necessary for her to apply either to the American consul at Yokohama or Kobe to obtain clearance to return.

If your son is an American citizen who has not lost that citizenship he is also entitled to return to the United States in like manner. If he is a renunciant and is in a suit here to set aside his renunciation he could apply to a United States consul in Japan for a certificate of identity which would enable him to return here in due course of time. Inasmuch as you have not informed me of the status of your wife and son and the circumstances under which they went to Japan, I am unable to advise you of the definite steps you should take to obtain their return.

If you will let me know the circumstances under which your wife and son went to Japan, I would be in a better position of informing you as to the prospects of their returning to the United States.

Very truly yours,

WMC:cw

Seabrook, N. J.
August 12, 1947

Dear Mr. Collins:

Thank you very much for your letters dated August 1 and 5. Especially the telegram I received yesterday was a very encouraging one. All of us are waiting eagerly for the day when we receive our releases. In behalf of all the renunciants may I extend our feeling of gratitude for your endless effort to make our case a favorable one.

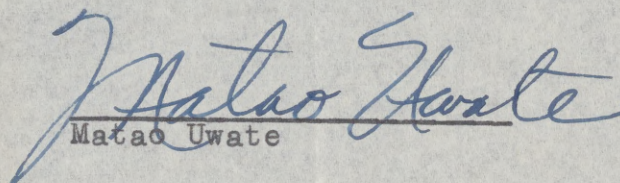
Among the seven boys whom you listed as the ones who have received their releases, Mr. Matsuo Matsuda and Mr. Takashi Tsujita were very much disappointed that they did not find their names at the office of Mr. Fistere, the personnel manager of Deerfield Packing Cooperation, who is handling all the matters between us and the Department of Justice. It is our sincere wish that we should be notified individually whenever a release comes in at the earliest opportunity. Will you please clarify this matter for us?

Another thing we wish to be informed is that when and how the government is going to appeal to the higher court. As I understand, the fact that the writ of habeas corpus was issued means immediate release of all the renunciants still held in detention. What will be the result if the government should appeal to the higher court? Does it have any effect to stop the execution of the writ? Or, is it definite that we shall be able to be released on September 8 as your telegram stated?

It may sound rather unwise to ask such a questions, but all of us are so eager to be informed about every detail--I hope you will understand our dilemma and write me back what I have asked you in this letter.

Thanking you again for your efforts, I remain,

Yours very truly,


Matao Uwate

August 16, 1947

Mr. Vaughn Mechau,
c/o Denver Post,
Denver, Colorado.

Dear Mr. Mechau:

For your information, on November 13, 1945, I filed mass suits in habeas corpus and also in equity on behalf of approximately 1000 renunciants then detained at Tule Lake by the Attorney General for removal to Japan under the provisions of the Alien Enemy Act. These victims of governmental oppression were being treated as though they were alien enemies instead of mistreated citizens who had been grossly discriminated against by our government.

Thereafter the number of renunciants added to the suit has brought the total to approximately 1800. After the filing of the suit the Attorney General, whose removal program was blocked, subjected each of them, (a total of 5,371 renunciants) to so-called mitigation hearings and to date has released all of the renunciants except approximately 300. A brief history of these unfortunates is set forth in my brief in the habeas corpus proceedings, a copy of which is enclosed. When you have finished with that brief I would thank you to return the same to me. Unfortunately, I am unable to send you a copy of my brief in the equity suit which I brought to cancel the renunciations because I am in possession of but one copy thereof. I believe, however, that the outline contained in that brief in habeas corpus will suffice for your purposes.

On August 11th, 1947, U.S. District Judge Louis E. Goodman rendered a decision holding that whether or not the renunciations are valid or not a renunciation of U.S. nationality would not convert a native born resident of this country into an alien enemy and render him deportable. A copy of that opinion is also enclosed. (The equity suits have not yet been decided.). The Department of Justice, not content with having oppressed these people for two years following the cessation of hostilities and ever since their unjust evacuation from the West Coast in 1942, thus far has refused to release the 300 still remaining in detention. Whether or not the Attorney General will appeal the decision of the court or refuse to release the 300 is not yet known.

I am enclosing a photostatic copy of the letter of Hon. Abe Fortas, Under Secretary of Interior, dated August 6, 1945, which contains official finding by him, as the head of the War Relocation Authority under Secretary Ickes, that each of the 5000 who renounced at the Tule Lake Center were coerced into so doing by alien groups whom the W.R.A. knowingly permitted to operate in that camp and who held these citizens in absolute terror. The Attorney General continues to oppress these people by holding them in internment.

Just prior to filing suit on behalf of the renunciants in November 13, 1945, the Attorney General was detaining several hundred resident elderly men of Japanese origin under the arbitrary claim that they were dangerous alien enemies. Thereafter and to date all of those arbitrarily classified as dangerous alien enemies were released except 26 who are now detained at Crystal City, Texas and at Seabrook Farms, Bridgeton, New Jersey. The Attorney General so far refuses to release these aliens although the war actually has been over for a period of two years. He detains them for deportation under a claim that the provisions of the Alien Enemy Act do not terminate until such time as the President makes a formal declaration of the end of the war or Congress officially declares the war to be at an end. I instituted proceedings in Philadelphia on behalf of 39 then detained. The District Court in Philadelphia held that it could not grant relief to them for want of a formal declaration of the end of the war or the entry into a peace treaty with Japan. The case is now on appeal to the Third Circuit Court of Appeals in Philadelphia. Most of the aliens are 60 years of age and over. A majority of those who are detained are unable to be gainfully occupied by reason of infirmities of age and sickness. Despite these facts the Attorney General asserts they are dangerous and continues to refuse to release them.

Very truly yours,

WMC:cw

Encs.

August 16, 1947

Mr. Vaughn Mechau,
c/o Denver Post,
Denver, Colorado.

Dear Mr. Mechau:

In accordance with your telephonic request of August 15th, concerning the Peruvian-Japanese detained by our immigration authorities at Crystal City, Texas, and those on relaxed internment at Bridgeton, New Jersey, I am enclosing copies of my letter of May 2nd and of May 9th giving a brief history of the plight of these persons to date. In addition thereto, I am enclosing a copy of my telegram of July 31st to the chairman of the Export-Import Bank of Washington, and a copy of my letter to a member of that Bank (like copies have been sent to each member thereof) which are self-explanatory.

In a separate letter enclosed I am giving you a brief history of the plight of the renunciants and also of those aliens of Japanese ancestry who are still interned by the Attorney General under the provisions of the Alien Enemy Act as though they were dangerous to our security at this late date. I direct your attention to the fact that our recent Japanese enemies abroad are better treated by our occupying forces than these victims here at home are treated by our authorities.

As I view the situation, our own government here at home has taken a leaf from Stalin's autobiography and Hitler's Mein Kampf and put into practice on the continental United States the pernicious practices of our recent enemies albeit that the degree of oppression has not extended as far as their communist and Nazi prototypes.

Very truly yours,

WMC:cw

Encs.

September 11, 1947

Hon. Louis E. Goodman,
U.S. District Judge,
Post Office Building,
San Francisco, California.

In re: Abo vs. Clark, etc. Nos 25294-5-G.

Dear Judge Goodman:

Attached find a photostatic copy of opinion rendered September 5th, 1947, by U.S. District Judge Cavanah in the case of "Inouye et al., vs. Clark, et al.," in the U.S. District Court for the Southern District of California, Central Division, in setting aside renunciations of U.S. nationality. The said decision has a bearing on issues involved in the above-entitled cases.

Copies of the enclosed opinion have been delivered to Robert McMillan, Esq., for the U.S. Attorney's office and for the Department of Justice in Washington.

Very truly yours,

WMC:cw

October 21, 1947

Dear Wayne:

Enclosed please find check in the sum of \$80⁰⁰.
This is the final contribution for Hieronimi Fankida, -
who was recently paroled from Haskook Farm.

The check is that of Rev. Kow, & his address is 119 No
Central Ave, Los Angeles, California.

Isakida was a renunciant & his contribution
was furnished by his mother. Rev Kow was asking
for a receipt of some sort as he was asked to make
such payment by Mrs. Fankida.

I went to see the Dist Attorney in L.A. - & they will
not give me any written opinion - but through the
conference they informed that Hoover has made
an announcement that aliens may leave for residential
or commercial purposes. I therefore mailed a letter direct
to Matson - & I think they will have to give me an
answer of one sort or another in writing.

Yours -
Tex

10/21/46

Staff Sgt Kanai K. Irayumi (RA 38667027)
Attn SNR. 3rd Det. APO 500
J.R.

Any person who was born in the United States is a citizen of the United States by virtue of the provisions of the Fourteenth Amendment of the Constitution of the United States. By statute, Congress has declared, in Title 8 U.S.Code, section 601(a), that persons born in the United States and subject to the jurisdiction thereof shall be "nationals and citizens of the United States at birth".

Inasmuch as the grant of U. S. citizenship is a grant made by the 14th Amendment it is doubtful whether a person who was born in the United States can lose that citizenship in any manner whatever even though Congress has authorized persons to surrender citizenship by going through certain formalities and even though it has endeavored to authorize persons to renounce nationality.

Therefore, any Nisei, that is to say, any person born in the United States, whether he has renounced his citizenship or not, may claim to be a citizen of the United States while he is in Japan and be entitled to return to the United States. To return to the United States he must take the steps authorized by the provisions of Title 8 U.S.Code, section 903, which reads as follows:

"903. COURT PROCEEDINGS FOR DECLARATION OF UNITED STATES NATIONALITY; CERTIFICATES OF IDENTITY:- If a person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any

denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided. (Oct. 14, 1940, c. 876, Title I, Sec. 503, 54 Stat. 1171.)."

The steps a renunciant or nisei who still has his American citizenship must take are as follows:

1. File a suit in the U.S. District Court in the district where he or she claims a permanent residence in the United States for the purpose of obtaining a declaration of his or her American "nationality".
2. Prepare a sworn application showing that the claim of U.S. nationality presented in that lawsuit is made in good faith and has a substantial basis.
3. Take the sworn application before a diplomatic or consular officer or a military officer of the United States - and obtain from him a "certificate of identity" stating that the applicant's nationality is pending before the U.S. District Court.
4. If that officer refuses to issue such a certificate the applicant may appeal the matter to the Secretary of State in writing.

If the applicants wish, to save expense, they should join in one lawsuit.