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Jule Lake Defense Committee

Correspondence

1957

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COMMITTEE

T. AKUNE
 A. HAYASHIDA
 Y. HONDA
 K. IKEDA
 Y. KAKU
 L. KATAOKA
 J. KIMURA
 Y. KIYOHRO
 T. KONO
 T. KOSUGI
 M. MATSUMOTO
 K. MATSUOKA
 K. MORISHIGE
 T. NAKAMURA
 I. NAMEKAWA
 R. NARIMATSU
 T. OBATAKE
 H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
 Los Angeles 12, California
 Michigan 4728

February 1, 1957

COMMITTEE

M. SASAKI
 Y. SHIBATA
 I. SHIMIZU
 R. SHIRAISHI
 T. SHONO
 K. TAKAHASHI
 M. YEGO
 H. TAKETAYA
 H. TAKEUCHI
 M. TOYOTA
 G. TSUETAKE
 H. UCHIDA
 B. WATANABE
 M. YAMAICHI
 T. YAMAMOTO
 M. UEDA
 K. UYENO

Mr. Wayne M. Collins
 Attorney at law
 1300 Mills Tower
 220 Bush Street
 San Francisco 4, Calif.

Dear Mr. Collins:

Enclosed find photostat copy of the letter
 you sent to the Committee date of June 8, 1951,
 per your request.

If you wish photostat copies of any more of
 the Committee records please let us know.

Very truly yours,

TULE LAKE DEFENSE COMMITTEE

BY:

L. Nakamura

STRATHMORE FOND

WAYNE M COLLINS

ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-1218

June 8, 1951

Tule Lake Defense Committee
124 So. San Pedro St. (Rm. 215)
Los Angeles 12, California

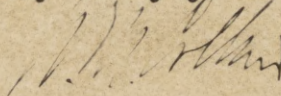
Gentlemen:

Your letter of the 6th states that some of the members of your Committee had suggested the Committee should obtain another source of representation if I was going to give non-contributors to your defense fund the same degree of protection as to contributors.

I do not see how I can do anything but give each person in the suits the same degree of protection, without favoritism. However, if it comes down to individual trials those who do not contribute their share to the defense fund could not expect their own Committee and the contributing renunciants to carry them. I could not use any part of the defense fund for them from that point on if your Committee was opposed to it and so I could not proceed to represent them at individual trials unless such persons made provision to defray their own costs and expenses and made some arrangement to pay me a reasonable attorney fee for such trials or engaged the services of other attorneys to represent them.

You are in a better position than I to judge what the response is and will be to your campaign to raise money for the defense fund. It is too early for me to guess what the response will be to the letter I sent out at the request of the Committee to assist your campaign as the letters took some time to be mailed.

Very truly yours,



WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

February 22, 1957

Tule Lake Defense Committee
124 S. San Pedro Street
Room 215
Los Angeles 12, California

Gentlemen:

Yesterday I had a private conference in San Francisco with George Cochran Doub, Assistant Attorney General, relating to the renunciation cases.

Mr. Doub informed me that he was sympathetic to the plight of the renunciants generally, that the evacuation was a product of wartime hysteria, etc. He also informed me that he had read most of the books and literature and the judicial decisions relating to the wartime evacuation and renunciation matters. He also informed me that it was his desire and policy to conclude as many of the "renunciation cases", administratively, and also the "evacuation claim cases" by the end of 1958 because it was his intention to close out the "evacuation claims section" in his department in the Justice Department at that time. I interpret this to mean that the personnel in the "alien control unit" of the Justice Department (consisting of Mr. Ellison, Mr. Grumbly, Mr. Rothstein, Miss Collins, et al.) may be transferred to other work in the Justice Department at the end of the year and that the personnel of the regional evacuation claims offices would be assigned to other work, if not let out, and that some, if not all, of the regional "evacuation claims offices" may be closed at that time.

It is possible that concern over the expense of maintaining the "alien control unit" and "evacuation claims" offices also has a great deal to do with the new policy of the Justice Department because it must convince Congress of the necessity for appropriations to maintain such offices and personnel for such work.

In any event this new policy is beneficial to the renunciants generally and should result in a higher percentage recovering citizenship.

Mr. Doub expressed disappointment that, in spite of the widespread publicity given by the Department to its "new liberal policy" concerning restoration of citizenship to renunciants, so few have applied for clearance through affidavits since August 1955 when that new policy was announced. He informed me that the processing of affidavits would be speeded up in his Department and that they would be treated with much more liberality than heretofore; that I can return to that office for re-processing all affidavits of those heretofore denied administrative clearance for a review and application of the new policy. He also stated that he had instructed his office that every veteran of the armed forces should receive clearance. Thereafter, he informed Mr. Enoch E. Ellison in my presence that he wanted every veteran to recover his citizenship. However, he insisted that each renunciant still should be required to file an affidavit and stated that he does not see why any should receive clearance without an affidavit first being processed. In other words, the Department is opposed to giving clearance to renunciants no matter what innocuous classification they may belong to in the designations and offers of proof unless the affidavit first is processed even if the Department's files contain no adverse evidence against such persons. He would not disclose, however, the standards by which the Justice Department determines who it will clear.

The new policy of the Justice Department, as presently announced, will mean that renunciants whose affidavits have not been presented and processed administratively by the end of the year thereafter may have no remedy available to them to obtain clearance except by proceeding to a trial in court. I do not know whether the policy would bar administrative clearance on passport applications through the presentation of affidavits to U.S. Consuls abroad or by filing them with the Immigration Service but it is likely that it may and, if so, all such cases not cleared administratively by the end of the year would have to be determined by filing separate individual court lawsuits if such persons are not in the pending class lawsuits and by individual court hearings for those who are in the pending class lawsuits.

I believe Mr. Doub is genuine in his desire to see that a large number of the renunciants recover their U.S. citizenship. He is aware of the fact that many renunciants are ashamed of their renunciations and that this fact accounts for many not seeking administrative clearance. He realizes also, after my discussing the matter with him, that the number of rejects in the U.S. and in Japan convinced many others that they also would be rejected and that this has interfered with a speed-up in the number of affidavits for administrative processing.

Despite the announcement appearing in the Japanese language papers in Los Angeles that 90 percent of the renunciants will be able to recover their citizenship Mr. Doub informed me that he believed the percentage that can be cleared administratively is 80 percent. He also stated that I could judge that the new policy was really liberal by the numbers most recently cleared, 101 out of 104. If that percentage keeps up it will indicate that the new policy really has been liberalized by him. (However, it must be remembered that the 101 of the 104 were from classes 13 and 15). The real test of the liberality of the new policy will be the percentage of the rejects to whom it will grant administrative clearance on the review of their affidavits. (Those 295 affidavits will be returned to the Justice Department for review and reprocessing early next week).

Roughly I figure that the total number in the cases who have been cleared one way or another (including those who are on the judgment list, those who have been released from their renunciations except for koseki registrations and voting in foreign elections, those who have returned to the U.S. as quota or nonquota immigrants, those cleared by filing affidavits direct with U.S. Consuls, the Justice Department or Immigration Service, and those renaturalized after voting abroad) adds up to between 2253 and 2500 persons.

There are 142 affidavits in the Justice Department at the present time for processing. Over 82 proposed revised affidavits have been sent by my office to renunciants for reading, correction, execution and return to me for processing. (Many are very slow in having them notarized and in returning them to my office.) Over 150 additional ones are in the stage of being typed and mailed out to renunciants for execution. Affidavits are being prepared at the rate of between 12 and 15 per day. The total number of questionnaires remaining in my office at the present time (with or without proposed affidavit forms having been sent to me by renunciants) from which affidavits are yet to be prepared to submit to them for perusal, correction and execution total 184. These will be prepared, typed and forwarded to them for perusal, correction and execution in less than 30 days.

Unless many more questionnaires come in from Japan and the U.S. promptly my processing of affidavits may reach a standstill within two months. Therefore, it is essential that all those plaintiff renunciants in the class equity suits whose proposed affidavit forms and personal questionnaires have not yet been received in my office should be urged to fill them out and return them to your Committee for forwarding to me or to send them to me promptly, without delay. None of them need

feel ashamed of going before a notary public to have the affidavits executed when they are ready. Notaries are not interested in the contents of an affidavit and are interested only in the fact that the person swears to the truth of the affidavit and none of them is likely to read an affidavit in its entirety.

It seems to me that their own committeemen might be able to urge them to fill out the forms and questionnaires and to assist them when it is necessary. I suggest also that your Committee might consider giving such assistance to those who have contributed to the common defense litigation trust fund and also to those who have not.

It is my hope that when the administrative processing is ended that the number who will not be successful administratively and who will have to undergo individual trials will be diminished. It is essential that as many as possible of the group should receive administrative clearance so that the number in the group who must have individual court hearings can be reduced to the lowest possible number so that the trust fund might be sufficient to discharge the costs, expenses and attorney fees involved in bringing to conclusion the cases for the group or the greatest possible number of the group or to proceed as far as possible in so doing.

As you heretofore were informed all the affidavits that are processed through my office to the Justice Department, under my agreement with that office, are returned to me if the Justice Department denies administrative clearance and the affidavits of such persons, by my agreement with that office, cannot in such event thereafter be used against such persons. However, if a renunciant files his affidavit direct with a U.S. Consul in Japan, or with the Justice Department or with the U.S. Immigration Service, without forwarding it to me, such an affidavit may be used against him if he is denied administrative clearance and thereafter resorts to a court trial to determine citizenship.

I wish to point out also that my records disclose that 20 of the plaintiffs have died since the inception of the class suits and that there is a likelihood that approximately 30 additional ones have died.

I wish to point out also that the number of affidavits on hand in the Justice Department plus those which will be forwarded to that office, within 30 days, including rejected ones for review, will add to approximately 815 and of this number I estimate that between 650 and 700 or possibly a larger number will be successful in recovering citizenship through the administrative procedure.

In the final analysis it appears that some 1,400 in the class suits have not done anything on their part to assist in obtaining an administrative determination of their cases. I suppose that the reason for their apathy is that they are not much concerned about the recovery of their citizenship for one reason or another. It is unfortunate that they are apathetic because I believe that between 1200 and 1300 of them probably could be cleared administratively and have a final judgment entered in their favor. Even if they are apathetic and refuse to do anything for themselves to obtain administrative clearance, however, they might possibly get clearance through my negotiations in course of time.

It is my opinion that the Justice Department now is inclined to give clearance to renunciants who have served in the armed forces; to those who were not the heads of their families at the time of renunciation and who acted under pressure of their parents, being fearful of family separation and of being left behind when their parents were to be repatriated and being fearful of facing relocation in a community they believed to be hostile to Japanese. (This is largely dependent, in my opinion, on whether they signed or sent for forms upon which to renounce between Dec. 19, 1944, when the announcement was made in Tule Lake that all the camps were to be closed, and January 29, 1945, when Dillon Myer distributed a special statement that there would not be any forceful ejection of evacuees from Tule Lake and the Newell Star report of February 1, 1945, that Dillon Myer had announced that there would be no forcible ejection of evacuees from Tule Lake (this is that there would be no forced relocation), and that

"those who do not wish to leave the center at this time are not required to do so, and may continue to live here or at some similar center until Jan. 1, 1946. This center or some similar center will be maintained for all persons who wish to remain until that time. Plans for a segregation center beyond that time have not yet been finally worked out."

It is my belief that those who signed requests or wrote letters for renunciation forms subsequent to Jan. 29, 1945, or subsequent to Feb. 1, 1945, after those announcements had been made will be required to explain in their affidavits why they feared forced relocation after those announcements had been made. (Their answers probably are that they did not read any such posted announcement and did not see the Newell Star report because some of the block managers did not distribute the announcements or the Newell Star.

Others may have read the announcement or the paper, but did not believe it because they knew or had heard that the W.R.A. policy could change at any time or because the only report they had about Tule Lake being kept open was just a rumor they had heard and that they had heard counter rumors as well and did not know which rumor was true and, therefore, believed that Tule Lake also would be closed and that forced relocation was inevitable and would follow.) It is also my belief that those who feared harm from pressure groups and renounced for such reason will have to specify in their affidavits the names of the persons who threatened them and also state the general wording of any such threat that was made. It would be wrong of any person to state that a specified person made a threat of harm unless the threat actually was made. If an affidavit contained false or fraudulent accusations or statements it might be made the subject of inquiry and could be punishable.

Very truly yours,

COMMITTEE

T. AKUNE
A. HAYASHIDA
Y. HONDA
K. IKEDA
Y. KAKU
L. KATAOKA
J. KIMURA
Y. KIYOHRO
T. KONO
T. KOSUGI
M. MATSUMOTO
K. MATSUOKA
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T. NAKAMURA
I. NAMEKAWA
R. NARIMATSU
T. OBATAKE
H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
Los Angeles 12, California
Michigan 4728

March 14, 1957

COMMITTEE

M. SASAKI
Y. SHIBATA
I. SHIMIZU
R. SHIRAISHI
T. SHONO
K. TAKAHASHI
M. YEGO
H. TAKETAYA
H. TAKEUCHI
M. TOYOTA
G. TSUETAKE
H. UCHIDA
B. WATANABE
M. YAMAICHI
T. YAMAMOTO
M. UEDA
K. UYENO

Wayne M. Collins, Esq.,
Attorney at law
1300 Mills Tower
220 Bush Street
San Francisco 4, Calif.

Dear Mr. Collins:

Our Committee has discussed the contents of your letter of February 22, 1957.

Our Committee is of the opinion that it has done practically everything in its power to help the renunciants in the cases from the time the renunciants authorized our Committee to engage your services and the trust fund for the purpose of litigating their rights was created.

A substantial number of the plaintiffs in Japan and in the United States have not seen fit to cooperate with the Committee, have not made their full contribution to the litigation trust fund and have not given any evidence of a willingness to answer the numerous letters we have sent to them and have not done anything to help themselves obtain clearance by administrative processing. Many have refused to supply necessary questionnaire information that would help them even when personally interviewed by committeemen.

The consensus of opinion of the committeemen is that the Committee is not willing to assist further those among the plaintiffs who have had and have the ability to cooperate with the Committee and have not done so or are unwilling to do so for reasons of their own or lack of interest because it would be wasted effort and would cause an unnecessary drain on the trust fund.

However the Committee recognizes that among them there may be a fair number in Japan and in the U.S. who, because of lack of knowledge of English or for other reasons, may deserve to be given additional assistance, especially in view of the fact that you believe the Justice Department will apply its new administrative policy with greater liberality than heretofore.

Therefore the Committee has decided to send Mr. Kono to Japan on behalf of the Committee to make preliminary preparations for meetings and interviews of the remaining plaintiffs in Japan who may desire to proceed and also those on the Justice Department's reject list. It will involve preparing their questionnaires and collecting documentary evidence relating to their individual renunciations.

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The Committee has decided also to send Mr. Nakamura to Japan in May or June so that the two of them can interview all those interested, obtain their questionnaire answer and documentary evidence to forward to you so that their administrative remedies can be brought to a conclusion soon as possible.

It is the present opinion of our Committee that following the canvassing of the renunciants in Japan and in the U.S. by our Committee-men in a final effort to ascertain if the inactives and rejects desire to proceed further and to obtain questionnaire answers from them the Committee should cease to function.

Very truly yours,

TULE LAKE DEFENSE COMMITTEE

By: Harry M. Uchida

CABLE ADDRESS
"HONHI" HIROSHIMA



TEL.NISHI
③ 5185 ~ 8

HOTEL NEW HIROSHIMA

5 April 57

Mr. Wayne Collins
1300 Mills Tower
220 Bush Street
San Francisco 4, Calif.

Dear Mr. Collins,

I left Los Angeles on 24 March. I arrived in Tokyo 26. I stayed in Tokyo for 5 days, and Osaka 2 days. Now I'm at New Hiroshima Hotel.

I expect to finish my personal matter within few days. I'm waiting for Tex to come.

I have meet Masuda. He sates that there are approximately 300 renounciant in Hiroshima area. About 200 or more all anxiously wanting to return to the States.

Since I came to Japan I hear about American Consul is too sarcastic and mistreat, so I hope you will come with Tex, and just stay in Japan for few days and visit all American Consul and explain our situation to them, then it will be much easiler afterwards.

Sincerely yours,

P. Kono

COMMITTEE

T. AKUNE
A. HAYASHIDA
Y. HONDA
K. IKEDA
Y. KAKU
L. KATAOKA
J. KIMURA
Y. KIYOHIRO
T. KONO
T. KOSUGI
M. MATSUMOTO
K. MATSUOKA
K. MORISHIGE
T. NAKAMURA
I. NAMEKAWA
R. NARIMATSU
T. OBATAKE
H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
Los Angeles 12, California
Michigan 4728

May 22, 1957

COMMITTEE

M. SASAKI
Y. SHIBATA
I. SHIMIZU
R. SHIRAIISHI
T. SHONO
K. TAKAHASHI
M. YEGO
H. TAKETAYA
H. TAKEUCHI
M. TOYOTA
G. TSUETAKE
H. UCHIDA
B. WATANABE
M. YAMAICHI
T. YAMAMOTO
M. UEDA
K. UYENO

Mr. Wayne M. Collins
Attorney-at-law
1300 Mills Tower
220 Bush Street,
San Francisco 4, Calif.

Dear Mr. Collins:

We wish to inform you that we have authorized Tetsujiro Nakamura to join Toraichi Kono in Japan on behalf of our Committee in what we hope will be the final effort of our Committee to obtain from the interested plaintiff-renunciants there who are in the class suits the questionnaire data necessary to enable their affidavits to be processed administratively. We have decided also to make what we hope will be the final effort of our Committee to obtain from the interested plaintiff-renunciants in the U.S. who are in the class suits like questionnaire data to enable their affidavits to be processed administratively. We request, therefore, that you refund to our Committee in the names of "Tex Nakamura or T. Kono" who maintain a trustee bank account for our Committee the sum of \$10,000 which we will apply to such purposes.

You have informed us that the administrative relief program is nearing its final stages and that in the early part of 1958 you and the Justice Department expect to have completed the processing of all the plaintiffs who have cooperated with our Committee and have cooperated with you in the effort to bring the class cases to a conclusion.

We wish to notify you that it is the view of our Committee that the responsibility of our Committee to the renunciant-plaintiffs, undertaken at their request and pursuant to their authorization from Tule on, should be terminated as soon as reasonably practicable and that our Committee as at March 31, 1958, should cease to function.

We wish also to notify you that, after considerable discussion, our Committee tentatively has concluded as follows:-

1. It is our opinion that each individual renunciant, whether in Japan, the U.S. or elsewhere, whose case is inactive due to lack of his cooperation with our Committee and with your office, and each of those who has been or finally is denied administrative clearance of his citizenship status by the Justice Department will have to proceed from that point on to his individual court trial or pursue such other remedy as may be available to him, at his election, without the assistance of our Committee and without our Committee assuming any responsibility whatever to or for him. If any does so proceed such person should do so upon whatever terms, conditions and financial arrangements for your representation of him from there on as he and you may agree upon.

In the absence of such an agreement being entered into with you each such person should be dismissed from the class suits as soon after January 1, 1958, as may be practicable and convenient to you.

2. It is the view of our Committee that each plaintiff in the U.S. whose case is active and each of the plaintiffs in the U.S. whose case is inactive but whose case becomes active prior to January 1, 1958, and who seeks relief under the existing administrative remedy should make his or her respective contribution to the existing renunciant litigation trust fund up to the sum of \$300.

3. It is the view of our Committee that each renunciant in Japan whose case is active and who has cooperated or whose case is in the processing stage as at the date of this letter to you and who obtains administrative clearance of his citizenship status insofar as his renunciation of U.S. citizenship is concerned should make his or her respective contribution to the existing renunciant litigation trust fund up to the sum of \$300.

4. It is the view of our Committee that each plaintiff in Japan whose case is active and who once has been denied administrative clearance by the Justice Department or State Department prior to the date of this letter to you and also each of the plaintiffs in Japan whose case is inactive as at the date of this letter to you but whose case may become active prior to January 1, 1958, whether electing to proceed with the administrative remedy, court trial or other remedy to clear his citizenship status insofar as his renunciation of U.S. citizenship is concerned, should make not only his contribution to the existing trust fund up to the said sum of \$300 but independently should engage to pay you as and for an attorney fee the sum of \$500 whether or not he obtains administrative clearance from his said renunciation or has his renunciation declared void or invalid by an order of the district court or nullified through a different administrative remedy and in the event he fails to do so such plaintiff should be dismissed from the class suits as soon after January 1, 1958, as may be practicable and convenient to you.

5. It is the view of our Committee that each plaintiff in the U.S. whose case is active and has been or is processed administratively by December 31, 1957, and is denied administrative clearance from his renunciation and who decides to proceed from the denial thereof either by court trial or any other type of legal remedy that may be available to him to set aside or cancel his renunciation or to be declared to be a U.S. national and citizen should engage you to continue on his behalf upon such terms, conditions and financial arrangements as to your attorney fees and the costs and expenses of such proceeding as such individual renunciant involved and you may agree upon.

6. It is the view of our Committee that any and all sums that shall be contributed by any of the plaintiffs to the causes after his individual case has been or is settled by a final judgment of the district court or by administrative determination by or through the State or Justice Department or by the U.S. Immigration Service or terminated due to other

causes, such as his status having been established as a nonquota immigrant or a quota immigrant, or by withdrawal from or by dismissal of him from the pending class suit pursuant to request or consent or otherwise, should go to you as a fees of services rendered and not be a part of or considered to constitute a part of the existing renunciant litigation trust fund.

7. It is the view of our Committee that the renunciant litigation trust fund agreement, heretofore entered into between our Committee, acting for the plaintiff-renunciants, and you, should be terminated as at the close of the day at March 31, 1958, and that, after the discharge of all authorized obligations then outstanding against the same, the trust thereupon being terminated the residue or remainder of said trust fund thereupon shall pass and go to you as a fee for the services rendered by you under our agreement.

8. It is the view of our Committee that any and all persons in the group class cases who do not make their contributions to the existing trust fund or who do not make arrangements to have their cases carried on by you as above-mentioned necessarily should be dismissed as plaintiffs from the pending class suits as soon after January 1, 1958, as may be practicable and convenient to you.

Our Committee wishes to make one recommendation to you and it is this: - Mr. Tetsujiro Nakamura who has been a faithful member of our Committee and also the appointed agent of our Committee since the early Tule days has informed us of his willingness to carry on as a committeeman and as our agent until our Committee ceases to function and the existing trust fund is terminated. We are grateful to him for his faithful services and the devotion he has shown to the causes. We recommend, therefore, that after our Committee ceases to function, that inasmuch as he is an attorney that you consider engaging him as an associate attorney in connection with the prosecution of any of the individual causes of renunciants whose cases may be carried on by you from and after April 1, 1958.

Our Committee as a whole, on behalf of each and all of the plaintiff-renunciants in the cases, and each of our individual committeemen wish to extend you our thanks for all that you have done for the plaintiff-renunciants.

TULE LAKE DEFENSE COMMITTEE

By: Harry Uchida

Gordon Kohu

Tetsuo Okita

Yoshida Matsuo

Yasumi Obatake

Mitsuo Ueda

Samiji Shono

K. Tanaka

Yoshio Kiyohiro
Tetsujiro Nakamura

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

May 24, 1957

Tule Lake Defense Committee
124 South San Pedro Street
Los Angeles 12, California

Gentlemen:

I have received your letter of May 22, 1957, informing me of the course of action your Committee is to undertake in an endeavor to obtain sufficient data from the interested renunciants to make it possible for them to obtain administrative clearance from their renunciations. Even though the expense of so doing will cause a considerable drain on the trust fund and the results of your action may add appreciably to my work burden, I am pleased that your Committee has decided to do that because the inactives long have had the opportunity to supply such information to me and despite repeated requests from me have failed to do so. Enclosed find a check in the sum of \$10,000.00 covering the refund you request.

Mr. Doub informed me that the administrative relief remedy would not be available to renunciants after the end of this year and, in consequence, if any of the inactives are the least bit interested in having their citizenship status determined they must be processed before the end of this year. There are in excess of one thousand (1,000) individual cases in the office of the Justice Department at the present time which I have processed and am awaiting decisions on from that Department. It is my hope that the Department will speed up its determinations so that I may be able to prepare revised and amplified affidavits for any and all who yet may be denied administrative clearance and have them reprocessed for consideration by that Department long before the end of this year. At the present time there are fewer than fifty new questionnaires in my office from which I am presently preparing affidavits and a few are arriving each day. There are fewer than one hundred affidavits in the hands of renunciants at the present time for verification and return to me for processing purposes.

I realize that your Committee wishes to wind up its affairs and to dissolve in early 1958 and that you deem that on or by March 31, 1958, it will have performed all that it undertook for and on behalf of the renunciants who are in the class suits.

If the trust fund becomes exhausted before each active case reaches a conclusion either by administrative clearance or by a final order of the U.S. District Court where the causes are

pending I would not be bound to perform any further legal services from such a time on except by individual agreement with each of the parties plaintiff whose case is active and would not be bound to prosecute any appeals from any adverse administrative determination or adverse decision of the District Court against such party except under an independent agreement with such party. If the trust fund should not be exhausted before such a finalization of such cases it is obvious that the residue then on hand could pass to me inasmuch as all my services would have been performed fully and to conclusion. However, if either expressly or by implication, or by construction of the records, documents and correspondence relating to the cases, any obligation were found to exist on my part to carry on individual court trials for any of the parties plaintiff under the trust agreement the residue of the trust fund on hand at the close of March 31, 1958, or any other fixed date, could not pass to me pursuant to a resolution of your Committee but would have to be applied by me to the prosecution of the cases in court until the trust fund was exhausted.

However, until I have the time to go over all the documents, records and correspondence relating to the cases (most of which is in the hands of attorney John V. Lewis as your Committee has been advised) and to determine my obligations under the trust agreement I cannot state with certainty whether my obligation to those remaining in the cases, if any, as at the end of the day of March 31, 1958, or any other date that may be fixed by your Committee, will have been performed fully by that time. Therefore, although your Committee may finally authorize that the residue of the renunciant litigation trust fund is to pass to me at any precise time you may fix, as the suggestion or opinion expressed by your Committee in paragraph 7 of your letter indicates is its present intention, I am unable to state at this time whether that would be justifiable and authorizable. If your Committee does make such a resolution finally and there then is doubt in my mind as to whether the residue of the trust fund at that time (which possibly may amount to some \$40,000.00 or more) could pass to me, perhaps a determination could be made thereon by third persons, preferably attorneys, one to be appointed by your Committee, one by me and the two appointees to select a third person and the three decide the issue by unanimous or majority vote.

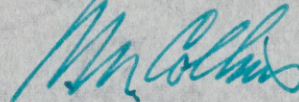
If the services I reasonably may be construed to be bound to render under the trust agreement shall not be completed by the date yet to be fixed by your Committee it seems to me that from that point on either I must continue in accordance therewith or your Committee could take over the trust fund or could appoint another trustee or trustees to take over the residue of the trust fund and engage such attorney or attorneys as they or your Committee or the renunciants then in the cases might decide upon.

Also I wish to direct your attention to the fact that there always exists the possibility that I may die or become incapacitated from acting as trustee for the renunciant litigation trust fund and also from acting as attorney in the causes. Therefore, it seems to me that, prior to disbanding, your Committee necessarily should decide upon, nominate and appoint a trustee successor or trustee successors to take over the trust fund and another attorney or other attorneys to take over the cases in the event of any such occurrence.

Also, if it should happen that the Bureau of Internal Revenue finally contends that it has the right to ignore the trust agreement and to regard or treat the trust funds delivered to me in trust each year for the causes as if said sums became part of my annual personal gross income and should contend that the same should have been reported by me in the years received in trust as though constituting a part of my personal gross income and thereby impels litigation by me on such issue your Committee would have the right and duty, I believe, to intervene in such litigation to protect the interests of your Committee and the renunciants whom it represents and to engage such lawyer or lawyers as you may deem fit to protect such interests. I state this because the renunciant litigation trust fund held in my name as trustee and under my control as such in the First Western Bank and Trust Company (formerly the San Francisco Bank), California-Montgomery Street, San Francisco, in Savings Account No. 792754 in the name of "W.M. Collins, Trustee," (showing a balance on hand this date of \$79,029.95) and in the Special Savings Account (a commercial account) in said Bank in my name "Wayne M. Collins, Special Acct." (showing a balance on hand this date of \$2,037.49), might be regarded or treated by the Bureau of Internal Revenue as if it was a part of my personal assets and it might lay claim thereto. In such an event your Committee might desire to intervene and to assert your rights and those of the renunciants therein and thereto and, in consequence, it seems to me that there is a possibility that your Committee should consider continuing to function until any possibility of such a claim on the part of the Bureau of Internal Revenue has been resolved. Further, the mere possibility of such a claim arising on the part of the Bureau of Internal Revenue seems to me to render it necessary that your Committee should decide upon, nominate and appoint a trustee successor or trustee successors to take over the trust fund and make provision for another attorney or other attorneys to take over the cases in the event I die or become incapacitated. Further, your Committee seriously should consider taking over the trust fund or of appointing such a trustee successor or trustee successors to take over the trust fund and another attorney or other attorneys to take over the cases in lieu of me immediately or at any time if either of the capacities in which I now am serving, as trustee of the fund and as attorney in the causes, may be deemed by you to jeopardize either the trust fund or the causes or to create any conflict of interest.

Some time in the past your Committee expressed its intention that in the event I die or became invalided or incapacitated from carrying on the cases that you might engage attorneys George Olshausen, Theodore Tamba and Y. R. Hiraoka to carry on the cases. My opinion is that Mr. Olshausen and Mr. Tamba now might not be willing to carry them on to conclusion because of the press of their law practice but would be willing to carry on temporarily until your Committee decided upon others. I assume that Mr. Hiraoka might be willing to carry on temporarily or to conclusion. Also, Miss Doris Phippen who has been employed on the cases as an attorney by me, pursuant to authority conferred upon me by your Committee, could carry on temporarily or permanently with your consent. Also inasmuch as Mr. Nakamura of your Committee is a practicing attorney he could carry on the cases but if you selected him so to do it would appear to me that from that time on he could not and should not act as one of your Committeemen and, in consequence, first would have to resign as one of your Committeemen. He, perhaps, more than any other person has the necessary background history of the cases in his mind and also sympathy for the renunciants to carry on the causes alone or jointly with others whom you might select.

Very truly yours,



COMMITTEE

T. AKUNE
A. HAYASHIDA
Y. HONDA
K. IKEDA
Y. KAKU
L. KATAOKA
J. KIMURA
Y. KIYOHRO
T. KONO
T. KOSUGI
M. MATSUMOTO
K. MATSUOKA
K. MORISHIGE
T. NAKAMURA
I. NAMEKAWA
R. NARIMATSU
T. OBATAKE
H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
Los Angeles 12, California
Michigan 4728

May 27, 1957

COMMITTEE

M. SASAKI
Y. SHIBATA
I. SHIMIZU
R. SHIRAISHI
T. SHONO
K. TAKAHASHI
M. YEGO
H. TAKETAYA
H. TAKEUCHI
M. TOYOTA
G. TSUETAKE
H. UCHIDA
B. WATANABE
M. YAMAICHI
T. YAMAMOTO
M. UEDA
K. UYENO

John V. Lewis, Esquire
Attorney-at-law
1102 Central Tower
703 Market Street
San Francisco, Calif.

Dear Mr. Lewis:

Our Committee has been informed of the possibility that the Internal Revenue Service may make a contention that the renunciant litigation trust fund which is in the possession of Attorney Wayne M. Collins in two bank accounts, one Savings account No. 792754 in his name as trustee and one a commercial account in his name as a "Special Acct.", both being in the First Western Bank and Trust Company in San Francisco, belongs to him personally and may claim a right to the sums in those accounts. However, those bank accounts do not belong to him as an individual owner. Those accounts are held by him as a trustee and a brief statement as to how those accounts came to be created is as follows:

The renunciants from the various internment camps authorized our Committee to represent them and to engage attorney Wayne M. Collins to assert and protect their rights. Our Committee raised and received the contributions for litigation purposes and established the litigation trust fund and had the funds delivered to Mr. Collins as trustee for those purposes.

In 1945 and part of 1946 our Committee held its meetings in quarters in the Tule Lake Segregation Center, Newell, California. Thereafter to about the latter part of 1948 we met in various makeshift quarters where we could, such as in committeemen's homes, restaurants and hotels in Los Angeles. In 1948 our Committee hired temporary quarters in the New Olympic Hotel at 117 North San Pedro Street, Los Angeles and later rented an office at 124 South San Pedro Street.

Our Committee, acting solely for the benefit of the persons who authorized us to act, for them, received the contributions, established and maintained the trust fund for the above stated purposes. Our Committee engaged attorney Wayne M. Collins to conduct the litigation and delivered the funds to him as trustee for litigation purposes for the group and always has exercised supervision over the fund.

Our Committee collected the contributions to the fund in the name of "Wayne M. Collins, Trustee" in 1945 to 1948 and transmitted the funds to him.

Thereafter, in late 1948, our Committee decided that the latecomers who joined the group and had not made their contributions to the litigation trust fund should do so and, in consequence, we set about asking them to do so and requested each of these to deliver or send to our Committee office a remittance drawn payable to "Wayne M. Collins, Attorney at law". We issued receipts to each of these contributors, assembled the remittances and periodically transmitted or caused them to be transmitted to Mr. Collins to add to the litigation trust fund. The remittances were drawn as follows: a majority drawn payable to "Wayne M. Collins, Attorney at law"; many drawn payable to "Wayne M. Collins, Trustee"; and numbers of them drawn payable to our "Tule Lake Defense Committee" (these being endorsed payable to Mr. Collins by our office). Some of the remittances were sent directly by contributors to Mr. Collins' office but the great majority of them were collected and received at our office. Copies of all the bank deposit lists were supplied to our Committee pursuant to the initial request of our Committee.

Upon opening our office in Los Angeles our Committee had to determine who should run the office and manage its daily affairs and we selected Tex Nakamura and T. Kono who were willing to devote themselves to such routine regular work and for which they received varying wages. The rest of our committeemen acted gratuitously except for necessary expenses.

Inasmuch as our Committee collected the funds in such manner and transmitted the remittances to Mr. Collins' office intact our Committee was not able to deduct its operating expenses therefrom, with few exceptions, and therefore we requested Mr. Collins periodically to refund to us specified sums. These funds were used by us to maintain our office and defray our operating expenses.

Our Committee authorized that the refunds for Committee purposes be made in the name of Tex Nakamura about latter part of 1948 and be deposited in a commercial account in the Bank of America in the name of "Tex Nakamura, Special Account". Later on about 1951 we authorized that the refunds be made in the names of Tex Nakamura and T. Kono and that these be deposited in a commercial account in the Bank of America in Los Angeles in the name of "Tex Nakamura and T. Kono, Trustee Account". We authorized this for the sake of convenience in the operation of our office inasmuch as no other committeemen were available during regular working hours to assist in the management of the office. Our Committee, however, has held them to a strict accountability and the Committee records have always been open to examination of the committeemen.

The refunds have been made by Mr. Collins to our Committee when and as requested by us by cashier checks or money orders and checks at periodic intervals and have been used by our Committee. No accounting of the disposition of the sums refunded or of any retained by us has been made to Mr. Collins by our Committee at any time whatever as this is no concern of his. However, our Committee has had his records relating to the trust fund audited each year since the creation of the fund as we always have had the right and duty to do.

The functions of our Committee always have been to assist the group of renunciants in every way possible, to keep track of their whereabouts, to collect and assemble evidence for them, to collect contributions to the litigation trust fund, to keep them informed concerning the cases, to assist them in filling out questionnaires, in translating into Japanese and English, to prepare their alien registrations under formal protest annually and generally to keep them fully informed of the progress of the group cases and their individual cases, etc.

Our Committee has been informed by Mr. Collins of the possibility that the Internal Revenue Service may make a contention that the trust funds were taxable to him in the years we transmitted the renunciant litigation trust funds to him. If any such question arises our Committee would like to be informed in advance so that we can take steps to engage a lawyer or lawyers to protect the rights of our Committee and the group of renunciants we represent and whose agent our Committee is as there is no doubt that the fund is a trust fund. Also we wish to let you know that our Committee is willing to cooperate with you inasmuch as you represent Mr. Collins in whom we always have had the utmost confidence.

We have authorized two of our members to make a final attempt in Japan and others in the United States to obtain from the remaining plaintiffs in the cases certain written information and documentary evidence to enable their cases to be processed administratively. Two of our committeemen will be actively engaged doing this work in Japan during the months of June and July of this year. One of them is Mr. Tetsujiro Nakamura who has been the office manager of our Committee. The other is Mr. Toraichi Kono. Those two are more familiar with the details of the activities of our Committee, perhaps, than the rest of us because of the fact they ran our office.

In the event that you are to have any conferences with agents of the Internal Revenue Service relating to the trust funds which would affect the rights of our Committee or of any of the renunciants involved in the cases we would like to be informed in advance so that our Committee may arrange to have one or more of our members present or a lawyer or lawyers to be selected by our Committee to be present to assert and protect such rights. Inasmuch as we prefer to have Mr. Nakamura and Mr. Kono present at any such conference to give a history of the creation of the trust fund and the purposes it serves and the terms of the trust agreement we would be grateful were you to see that any such conference does not take place before August of this year when both Mr. Nakamura and Mr. Kono are expected to return to the United States.

Very truly yours,

TULE LAKE DEFENSE COMMITTEE

By: _____

cc to W.M. Collins

COMMITTEE

T. AKUNE
A. HAYASHIDA
Y. HONDA
K. IKEDA
Y. KAKU
L. KATAOKA
J. KIMURA
Y. KIYOHRO
T. KONO
T. KOSUGI
M. MATSUMOTO
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T. NAKAMURA
I. NAMEKAWA
R. NARIMATSU
T. OBATAKE
H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
Los Angeles 12, California
Michigan 4728

September 10, 1957

COMMITTEE

M. SASAKI
Y. SHIBATA
I. SHIMIZU
R. SHIRAISHI
T. SHONO
K. TAKAHASHI
M. YEGO
H. TAKETAYA
H. TAKEUCHI
M. TOYOTA
G. TSUETAKE
H. UCHIDA
B. WATANABE
M. YAMAICHI
T. YAMAMOTO
M. UEDA
K. UYENO

Mr. Wayne M. Collins
Attorney at law
1300 Mills Tower
220 Bush Street
San Francisco 4, Calif.

Dear Mr. Collins:

Please refund to the committee the sum of \$3,500,
which will be utilized for the expenses of the committee
during the remainder of this year.

Very truly yours,

TULE LAKE DEFENSE COMMITTEE

By:

Nakamura

September 12, 1957

Tule Lake Defense Committee
124 South San Pedro Street
Room 215
Los Angeles 12, California

Gentlemen:

Enclosed find refund of \$3,500.00
requested by the committee's letter of
September 10, 1957.

Very truly yours,

WMC:fd

Enc.

COMMITTEE

T. AKUNE
A. HAYASHIDA
Y. HONDA
K. IKEDA
Y. KAKU
L. KATAOKA
J. KIMURA
Y. KIYOHRO
T. KONO
T. KOSUGI
M. MATSUMOTO
K. MATSUOKA
K. MORISHIGE
T. NAKAMURA
I. NAMEKAWA
R. NARIMATSU
T. OBATAKE
H. OKITA

TULE LAKE DEFENSE COMMITTEE

Room 215, 124 South San Pedro Street
Los Angeles 12, California
Michigan 4728

October 7, 1957

COMMITTEE

M. SASAKI
Y. SHIBATA
I. SHIMIZU
R. SHIRAISHI
T. SHONO
K. TAKAHASHI
M. YEGO
H. TAKETAYA
H. TAKEUCHI
M. TOYOTA
G. TSUETAKE
H. UCHIDA
B. WATANABE
M. YAMAICHI
T. YAMAMOTO
M. UEDA
K. UYENO

Mr. Wayne M. Collins
Attorney at law
1300 Mills Tower
220 Bush Street
San Francisco 4, Calif.

Dear Mr. Collins:

I do not find among the Committee files any financial report made by you to our Committee covering 1955. I recall that I audited your records relating to the renunciants litigation trust fund in your office in early 1956 as the Committee had decided that the cases had progressed so far toward completion that it would not have to maintain an office. My audit record shows that the trust fund at Jan. 1, 1955 and received during the year, including bank interest, amounted to \$202,041.48, and disbursements, including the fees to you and refunds to our Committee amounted to \$54,688.62 and that you had on hand at Dec. 31, 1955, a balance in your possession as trustee amounting to \$147,358.34.

It is my recollection that I informed you at the time I made the audit that it would not be necessary for you to send our Committee a report because I had the figures and would discuss them with the committeemen.

Very truly yours,

TULE LAKE DEFENSE COMMITTEE

BY: 

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

October 8, 1957

District Director of Internal Revenue
100 McAllister Street
San Francisco, California

Attention: Mr. Freedman, Supervisor,
and Mr. Hippler, Revenue Agent.

Gentlemen:

Enclosed find photostat copies of the
reports I made to the Tule Lake Defense Committee
which you requested Friday last.

Very truly yours,

10/8/57 - Enclsd reports, dated.

1. June 4, 1952 (R 1951)
2. March 19, 1953 (R 1952)
3. April 14, 1954 (R 1953)
4. March 18, 1955 (R 1954)
5. Letter from TLD dated 10/7/57 (R 1955 (year))
6. March 14, 1957 (R 1956)

Encl (enc No. 5) has an Affidavit dated
October 7, 1957. & reading as follows

COUNTY OF LOS ANGELES)

STATE OF CALIFORNIA (ss.

Tetsujiro Nakamura of Los Angeles, California, being
duly sworn, deposes and says:

I am one of the committeemen of the Tule Lake Defense
Committee and was in charge of the office of said Committee
in Los Angeles, California.

The attached document is a true and correct photostat
copy of the financial rreport dated (dates inserted in each
made to our ~~office~~ ~~office~~

Committee by ^{Wayne M. Collins}, attorney, San Francisco,
Calif., relating to the litigation trust funds of which
he was and is trustee in connection with the litigation of
class lawsuits, Abo v. Brownell, in the U.S. District Court
at San Francisco, Cons. Nos. 25294-5, the original of said
report being in the possession of our Committee.

Dated: October 7, 1957.

Sig. Tetsujiro Nakamura

Subscribed and sworn to before me
this 7th day of October, 1957.

Saburo Yoshimi

Notary Public in and for the County
of Los Angeles, State of California.

Seal.

October 8, 1957

Tule Lake Defense Committee
124 South San Pedro Street
Room 215
Los Angeles 12, California

Gentlemen:

I received the photostat copies of the financial reports I made to your committee on June 4, 1952, March 19, 1953, April 14, 1954, March 18, 1955 and March 14, 1957, each accompanied by an affidavit relating thereto, and your letter of October 7, 1957 relating to the trust funds covering the year 1955 which I am forwarding to the Internal Revenue Service.

Inasmuch as I do not have a photostat copy of the report I made to your committee dated March 14, 1957 *for my own records* I would be grateful if you would forward a photostat copy of that report to me accompanied by a similar affidavit.

Very truly yours,

WMC:fd