3:16 PRINTED & FORM LETTERS 1956

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ALIEN REGISTRATION LETTER
Letter dated Jan. 11, 1956

Sent to all ACTIVE PAID renun. in U.S.

Mailed: Jan. 11, 1956.

WAYNE M. COLLINS
Attorney-at-Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone: GArfield 1-1218

January 11, 1956

Dear Plaintiff-Renunciant:

The alien registration law (Immigration and Nationality Act of 1952, also called the Walter-McCarran Act) requires every alien in the United States to notify the Attorney General of the United States in writing, within 30 days from January 1, 1956, that is to say on or before January 31, 1956, and within the same period of time in each succeeding year, of his current address and also to supply him with such additional information as he may require. This notification is to be made on Form I-53, which is captioned "1956 Address Report Card".

For your own protection, because your citizenship status still is in doubt, you must give him such a notice. You should obtain the form from the nearest Post Office, fill it out and deliver it to the postal authorities. You cannot mail this notice. You are required to deliver it or to have it delivered to the postal authorities on or before January 31, 1956. (On that form you can mark an "X" as your answer to item (7) which asks if you are in the U. S. as a "Permanent Resident" and, in answer to item (10) concerning your citizenship you should print or type the answer "I claim to be a U. S. citizen".)

Further, you must notify the Attorney General, in writing, of each change of address you thereafter may have within ten (10) days after you change your address. You can obtain the notification "Alien's Change of Address", Form AR-11, from the Post Office nearest you and then fill it out, date and sign it, place a postage stamp on it and mail it to the Department of Justice, Immigration and Naturalization Service, 19th and East Capitol Streets, NE, Washington 25, D. C., to which it is addressed. That will constitute notice to the Attorney General who is head of the Department of Justice and also of the Immigration Service of any change in your address.

If you sent affidavit forms to me for administrative processing through the Justice Department they are either being held for review and revision in my office or they are being processed by the Justice Department. If they still are in my office you soon will be notified by me of any revisions I suggest be made. If they have been sent on to the Justice Department I will notify you as soon as its decision as to you is made. If you have not sent to me a sample affidavit and the questionnaire forms which I requested you to fill out, you should do so immediately if you still are interested in trying to recover your citizenship.

Very truly yours,

Wayne M. Collins

Wayne M. Collins

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone GArfield 1-5827

U.S. & Japan Supplemental Ltr.
Printing date: 3-26-56
Enc. ques and ltr.

File Copy

Dear

The Justice Department has informed me by letter that it desires additional information from you amplifying certain answers you gave in the Affidavits which you sent to me and which were forwarded to that Department for processing. The letter from that Department states, as follows:

I suggest that you type or write out on separate sheets of paper your proposed answers to the precise questions the Justice Department wishes you to answer. You should answer the questions specifically and more fully than on the Affidavits you sent to me. (You have a copy of the Affidavits in your possession for reference purposes.) Full and complete explanations will help you and will not cause anyone else any harm even if you give the names of persons, whether a parent, spouse, family member or strangers, who exerted pressure on you or threatened you or caused you to have fears.

When you have typed or written out your proposed answers to the questions you should send them to me to examine. If the answers appear to me to be satisfactory I shall let you know. Then the answers can be put into final form in "Supplemental Affidavits" which then can be sworn to and be sent to me for forwarding to the Department of Justice for processing. The sooner you do this the sooner your case will be processed by that Department.

Very truly yours,

Mimeo. ltr. enclosing
Certified Copy of Judgment
Order.

WAYNE M. COLLINS
Attorney at Law
1701 Mills Tower
220 Bush Street
San Francisco 4, California

Revised: March 21, 1956

Telephone GArfield 1-1218

Enclosed find a certified copy of the "Final Order, Judgment And Decree" in mass equity suit entitled Abo, et al., etc., v. Brownell, etc., et al., Consolidated Number 25294, in the U.S. District Court for the Northern District of California, Southern Division, which forever cancels your renunciation and declares you to be a native born citizen of the United States.

The original judgment of the district court was in your favor. The defendants appealed and the Court of Appeals for the Ninth Circuit ordered the case re-opened as to you and certain other plaintiffs. My appeal to the U.S. Supreme Court to review and affirm the district court's decision as to you was denied on October 8, 1951. Thereafter, pursuant to an agreement I entered into with lawyers for the Justice Department, an administrative procedure was agreed upon which provided that in the event you were successful therein a final judgment as to you could be entered in your favor in the U.S. District Court. Inasmuch as you were successful in the administrative procedure the lawyers for the Justice Department and defendants, pursuant to the said agreement, stipulated that a final judgment be entered in court in your favor.

The entry of this conclusive judgment brings to an end the litigation I commenced on your behalf to cancel your renunciation and to have you declared to be a native born citizen of the United States. The judgment cancels your renunciation from the beginning. This means your renunciation was void from the time it was made and, in consequence, you always have been and still are a U.S. citizen.

The conclusive judgment is against the Attorney General of the United States, the U.S. Attorney for the Northern District of California, the Commissioner of Immigration, and the District Director of the U.S. Immigration and Naturalization Service for the Northern District of California.

You now are free to exercise and enjoy all the rights, privileges and immunities of United States citizenship. You now may register as a voter and vote at elections. You can purchase and lease land and buildings, hold public office, obtain civil service positions and public employment on the same basis as any other citizen. You now can obtain licenses on the same basis and at the same rates as other citizens. You now can obtain a U.S. passport to travel abroad and to re-enter the United States without filling out the special affidavit form which is required of renunciants whose status has not yet been completely determined. In States where old age pension laws provide pensions only for citizens you will, in course of time, become eligible for such old age pensions because you are a citizen of the United States. You can be taxed only on the same basis as other citizens. You cannot be classed or treated as an alien. You cannot be required to register as an alien or to apply for an alien registration card.

If you are in Japan you can apply to the nearest U.S. Consul for a U.S. passport. There you can use the enclosed certified copy of the conclusive judgment in your favor to prove your renunciation has been cancelled and that you are a native-born citizen of the United States.

If your spouse (wife or husband) is an alien or is a renunciant in Japan who has not recovered or does not recover U.S. citizenship such spouse, nevertheless, is eligible to enter the U.S. for permanent residence purposes on a "nonquota immigrant visa" which can be obtained from the nearest U.S. Consul in Japan.

If you are in Japan you should take care that you do not commit any act of expatriation whereby you might lose your U.S. citizenship. Section 349 of the U.S. Immigration & Nationality Act of 1952, (Title 8 U.S. Code, Section 1481) as amended, specifies that a U.S. citizen loses U.S. nationality by any of the following acts, viz: (1) obtaining naturalization in a foreign country; (2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; (3) entering or serving in the armed forces of a foreign state unless first authorized in writing by the U.S. Secretary of State; (4) accepting, serving in, or performing any of the duties of any office, post or employment under the government of a foreign state if he has or acquires the nationality of such foreign state or if such office, post or employment requires an oath, affirmation or declaration of allegiance to such state; (5) voting in a political election in a foreign state; (6) making a formal renunciation of U.S. nationality before a U.S. diplomatic or consular officer in a foreign state; (7) making a formal written renunciation of U.S. nationality in the U.S. during time of war in such form as may be prescribed by the U.S. Attorney General; (8) deserting the armed forces of the U.S. in time of war if convicted thereof by a court martial and is dismissed from such service; (9) committing any act of treason against the U.S. or attempting by force to overthrow or bear arms against the U.S. if and when convicted thereof by a court martial or by a court of competent jurisdiction and (10) departing from or remaining outside the U.S. in time of war or national emergency for the purpose of evading or avoiding training or service in the armed forces of the U.S.

For your information you are deemed to be a dual citizen (i.e. a citizen of both Japan and the U.S.) if you were born in the U.S. before Dec. 1, 1924, and you never thereafter renounced Japanese nationality. You are also deemed to be a dual citizen if you were born in the U.S. since Dec. 1, 1924, if your name was registered with a Japanese Consulate within 14 days of your birth for the purpose of giving or reserving Japanese nationality for you.

Therefore, if you are a dual citizen and you now are in the U.S. I suggest that you communicate with the office of the Japanese Consulate nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are a dual citizen and you now are in Japan I suggest that you communicate with the Japanese Foreign Office in Tokyo or one of its regional offices in the Prefectural Office Building nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are in Japan I wish to advise you against having your name registered in a family Koseki and against doing anything else that might cause you to lose your U.S. citizenship or to raise a question as to your U.S. citizenship.

Further, if you are a dual citizen and you are in Japan and while there you have voluntarily sought or claimed benefits of Japanese nationality you will lose your U.S. citizenship unless before December 24, 1955, you take an oath of allegiance to the U.S. before a U.S. diplomatic or consular officer and also have your residence in the United States. Section 350 of the U.S. Immigration and Nationality Act of 1952 (McCarran Act), (Title 8 U.S. Code Section 1482), provides that:

> A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter having a continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of 22 years unless he shall -
>
> (1) prior to the expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Secretary of State; and (2) has given up his residence in Japan and resides in the U.S. (There are certain exemptions as to this residence requirement about which you should immediately make inquiry to the nearest U.S. Consul in Japan.)

I do not know precisely just what benefits of Japanese nationality that Act refers to which, if voluntarily sought or claimed by a dual national while in Japan, would deprive him of U.S. citizenship if he does not take the oath of allegiance to the U.S. and does not reside in the U.S. before December 24, 1955. However, it is likely that it means such acts as (1) having applied for or received a Japanese passport; (2) having voted in a political election in Japan; (3) having applied for or registered in a family Koseki in Japan; (4) having applied for or obtained a license, franchise, privilege or immunity in Japan which is reserved for Japanese citizens or having in Japan claimed or received exemption from taxes on foreigners or foreigner's property on the ground that he was a Japanese citizen or (5) having applied for or received benefits provided by Japan for Japanese citizens only. In any event, if you are a dual citizen by birth and you are in Japan and intend to remain or be there on and after December 24, 1955, you should immediately consult the nearest U.S. Consul in Japan for information and advice as to what steps you must take to prevent you from losing U.S. citizenship under this law.

You are aware that the Japanese American Citizens League, A. L. Wirin, Fred Okrand and Frank Chuman, attorneys practicing in Los Angeles, the newspaper "Pacific Citizen," Roger Baldwin, the American Civil Liberties Union of New York and its branch office in Los Angeles were unfriendly to renunciants from the very beginning of the renunciation program and did much to endanger and injure the mass lawsuits and thereby occasioned a large number of renunciants a great deal of harm.

The organization which was friendly to the renunciants and tried to help them was the American Civil Liberties Union of Northern California of which Ernest Besig is director. Its office is situated at 503 Market Street, San Francisco, California. This organization steadily gave favorable publicity to the cause of the renunciants and gave the mass lawsuits its moral support. If you wish to show your appreciation for what it did you can become one of its members or a subscriber to its publication.

All the renunciants owe a debt of gratitude to the Tule Lake Defense Committee and its members Tetsujiro Nakamura, Toraichi Kono, Harry T. Takeuchi, Hiroyuki Taketaya, Roger Narimatsu, Harry Uchida, Masaru Yamaichi, Arata Hayashida, Yas Honda, Sam Shigeyuki Iseri, Ben Watanabe, Takeo Yamamoto, Mike Yego and the other hard-working members of the Committee. If it had not been for the complete devotion and splendid work of the Committee your case probably could not have been brought to a successful conclusion.

You need not be ashamed of the fact that you once renounced citizenship. You did so because the government took advantage of you while it held you in duress and deprived you of practically all the rights of citizenship. You had no opportunity to make a free choice in the matter. Inasmuch as your renunciation is declared by the conclusive judgment to have been void you do not have to reveal to anyone that you once renounced citizenship. The records of your voided renunciation in possession of the Attorney General of the U.S. are not open to public inspection. My records are confidential and are not subject to examination. The only other records of your renunciation are those of the Court and consist chiefly of pleadings.

I am delighted that this litigation has terminated successfully for you. It is my hope that finally all those still in the mass suits likewise may have their renunciations cancelled by court judgment and their citizenship recovered.

You should keep the enclosed certified copy of the conclusive judgment in your favor as a memento of the ordeal you have undergone and also as a document which demonstrates that you are a citizen of the United States.

Very truly yours,

Wayne M. Collins

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

Telephone GArfield 1-5827

U.S. Reject Ltr.
Printing date:
3-26-56
Enc. ques. & ltr.

File Copy

Dear

On _____, the Department of Justice rejected your affidavits and denied you administrative clearance because it reached a conclusion that your renunciation of U.S. citizenship was not caused by fear, coercion or duress. It states that the reasons for its refusal to give you administrative clearance are as follows:

Inasmuch as the Justice Department refuses to clear you administratively your individual case can be scheduled for a court trial after the processing of the affidavits of other renunciants in the mass class equity suits has been completed. It will take several months before this processing will be finished. I shall let you know when your case can be scheduled for a court trial. In the meantime please wait patiently until you receive the next letter from me.

Very truly yours,

Japan Reject Ltr.
Printing date: March 26,'56
Enc. ques. and mimeo. ltr.
re ques. if there is none
in the file.

File copy

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California
Telephone GArfield 1-5827

Dear

On _____, the Department of Justice rejected your affidavits and denied your administrative clearance because it reached a conclusion that your renunciation of U.S. citizenship was not caused by fear, coercion or duress. It states that the reasons for its refusal to give you administrative clearance are as follows:

As soon as the processing of the affidavits of other renunciants in the cases has been completed your individual case can be scheduled for an individual court trial in the U.S. District Court in San Francisco and, if you consent to have such a trial, a statement from the Clerk of the Court showing the approximate time of your trial will be sent to you to present to the U.S. Consul in Japan to enable you to return to the U.S. on a "Certificate of Identity" for your trial.

Therefore, please wait patiently until you receive the next letter from me.

Very truly yours,

P.S. If your wife (or husband) or your father (or mother) is or becomes a U.S. citizen (or is a renunciant whose U.S. citizenship has been or becomes restored or who obtains a U.S. passport) your citizen wife (or husband) or citizen father (or mother) can make an application to a U.S. Consul in Japan or to the U.S. Immigration Service in the U.S. to allow you to enter the U.S. for permanent residence purposes as an alien on a "nonquota immigrant visa". If you obtain such a "nonquota immigrant visa" and return to the U.S. as an alien for permanent residence purposes you would, in due course of time, become eligible for naturalization as a U.S. citizen. If such a visa is to issue to you from a U.S. Consul in Japan it is likely the Consul will inform you that you must withdraw from the mass class equity suits before it is delivered to you and ask you to obtain a copy of a dismissal order from me before the "nonquota immigration visa"will be delivered to you.

Japan Renunciants
Form 1 who voted

May 4, 1956

VIA AIR MAIL

Mrs. Hatsuyo Fujioka
Aza Nagata, Mukaihara-Machi,
Takata Gun, Hiroshima Ken, Japan

Dear Mrs. Fujioka:

Inasmuch as you voted in a political election in Japan it is essential that you air mail the enclosed affidavit back to me so that it can be processed immediately by the Justice Department. Otherwise, the government may treat your voting in a political election as being an independent act of expatriation which may cost you your recovery of U.S. citizenship.

If the Justice Department clears you administratively, you will be able to be renaturalized by taking an oath of allegiance before a U.S. Consul in Japan. Therefore, I would thank you to air mail your affidavit back to me as soon as it has been signed and sworn to before a U.S. Consul.

A copy of the affidavit which you should keep in your possession for future reference is being mailed to you via regular mail.

Very truly yours,

Enc.

* *

FORM : (For copy of affidavit sent by regular mail)

Enclosed herewith please find your copy of the affidavit form, which you should keep for future reference. the origina of which was sent via air mail,

Form letter for relatives of renunciants on Final Judgment inquiring re delay of issuance of passport.

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

TELEPHONE GARFIELD 1-5827

May 4, 1956

Miss Nobuko Naito
1226 West 36th Place
Los Angeles 7, California

Dear Miss Naito:

In re: Shinobu Jennie Naito

Inasmuch as the U.S. Consul at Yokohama has only recently been informed that your mother's citizenship has been restored, you and your mother should be patient for a reasonable period of time in order for his office to issue to her a U.S. passport showing that she is a U.S. citizen.

Your mother should present to the U.S. Consul the carbon copy of the transmittal letter of the Justice Department to the Passport Division of the State Department which I forwarded to her and in addition thereto, she may present to that office the certified copy of the judgment which I also forwarded to her which cancels her renunciation and declares her to be a U.S. citizen. Your mother might also request the Consul to communicate via air mail with the Passport Division of the State Department to verify the fact that she has obtained administrative clearance and that a judgment was entered on January 13, 1956 in her favor in the U.S. District Court at San Francisco.

However, you must realize that the Passport Office probably is overwhelmed with passport applications during spring, and this may be one of the reasons for the delay of the Passport Division office to notify the U.S. Consul at Yokohama.

Very truly yours,

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AIR LETTER sent to all Japan Actives (325) re July20, 1956 deadline for taking oath of allegiance and renaturalization under Public Law 515.

WAYNE M. COLLINS
Attorney at Law
1300 MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE: GARFIELD 1-5827

Mailed: July 11, 1956

July 11, 1956

Inasmuch as the Justice Department has not yet completed its investigation into your renunciation record and has not yet given you administrative clearance or yet denied you such clearance your U.S. citizenship status still is in doubt. You will be informed by me what decision it finally makes in your case.

In 1954, Congress passed Public Law 515, approved July 20, 1954, authorizing U.S. citizens who voted in Japanese political elections between September 2, 1945, and April 27, 1952, and who lost U.S. citizenship thereby, to be re-naturalized as U.S. citizens provided that before July 20, 1956, they applied to a U.S. Consul for re-naturalization as U.S. citizens under said law and took the oath of allegiance to the U.S. prescribed by that law.

If you voted in a political election in Japan at any time between September 2, 1945, and April 27, 1952, it may be asserted by the U.S. Government that such voting also deprived you of U.S. citizenship unless you can prove to the satisfaction of the State Department, or one of the U.S. Consuls in Japan, or of a U.S. District Court that your act of voting before the Peace Treaty was not voting in a foreign political election or that your voting was caused by duress or coercion.

Therefore, if you did vote in a political election in Japan between September 2, 1945, and April 27, 1952, you should take the following steps immediately to protect your right to be re-naturalized as a U.S. citizen in the event your renunciation of U.S. citizenship finally is set aside through obtaining administrative clearance from the Justice Department or finally is set aside by an order of the U.S. District Court. You should go to the nearest U.S. Consul in Japan before July 20, 1956, and apply to be re-naturalized as a U.S. citizen under Public Law 515, approved July 20, 1954, and to take the oath of allegiance to the U.S. prescribed by that law. Inasmuch as the U.S. Consul will refuse to re-naturalize you because you have not yet had administrative clearance from the Justice Department on your renunciation and no final court ruling has been made cancelling your renunciation of U.S. citizenship you must make both the demand for re-naturalization and a demand that the oath of allegiance to the U.S. be administered to you before July 20, 1956, in writing. You can make the demand on an application form submitted to you by the U.S. Consul or you can deliver to him before July 20, 1956, a written demand and offer for re-naturalization in the form of a written letter which you should prepare, sign and deliver to him before July 20, 1956. The letter should be in the following words and form:

"Date: July ....., 1956.

To preserve my rights I hereby apply for re-naturalization as a U.S. citizen under the provisions of Public Law 515 which was approved by Congress July 20, 1954.

I hereby offer to take the oath of allegiance to the United States, as prescribed by said Public Law 515.

I demand that the said oath of allegiance to the United States be administered to me before July 20, 1956, when said Public Law expires, and that I be re-naturalized as a U.S. citizen before said July 20, 1956.

Signed: Name:.....

Address:.....

.....,"

You should keep a copy of said written notice for your own records and also send me a copy of said notice so you will have evidence that you applied for re-naturalization and offered to take the oath of allegiance and that the U.S. Consul rejected you.

Very truly yours,

Wayne M. Collins

WAYNE M. COLLINS,

Mills Tower,

San Francisco, Cal., U.S.A.

AIR LETTER
AÉROGRAMME

VIA AIR MAIL
PAR AVION

NO TAPE OR STICKER MAY BE ATTACHED

IF ANYTHING IS ENCLOSED, THIS LETTER
WILL BE SENT BY ORDINARY MAIL

FIRST FOLD

SECOND FOLD

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

TELEPHONE GARFIELD 1-5827

December 31, 1956

Mr. Yoshikiyo Yamamoto
1705 Mentone Avenue
Pasadena 3, California

Dear Mr. Yamamoto:

If you will forward to me your remittance in the sum of $200.00 covering the balance of your share of your contribution fixed by the Tule Lake Defense Committee, a certified copy of the Judgment cancelling your renunciation and restoring your citizenship will be forwarded to you.

Very truly yours,

Use Revised Form 1958

Office copy
Re: Cancellation of Koseki and their judgment

September 6, 1956

Miss Francis Fusako Uyeda
1167 Aza Takeura
Funakoshi Machi, Aza Takeura
Hiroshima Ken, Japan

Dear Miss Uyeda:

You have been successful in the administrative remedy pursued in your case. The Justice Department has reached the conclusion that you personally renounced your U.S. citizenship because of fear, coercion and duress.

However, because your name was registered in the Koseki the Justice Department is of the opinion that the registration may have been an election on your part to become a Japanese citizen and, if so, that you thereby lost your U.S. citizenship. Therefore, the Justice Department and the State Department have decided that the question whether or not a person in Japan effectively has recovered Japanese nationality by an act such as the registration of his name in the Koseki must be determined by a competent tribunal of the Japanese Government according to the laws of Japan before a U.S. passport can be issued to such a person or a judgment be entered in his favor cancelling his renunciation of U.S. citizenship.

I am enclosing a copy of the transmittal letter of the Justice Department to the State Department dated July 2, 1956, which you must keep in your possession and present to a U.S. Consul in Japan when you apply for your U.S. passport. Before you apply for that passport the State Department will require you to present to the U.S. Consul in Japan a certified copy of the decision of a competent tribunal of Japan stating or showing that the alleged recovery of Japanese nationality by registration in the Koseki was invalid. To obtain such a decision you should immediately consult a Japanese lawyer and notify me by letter of what steps, if any, you intend to take to obtain such a decision.

In the meantime I would thank you to write to me and state to me the facts relating to the registration of your name in the Koseki.

1. When was your name registered in the Koseki?

2. In what city, town or village was it registered?

3. In whose family Koseki was it registered?

4. Who had it registered?

5. In what office was it registered?

6. Did you personally sign any request or application to have your name registered?

7. Did you make a written application to the Attorney General of Japan to become naturalized as a citizen of Japan?

8. If so, when and where was it made?

9. Did the Attorney General of Japan approve such application?

10. If so, when?

The reasons for the above questions are that it is my understanding that a person who was born in the U.S. before December 1, 1924, and thereafter renounced Japanese nationality thereupon became solely a U.S. citizen, and no longer possessed dual nationality. It is my understanding that such a person thereafter could not become a Japanese citizen unless he first applied in writing to the Japanese Attorney General to become a naturalized citizen of Japan and secured written approval from him and that the only way he thereafter could become registered in a Koseki would be by first presenting written evidence to the Koseki registration office that he was a naturalized citizen of Japan.

If a member of your family registered you in your family Koseki after you returned to Japan I believe that a Japanese court will set aside the registration on the grounds that you personally had not registered your name. However, if you personally registered your name and it was for the purpose of obtaining your ration and dependency allowance for your family because of the conditions then existing in Japan, I believe the registration was done under duress, coercion or fear and without the intent of becoming thereby a Japanese citizen and that in consequence a Japanese court would be willing to set it aside by court order. It is essential therefore that you consult a Japanese lawyer immediately and have him take the necessary action to set aside the registration on the grounds that it was an involuntary act and not of your free choice but by reason of coercive circumstances.

Very truly yours,

Enc.

Mimeo. ltr. enclosing
Certified Copy of
Judgment Order.

Revised: December, 1956

WAYNE M. COLLINS
Attorney at Law
Mills Tower
220 Bush Street
San Francisco 4, California

Enclosed find a certified copy of the "Final Order, Judgment And Decree" in mass equity suit entitled Abo, et al., etc., v. Brownell, etc., et al., Consolidated Number 25294, in the U.S. District Court for the Northern District of California, Southern Division, which forever cancels your renunciation and declares you to be a native born citizen of the United States.

The original judgment of the district court was in your favor. The defendants appealed and the Court of Appeals for the Ninth Circuit ordered the case re-opened as to you and certain other plaintiffs. My appeal to the U.S. Supreme Court to review and affirm the district court's decision as to you was denied on October 8, 1951. Thereafter, pursuant to an agreement I entered into with lawyers for the Justice Department, an administrative procedure was agreed upon which provided that in the event you were successful therein a final judgment as to you could be entered in your favor in the U.S. District Court. Inasmuch as you were successful in the administrative procedure the lawyers for the Justice Department and defendants, pursuant to the said agreement, stipulated that a final judgment be entered in court in your favor.

The entry of this conclusive judgment brings to an end the litigation I commenced on your behalf to cancel your renunciation and to have you declared to be a native born citizen of the United States. The judgment cancels your renunciation from the beginning. This means your renunciation was void from the time it was made and, in consequence, you always have been and still are a U.S. citizen.

The conclusive judgment is against the Attorney General of the United States, the U.S. Attorney for the Northern District of California, the Commissioner of Immigration, and the District Director of the U.S. Immigration and Naturalization Service for the Northern District of California.

You now are free to exercise and enjoy all the rights, privileges and immunities of United States citizenship. You now may register as a voter and vote at elections. You can purchase and lease land and buildings, hold public office, obtain civil service positions and public employment on the same basis as any other citizen. You now can obtain licenses on the same basis and at the same rates as other citizens. You now can obtain a U.S. passport to travel abroad and to re-enter the United States without filling out the special affidavit form which is required of renunciants whose status has not yet been completely determined. In States where old age pension laws provide pensions only for citizens you will, in course of time, become eligible for such old age pensions because you are a citizen of the United States. You can be taxed only on the same basis as other citizens. You cannot be classed or treated as an alien. You cannot be required to register as an alien or to apply for an alien registration card.

If you are in Japan you can apply to the nearest U.S. Consul for a U.S. passport. There you can use the enclosed certified copy of the conclusive judgment in your favor to prove your renunciation has been cancelled and that you are a native-born citizen of the United States.

If your spouse (wife or husband) is an alien or is a renunciant in Japan who has not recovered or does not recover U.S. citizenship such spouse, nevertheless, is eligible to enter the U.S. for permanent residence purposes on a "nonquota immigrant visa", which can be obtained from the nearest U.S. Consul in Japan, and after returning to the U.S. will become eligible for naturalization as a U.S. citizen in due course of time.

If you are in Japan you should take care that you do not commit any act of expatriation whereby you might lose your U.S. citizenship. Section 349 of the U.S. Immigration & Nationality Act of 1952, (Title 8 U.S. Code, Section 1481) as amended, specifies that a U.S. citizen loses U.S. nationality by any of the following acts, viz: (1) obtaining naturalization in a foreign country; (2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; (3) entering or serving in the armed forces of a foreign state unless first authorized in writing by the U.S. Secretary of State; (4) accepting, serving in, or performing any of the duties of any office, post or employment under the government of a foreign state if he has or acquires the nationality of such foreign state or if such office, post or employment requires an oath, affirmation or declaration of allegiance to such state; (5) voting in a political election in a foreign state; (6) making a formal renunciation of U.S. nationality before a U.S. diplomatic or consular officer in a foreign state; (7) making a formal written renunciation of U.S. nationality in the U.S. during time of war in such form as may be prescribed by the U.S. Attorney General; (8) deserting the armed forces of the U.S. in time of war if convicted thereof by a court martial and is dismissed from such service; (9) committing any act of treason against the U.S. or attempting by force to overthrow or bear arms against the U.S. if and when convicted thereof by a court martial or by a court of competent jurisdiction and (10) departing from or remaining outside the U.S. in time of war or national emergency for the purpose of evading or avoiding training or service in the armed forces of the U.S.

For your information you are deemed to be a dual citizen (i.e. a citizen of both Japan and the U.S.) if you were born in the U.S. before Dec. 1, 1924, and you never thereafter renounced Japanese nationality. You are also deemed to be a dual citizen if you were born in the U.S. since Dec. 1, 1924, if your name was registered with a Japanese Consulate within 14 days of your birth for the purpose of giving or reserving Japanese nationality for you.

Therefore, if you are a dual citizen and you now are in the U.S. I suggest that you communicate with the office of the Japanese Consulate nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are a dual citizen and you now are in Japan I suggest that you communicate with the Japanese Foreign Office in Tokyo or one of its regional offices in the Prefectural Office Building nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are in Japan I wish to advise you against having your name registered in a family Koseki and against doing anything else that might cause you to lose your U.S. citizenship or to raise a question as to your U.S. citizenship.

Further, if you are a dual citizen and you are in Japan and while there you voluntarily seek or claim benefits of Japanese nationality you will lose your U.S. Citizenship unless you take an oath of allegiance to the U.S. before a U.S. diplomatic or consular officer and also have your residence in the United States, within the 3 year period prescribed by Section 350 of the U.S. Immigration and Nationality Act of 1952 (McCarran Act), (Title 8 U.S. Code Section 1482), which provides that:

A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter (after Dec. 24, 1952) having a continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of 22 years unless he shall -

(1) prior to the expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Secretary of State; and (2) has given up his residence in Japan and resides in the U.S. (There are certain exemptions as to this residence requirement about which you may make inquiry to the nearest U.S. Consul in Japan.)

I do not know precisely just what benefits of Japanese nationality that Act refers to which, if voluntarily sought or claimed by a dual national while in Japan, would deprive him of U.S. citizenship if he does not take the oath of allegiance to the U.S. and does not reside in the U.S. before the 3 year period expires. Therefore, if you are in Japan and if you are considered to be a dual citizen you must not voluntarily seek or claim any benefits of Japanese nationality in the future. This means you must not take or perform any affirmative act whatsoever in Japan with the intent or purpose of obtaining, enjoying or fulfilling some right, privilege, immunity, advantage or profit of a Japanese citizen. For example, you must not apply for a Japanese passport or identity card or register as a Japanese national or hold real property (land or buildings) in a zone where only Japanese citizens are authorized to hold such property; you must not seek a scholarship available only to Japanese citizens; you must not register in a family Koseki or do anything to obtain a benefit reserved for Japanese citizens; and you must not claim exemption from taxes on foreigners or foreigners property in Japan on the ground that you are a Japanese citizen. If you are a dual citizen and do any such voluntary act in the future you thereby may lose U.S. citizenship. In any event, if you are a dual citizen by birth and you are in Japan and intend to remain there for a period of time you should consult the nearest U.S. Consul in Japan for information and advice as to what steps you must take to avoid losing U.S. citizenship under this law.

The only organization which was friendly to the renunciants and tried to help them was the American Civil Liberties Union of Northern California of which Ernest Besig is director. Its office is situated at 503 Market Street, San Francisco, California. This organization steadily gave favorable publicity to the cause of the renunciants and gave the mass lawsuits its moral support. If you wish to show your appreciation for what it did you can become one of its members or a subscriber to its publication.

All the renunciants owe a debt of gratitude to your Tule Lake Defense Committe and its members Harry Uchida, Tetsujiro Nakamura, George Tsuetaki, Eddie Masuoka, Hiroyuki Taketaya, Harry T. Takeuchi, Yas Honda, Yoshiro Kaku, Toraichi Kono, Roger Narimatsu, Masaru Yamaichi, Sam Iseri, Ben Watanabe, Roy Shiraishi, Takeo Yamamoto, Arata Hayashida and other hard-working members of the Committee. If it had not been for the complete devotion and splendid work of your Committee your case probably could not have been brought to a successful conclusion. It was your Committee that fixed the amount of individual contributions and raised and sustained the common defense fund of the renunciants and transmitted the funds to me in trust to defray all the costs and expenses necessitated such as stenographers, postage, printing, stationery and travel expenses and legal fees to me for my services. It was your

Committee that made it possible for the cases to be prosecuted in the District Court, to defend against the appeals to the Circuit Court, to appeal to the Supreme Court, for everyone to take advantage of the administrative remedy that is resulting in the cancellation of so many renunciations and to make some provision for individual court hearings to bring the remaining causes to conclusion.

You need not be ashamed of the fact that you once renounced citizenship. You did so because the government took advantage of you while it held you in duress and deprived you of practically all the rights of citizenship. You had no opportunity to make a free choice in the matter. Inasmuch as your renunciation is declared by the conclusive judgment to have been void you do not have to reveal to anyone that you once renounced citizenship. The records of your voided renunciation in possession of the Attorney General of the U.S. are not open to public inspection. My records are confidential and are not subject to examination. The only other records of your renunciation are those of the Court and consist chiefly of pleadings.

I am delighted that this litigation has terminated successfully for you. It is my hope that finally all those still in the mass suits likewise may have their renunciations cancelled by court judgment and their citizenship recovered.

You should keep the enclosed certified copy of the conclusive judgment in your favor as a memento of the ordeal you have undergone and also as a document which demonstrates that you are a citizen of the United States.

Very truly yours,

Wayne M. Collins

P.S. An alien child of a U.S. citizen also is entitled to enter the United States for permanent residence purposes on a "nonquota immigrant visa" which can be applied for at the nearest U.S. Consul's office in Japan or the U.S. Immigration Service office in the U.S. and, after coming to the U.S. and residing here for the required period of time, becomes eligible to apply for naturalization as a U.S. citizen.

Form letter to U.S. and
Japan Supplementals
Mailed: Dec. 13 and 14, 1956
35 in U.S.
7 in Japan (air letter)

Cards were not marked

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

TELEPHONE GARFIELD 1-1218

December 13, 1956

On _____, I wrote and notified you that the Justice Department had informed me that it required additional information from you before it could decide whether or not it would grant you administrative clearance which would make it possible for you to recover your U.S. citizenship.

If you will write out and send to me the answers to the questions the Justice Department has asked for and also fill out the questionnaire form I sent to you and return it to me promptly I will prepare another affidavit for you and have it submitted to the Justice Department for its decision.

It is important that you do this immediately as you have an excellent chance to obtain administrative clearance and recover your U.S. citizenship.

Very truly yours,

WMC:k