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No. 25294-S

order ABO v. CLARK

Nov. 13, 1945

draft Exhibit + notes

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Pres. Truman

*San Francisco, Calif.
January, 1945*

1 HONORABLE TOM CLARK,
2 Attorney General of the U.S.,
3 Department of Justice Building,
4 Washington, D.C.

5 Dear Sir:

6 *Herewith referred to as the renunciants for the sake of clarity,*
7 list, at all times herein mentioned has been and now is interned
8 in the Tule Lake Segregation Center situated in the vicinity of
9 Newell, Modoc County, California. Ostensibly each of said persons
10 there is confined as an asserted renunciant of United States
11 nationality. Under a claim of color of authority under the Alien
12 Enemy Act, 50 U.S.Code, sec. 21 et seq., each of them is classed,
13 treated and detained as an alien enemy in said prison, concen-
14 tration or internment camp by you or under your authority. The
15 reason for this continued and oppressive imprisonment of said
16 persons appears to be that at a perfunctory appearance before a
17 government official, representative or hearing officer, presumably
18 designated as such by the then Attorney General of the United
19 States, each of the said persons, in the early part of 1945,
20 signed an application for renunciation of United States nationality
21 on a form prescribed and supplied by the Department of Justice.

22 The signing of said renunciation forms was neither a ~~real~~,
23 free nor voluntary one on the part of any of the said persons but was
24 obtained through duress, menace, fraud, undue influence and mistake
25 of fact and law and through the means of each of said things, *all as*
26 *your briefcase has been informed by each of said persons recent letter to you regarding such renunciants.*
27 Each of the said persons has received a letter from a
28 representative of your Department which contains a notice stating,
29 in substance, that said renunciation has been approved by the
30 Attorney General as not contrary to the interests of national
31 defense and that the signer of said renunciation form no longer
32 is a citizen of the United States and is not entitled to any of
the rights and privileges of such citizenship. Each of such letters,
however, fails to specify the date when, if ever, the Attorney

1 General himself approved the renunciation and also fails to state
2 that an order, at any specified time or ever, actually was issued
3 by him approving the renunciation as not contrary to the interests
4 of national defense.

5 The theory offered in justification of such internment,
6 if I am correctly informed, is that an approved renunciation,
7 provided it was executed ^{and approved} during time of war and possessed the
8 attributes of constitutionality and legality, automatically
9 converted the renunciant into an alien enemy and thereupon con-
10 demned him to internment as an alien enemy under the provisions
11 of the Alien Enemy Act. The theory is novel ^{and unprecedented} to say the least. The
12 most that can be said of such a renunciation is that a shedding
13 of U.S. citizenship does not clothe the renunciant with foreign
14 citizenship but leaves him stateless. Such a person, nevertheless,
15 ^{is an inhabitant of this country and} is entitled to the protection of constitutional safeguards. There
16 is neither constitutional nor statutory authority or precedent
17 justifying the internment of such a person as an alien enemy under
18 the provisions of the Alien Enemy Act.

19 None of the persons whose name appears on the attached
20 list is an alien enemy and non ^{or a subject} at any time has been an alien
21 enemy or an alien or a national or a citizen of any foreign
22 sovereign, government, power or nation. Each of said persons was
23 born in the United States and ever since continuously has been
24 and now is subject to the jurisdiction thereof and is a national
25 of and a citizen of the United States, as provided by the 14th
26 Amendment of the Constitution, and as such is entitled to all the
27 rights, liberties, privileges and immunities of national citizen-
28 ship and to those rights secured to persons by the 5th Amendment
29 of the Constitution.

30 As the attorney, duly authorized to represent and repre-
31 senting each of said persons whose name appears on the attached ^{and annexed}
32 list ^{which is incorporated herein,} and for and on behalf of each of them, I hereby withdraw,

1 retract, rescind, revoke, cancel and annul each of said renuncia-
2 tions and renunciations form executed by each of them upon the
3 following grounds and for the following reasons, among other
4 grounds and reasons, to-wit:

5 1. That the said renunciation ~~form~~ was invalid and void
6 in its inception and also in its execution and said renunciation
7 has never become and cannot become effective;

8 2. That neither an approval nor an order approving the
9 said renunciation has been made or issued by the Attorney General
10 of the United States and none validly can be made;

11 3. That neither an approval nor an order approving the
12 said renunciation can be made by a subordinate executive officer
13 in the absence of a specific statutory authority having been
14 lodged by Congress in the Attorney General of the United States
15 to delegate such a discretionary authority to be exercised by any
16 person;

17 4. That the provisions of 8 USCA, sec. 801(i), on their
18 face and also as construed and applied to each of said persons,
19 ~~is~~ ^{are} unconstitutional and void for being repugnant to the 5th, 6th,
20 9th, 10th and 14th Amendments and ~~to~~ ^{in contravention of the} privileges and immunities
21 secured to each of them by the provisions of Article IV, sec. 2,
22 of the Constitution;

23 ~~That the application of the provisions of 8 USCA, sec. 801(i), to each of said persons is in excess of congressional authority lodged in Congress by Article I of the Constitution and is void as being extra-constitutional;~~

24 5. ~~That the~~ application of the provisions of 8 USCA, sec.
25 801(i), to each of said persons is in excess of congressional
26 authority lodged in Congress by Article I of the Constitution
27 and is void as being extra-constitutional;

28 6. That an approval of said renunciation form, if given,
29 and the giving of notice thereof, were, and each of said things
30 was, in fact and in law, contrary to the interests of national
31 defense and also contrary to the sovereignty of the United States,
32 and for each of said reasons is invalid and void;

1 7. At the time said renunciation form was signed and
2 ever since then the renunciant, together with a member or members
3 of his or her immediate family, was and still is held in duress,
4 then and there being unlawfully imprisoned in the said Tule Lake
5 Segregation Center, under a claim of color of official governmental
6 authority, and ^{being} deprived of practically all his or her constitu-
7 tional rights, liberties, privileges and immunities guaranteed
8 to him or her as a citizen and national of the United States by
9 birth and by choice and of ^{practically} all his or her rights as a person
10 secured by the Constitution. While thus imprisoned and held in
11 duress renunciant was made the ^{unwilling} victim of fraud, menace and undue
12 influence and was mistreated, discriminated against and oppressed
13 solely by reason of the irrelevance of the nationality of his or
14 her ancestors and their historical and geographical origin;

15 8. At the farcical hearing on said renunciation which, ^{held}
16 ~~hearing~~ ^{under the aforesaid circumstances} was nothing but a perfunctory appearance, ~~before a hearing~~
17 ~~officer held under the aforesaid circumstances~~ the hearing ~~officer~~
18 officer's recommendation ^{thereon} ~~on said renunciation~~ was based, either
19 in whole or in part, upon secret information and data available
20 to and used by the hearing officer but which was withheld and kept
21 secret from renunciant, and the approval thereof and order
22 approving said renunciation, if any ever was made, was wholly or
23 partially based thereon and, therefore, is ^{invalid} and void as a
24 deprivation of a fair and impartial hearing, in violation of the
25 provisions of the 6th Amendment, and as denial of due process of
26 law, in violation of the provisions of the 5th Amendment;

27 9. That the United States government, acting by and
28 through its officials, agents, servants and employees, as the
29 guardian and custodian of the person of renunciant and ~~members of his~~
30 ~~and members of his immediate family~~
31 of the person ^{of} members of his or her immediate family, its wards,
32 knowingly and deliberately took a gross advantage of renunciant

1 who thenland there was held in duress and subjected to menace,
2 fraud and undue influence and deliberately deprived renunciant
3 of the benefit of independent advice and counsel in and about
4 the hearing on said renunciation and the execution of said
5 renunciation form. The authorities confining renunciant to said
6 prison also thereafter commanded renunciant to register as an
7 alien, under pain of punishment provided for violation of the
8 Alien Registration ~~Act~~ ^{Act} of 1940 ^{for refusal to do so} and also demanded of renun-
9 ciant a false declaration to the effect that renunciant ^{a person} was of
10 Japanese nationality ^{despite the fact said authorities thus knew, as a matter of fact}
11 ^{and of law, that renunciant was of United States nationality.}
12 10. The time, place and circumstances under which said
13 renunciation form was signed by renunciant did not constitute
14 a fair and impartial hearing or trial and, in fact and in law,
15 constituted a denial of renunciant's constitutional guaranty of
16 due process of law and of the equal protection of the laws, in
17 violation of the provisions of the 6th and 5th Amendments of the
18 Constitution, and, in addition thereto, constituted an unconsti-
19 tutional ^{thereunder} deprivation of all of these inalienable rights of
20 national citizenship and of persons flowing from the facts of
21 birth and residence in this country and which inhere in and
22 attach to renunciant;

23 11. That at the time said renunciation form was signed
24 the renunciant was not a free agent in any sense of the words
25 but, together with members of his or her immediate family, then
26 and there was and for a long period of time prior thereto had
27 been and still is unlawfully confined to a concentration camp
28 and restrained of his or her liberty, under a claim of color of
29 authority of the United States, albeit in the absence of crime
30 upon his or her part and without a charge or accusation of crime
31 having been lodged against him or her. Said renunciation was
32 exacted from renunciant while he or she was held in duress by the
government acting through its officials, agents, servants and

1 employees and while renunciant was, by them, knowingly permitted
2 to be subjected to the menace, fraud, undue influence and duress
3 exerted and practiced upon him or her by governmental agents and
4 especially by terroristic groups of persons and other individuals
5 who were confined to said Center;

6 12. That said renunciation was nei ther free nor voluntary
7 on the part of renunciant but was the product of fear, torment
8 and terror induced in renunciant's mind by virtue of the govern-
9 mental duress in which renunciant then and there was held which
10 operated to deprive renunciant of freedom of choice, will and
11 desire in and about the execution of the same:

12 13. That said renunciation was neither free nor voluntary
13 on the part of renunciant but was the product of fear, torment
14 and terror induced in renunciant's mind by virtue of the duress
15 in which ~~she or he~~ then was held and by virtue of the duress,
16 menace, fraud and undue influence practiced upon and exercised
17 against renunciant and members of renunciant's immediate family
18 by terroristic groups of disloyal, subversive and fanatical
19 persons and ^{and other} individuals, likewise confined to said Center, who
20 intimidated, ~~and~~ ^{and compelled} coerced renunciant to execute said renunciation
21 form by threats, exhibitions and examples of physical violence
22 against the person of renunciant and members of renunciant's
23 family; ^{all of which operated to deprive renunciant of freedom of choice, will and desire in and about the execution of the same.} The truth of this is acknowledged in the letter of the
24 Department of Justice dated January 18, 1945, addressed to the
25 respective chairmen of the Sokuji Kikoku Hoshi Dan and the
26 Hokoku Seinen Dan at the Tule Lake Center, copies of which, at
27 the instance of your Department, were posted promiscuously in
28 the said Center.

In the face of said threats and while held in duress and acting upon the said representations so made, under the circumstances, renunciant believed and feared and felt bound to believe and fear

1 subsided and ceased, *in the face of* ~~in all~~ of which said threats and ~~representations~~ ^{so made,} ~~representations~~ ^{renunciant} under the circumstances, believed and feared would be
2 carried into execution, of all of which said facts renunciant's
3 jailors, custodians, ~~the then Attorney General and the Department~~
4 of Justice and its agents well were aware;

7 14. Renunciant signed said renunciation form as a result of
8 the duress, menace, fraud and undue influence to which he or she
9 and renunciant's family confined to said Center constantly were
10 subjected by renunciant's jailors and custodians and by the afore-
11 said terroristic groups and individuals to whose campaign of
12 ~~terroristic~~ ^{terrorism} and criminal oppression renunciant was exposed by
13 the government, said jailors and custodians;

15 15. That said renunciation was neither free nor voluntary;
16 ~~the~~ renunciant was compelled, intimidated and coerced into
17 signing said renunciation form by reason of threats of unlawful
18 and violent injury to the person, property and character of
19 renunciant and to members of renunciant's family, made by disloyal,
20 subversive and dangerous pressure groups and individuals harbored
21 in said Center, ~~who~~ ^{These} were freely allowed and permitted by the
22 official jailors and custodians of renunciant to ~~prosecute,~~
23 ~~threaten,~~ menace, intimidate, coerce and terrorize renunciant
24 and many other ^{loyal} American citizens there confined, by oral means,
25 by displays, ~~and shows of force, by exhibitions, parades and~~ ^{and exhibitions of force and violence, and by}
26 ~~exercises of massed and individual force,~~ threats of inflicting
27 great physical injury and loss of life upon renunciant and other
28 loyal American citizens there confined, ~~into and to compel them~~
29 thereby, ^{compelling them} involuntarily to execute such renunciations, ~~and~~
30 renunciant was in constant fear, ~~and of the belief,~~ as was his or
31 her immediate family and other loyal internees, and believed and
32 feared, as did members of his ~~or her~~ family, that said threats

1 would be carried into execution if said renunciation was not
2 signed. ^{The} ~~That~~ renunciant was acting under the duress, menace,
3 fraud and undue influence of said pressure groups, members
4 thereof, and of other individuals confined to said Center and,
5 by virtue thereof, signed said renunciation form under compulsion
6 and in fear of said threats, of all of which facts your prede-
7 cessor in office, ~~and~~ the agents of your Department ~~then were~~
8 ~~aware~~ and the authorities in charge of said Center ~~then~~
9 were aware;

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1 16. That at the time said renunciation application was
2 signed renunciant had been informed and led to believe and
3 believed, by virtue of said imprisonment, ~~and the~~ undue
4 influence under which he ~~or she~~ was laboring, that it was a
5 matter commanded by the government, compliance with which was a
6 prerequisite to the right to remain in the protective security
7 of said Center. In addition, you are aware of the great number
8 of overt and covert acts committed, ~~and the~~ misrepresentations made
9 by ~~and the~~ undue influence exercised over renunciant and other
10 internees by ~~and through the instrumentality of terroristic~~
11 ~~activities of~~ pressure groups of disloyal, subversive and
12 criminally inclined persons, likewise there confined, ~~such~~ For a
13 long ~~time prior thereto, at said time and since then said~~
14 ~~group were knowingly and recklessly~~ *Long time prior to the signing of said*
15 ~~application, it said then and since such~~ groups knowingly and recklessly were permitted, by the authorities
16 in charge of said Center, to engage in and carry on their con-
17 tinuous campaign of terror against renunciant and other loyal
18 ~~internees there confined for a long period of time~~
19 internees there confined. They were ~~permitted to and~~ *openly permitted and*
20 allowed to preach and practice sedition, to terrorize ~~them,~~ *to*
21 endeavor to proselyte to the cause of the enemy those loyal
22 American citizens and aliens friendly to the United States
23 there interned. They were permitted to menace, intimidate and
24 coerce thousands of loyal and law abiding internees, by means of
25 threats and resorts to demonstrations, exhibitions and examples
26 of individual assaults and batteries and mob violence, into
27 compelling renunciant and thousands of others ~~to~~ *to* execute said
28 renunciation forms. It/may interest you to learn, although I
29 presume you long ago must have been informed, that such pressure
30 groups maintained and operated special ~~coaching~~ *coaching* schools in the
31 Center for the express purpose of coaching the victims of their
32 fraud, menace, deceit and undue influence upon the questions
the hearing officers were to propound to them and the answers
~~they were to give thereon~~

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they were to give thereto at the scheduled hearings on the
renunciation applications. You have been informed, I presume,
that at least one loyal internee was murdered in said Center
and that it does not seem ever to have been doubted by the
internees and their custodians that the murderer was an active
~~member of one of the terroristic groups, carrying out its~~
~~mandate~~
member of one of the terroristic groups operating therein, and
carrying out its mandate, You are aware that the authorities in
charge of said Center made little, if any, effort to suppress
and none to isolate the ~~members~~ active members of such groups.

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18 and examples of ~~refusal~~
19 form. ~~For failure~~ ^{In the event of a refusal} to execute such a renunciation form the
20 renunciant, together with renunciant's immediate family, was
21 informed, believed and feared, by reason of said duress, intimi-
22 dation and coercion, and by reason of representations made by
23 said disloyal groups and other individuals confined to said Center,
24 that renunciant and renunciant's family would be removed from
25 the comparative security of his or her then prison and the
26 custody of his or her then jailors and custodians and would be
27 driven back, ~~driving~~ friendless, propertyless and protectionless, into civil
28 ~~community~~ life in a community highly prejudiced against and
29 hostile to renunciant and renunciant's family because of their
30 descent from persons of Japanese ancestry and there would be
31 exposed to and suffer great bodily harm, injury and probable loss
32 of life by virtue of ^{existing} mob violence and the criminal intentions

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1 of lawless individuals who regard all persons of Japanese
 2 descent as enemies upon whom they might with impunity inflict
 3 injury. *For the said reasons renunciant was led to believe and believed*
 4 the renunciant, together with his family, would be permitted,
 5 allowed and entitled to remain in the relative security afforded
 6 by said Center, renunciant's jailors and custodians until such
 7 time as the war had terminated, peace had been restored and such
 8 community prejudice, hostility and violence subsided and ceased.
 9 In the face of said threats and while held in duress and ^{also} acting
 10 upon said representations so made, the renunciant, under the
 11 circumstances aforesaid, believed and feared and had good cause
 12 to believe and to fear that if he or she failed to execute the
 13 renunciation form renunciant and renunciant's family would be
 14 driven from said Center and be exposed to and would suffer great
 15 harm and physical violence from ^{said lawless} such sources. These are facts
 16 and matters of common knowledge ~~in the Center and~~ and of which the
 17 renunciant's jailors, custodians, the then Attorney General and
 18 the Department of Justice and its agents well were aware. *They*

1 The failure of the authorities to segregate and isolate
2 the dangerous pressure groups, ^{composed of} ~~as~~ fanatical pro-Japanese elements,
3 the members of which then and still desire to be repatriated to
4 Japan and should be sent there, and through such a procedure
5 effectively to prevent them from inoculating interned loyal
6 American citizens and friendly aliens with the virus of disloyalty,
7 despite the repeated pleas made for such relief and protection,
8 is, in itself, ample proof of the abusive treatment suffered by
9 renunciant and thousands of other interness loyal to the United
10 States and of the duress in which renunciant and they unlawfully
11 were held.

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1 Many of the said persons whose names appear on the
2 attached list, at the time of signing said renunciation, were
3 minors under the age of 21 years and hence were laboring under
4 a legal disability. Neither the provisions of the Nationality Act
5 of 1940, as amended, nor ~~either~~ any regulations issued pursuant
6 thereto nor the provisions of any other statute or law authorizes
7 a renunciation of U.S. nationality by a minor under the age of
8 21 years. I wish to point out that there is not legal authority
9 or precedent whatever for acceptance or approval of renunciations
10 executed by persons laboring under legal disabilities. I draw
11 your attention to the fact that not only have minors who signed
12 renunciation forms received notice from your office that such
13 were approved but that others who labored under legal disabilities
14 also have received like notices. I direct your attention to the
15 fact that it is a matter of common knowledge in and about the
16 Tule Lake Segregation Center that one person who was hopelessly
17 ~~insane and~~ non compos mentis at the time of signing a renunciation
18 upon which a letter issued from your office giving notice of
19 approval thereof shortly thereafter was hurried away to a State
20 institution for the insane.

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1 None of the persons whose name appears on the attached
2 list is a citizen, subject or national of Japan. None of them owes
3 any allegiance to Japan or any foreign sovereign, government, power
4 or nation. None of them has ever had, held or given any such
5 allegiance or acknowledged or recognized any such allegiance. None
6 of them is an alien enemy. None of them is an alien. None of them
7 holds or has at any time ever ^{held or} accepted ~~or held~~ any dual citizenship
8 by any act upon his or her part. It is impossible that any of them
9 ~~has even~~ ~~could~~ at any time could have held any dual citizenship.
10 None of them has at any time accepted or recognized his or her
11 status as being ^{that of} a dualistic or pluralistic citizen, such a status
12 being impossible as having been expressly disavowed by the
13 provisions of Title 8 U.S.Code, sec. 900, and its predecessor
14 statute, 8 U.S.Code, sec. 15. I direct your attention to the fact
15 and principle of law that a minor or other person who is under
16 a legal disability and hence is not sui juris could not be bound
17 by a futile registration made by parents which may have been
18 misunderstood by them to confer such a status. As a matter of
19 fact and of law none of the persons whose names appear on the
20 attached list, of whom many are under the age of 21 years, has at
21 any time whatever held, accepted or recognized any citizenship
22 or allegiance to any country or nation save and except that in and
23 to the United States . Each of them recognizes but one sovereign
24 and that sovereign is the United States to which each ever has
25 given his or her undivided loyalty and allegiance. Unfortunately
26 *None of them was given an opportunity to demonstrate his*
27 *or her loyalty affirmatively - imprisonment prevented such*
28 *demonstration.*
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1 V-E Day is long behind us. V-J day has come and passed.
2 The war long has been over, Mr. Attorney General. The detention
3 even of alien enemies is not now authorized by the Alien Enemy
4 Act which is operative only during wartime and can no longer be
5 justified thereunder. It cannot be asserted with any degree of
6 truth whatever that the Alien Enemy Act may lawfully be invoked
7 to confine citizens, stateless persons or aliens. There now
8 exists no legitimate reason or ground why even alien enemies long
9 resident in this country and not hostile thereto should be
10 confined to an internment camp. There is absolutely no reason
11 or ground that can be offered in justification for the present
12 detention and internment ^{of} ~~for~~ the persons whom I represent and
13 whose names appear on the attached list whether you view them
14 either as citizens or as stateless persons.

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16 Inasmuch as duress, ^{duress, fraud, mistake of law and fact, and} and undue influence caused the
17 execution of the renunciation form on the part of each of the
18 persons whose name appears on the attached list, of which facts
19 you and officers of your Department have knowledge, you are
20 empowered to accept the revocation and cancellation thereof and
21 ~~to withhold, withdraw and revoke any acceptance or approval thereof~~
22 to withhold, withdraw and revoke any acceptance or approval
23 of each of them, if any such acceptance or approval ever was
24 made or given in any case. You are also empowered and authorized
25 to order the release and discharge of each of said persons from
26 internment. Each of said persons demands such a release and
27 discharge from the custody in which he or she now is held by
28 agents acting under your authority, direction and control.

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1 These renunciants whom I represent are long suffering
2 citizens. They have submitted to greater indignities and suffered
3 greater losses of rights and liberties than any other group of
4 persons during the entire history of the nation, all without good
5 cause or reason. They have been misunderstood, slandered, abused
6 and long have been held up to public ridicule, shame and contempt.
7 The mistreatment was initiated by an unjustified evacuation from
8 the west coast, was intensified by imprisonment in a concentration
9 camp for over three years with all the attendant suffering and
10 ~~misery~~ misery this entailed and now these interness, faced with a
11 loss of citizenship rights ~~am~~ are confronted with involuntary
12 deportation to Japan, a country and nation to which they owe no
13 allegiance, which has no claim upon them and with which they are
14 not familiar. It is time this whole pernicious program of
15 oppression was terminated. It is time the exercise of arbitrary
16 and capricious power over them should cease. The damage done
17 them cannot be repaired but further injury can be stopped. You
18 have the right and the power to call halt to this program. ~~and~~
19 ~~to prevent further mischief being done~~
20 You can prevent further mischief being done and thereby alleviate
21 the misery these unfortunate people endure.

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1 In the event that you fail to take immediate action on the
2 foregoing demands each of the persons whose name appears on the
3 attached list, having no alternative save so to do, will take
4 institute such legal proceedings as may be lawful and of which
5 he or she may be advised to effectuate the cancelation of his
6 or her aforesaid renunciation form and renunciation of U.S.
7 nationality and to terminate his or her internment and to obtain
8 release from the present restraint upon his or her liberty and *to obtain*
9 whatsoever other redress law or equity may afford.

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12 Very truly yours,

13
14 Wayne M. Collins,
15 As attorney for each of the persons
16 whose name appears on the attached and
17 annexed list of names.

18 *1721 Mills Tower,*
19 *San Francisco, 4 Calif*
20 *Garfield 1218*
21
22 ←

23 Duplicate original to: tto

24 State Department, Washington, D.C.

25 Alien Property Custodian, Washington, D.C.

26 Foreign Funds Control Section of the Treasury Department,
Washington, D.C.

27 Federal Bureau of Investigation, Washington, D.C.

28 Immigration and Naturalization Service of the Department of Justice,
29 Washington, D.C.

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With copy of 28 USC 434

456 - time of the day

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Each petitioner is authorized to bring and maintain this proceeding in habeas corpus and this Court is authorized and empowered to entertain original jurisdiction

~~of this petition and proceeding under and by virtue of~~

of this petition and proceeding under and by virtue of the provisions of the Habeas Corpus Acts, Title 28 USCA, sec. 434, and also by virtue of the provisions of Title 8 USCA, Sec. 903.

Ordinary

~~of Civil Rights Statutes?~~
~~are authorized by the Court & laws of the US.~~
~~The Rules are 45 & 44~~

II ②

is a person being Japanese ancestry and

*Japan
Japanese
Ancestry*

[Handwritten signature]

Each petitioner at all times herein mentioned has been domiciled in and a resident of the United States, a native-born American, a citizen and national of the United States and subject to the jurisdiction thereof, as provided by the 14th Amendment of the Constitution, the provisions of Title 8 U.S.Code, sec. 601(a), and as defined in Title 8 U.S.Code, sec. 501(a) and 501(b); none of the petitioners at any time whatever has been and none is an alien enemy and none at any time has been

~~an alien; none at any time has been and none is a native,~~

citizen, denizen or subject of Japan or of any hostile nation, government or country; none has at any time been and none is a danger to the public peace or safety and

none has ^{at any time} ~~ever~~ been accorded a judicial hearing ~~therein~~

~~when upon or upon any charge or accusation in which he or she~~

~~she~~

upon any charge or accusation that he or she was or is such a danger and, on the contrary, the Department of Justice, in 1945, made a finding and declaration that each petitioner was not hostile to and was not a danger to the public peace or safety; each petitioner at all times herein mentioned and ever since his or her said birth in this country has been and now is loyal and devoted to the United States; and, by virtue of the circumstances hereinafter set forth, each is a resident within the jurisdiction of this court.

⑤ III

The petitioners jointly and severally bring and maintain this proceeding under the procedure authorized in habeas corpus proceedings and the practice conforming to the practice in actions at law or suits in equity and pursuant to the provisions of Rules 20, 23(1), 23(2), 23(3), 18(a), 18(b), 19(a), 19(b) and 81(a)(2) of the Rules of Civil Procedure for the District Courts of the United States, uniting and joining in this single petition for the following reasons and purposes, among others, to-wit: (1) for the convenience and interest of the petitioners and respondent; (2) to promote the orderly, convenient and efficient administration of justice; (3) to avoid and prevent a multiplicity of suits; (4) because petitioners ~~severally~~ jointly and severally assert rights to release and discharge from the unlawful internment and detention in which they are held and because their rights thereto arise out of the same series of occurrences; (5) because there are several points of litigation and questions of law and of fact arising in said proceeding that are common to each ~~of them~~ and all of them; (6) because said proceeding is also a class action and the character of the rights sought to be enforced for the persons and ~~class~~ class of persons on whose behalf the same is brought and those who hereafter may be joined as petitioners herein is joint, common and several ^{and;} (7) because there are common questions of fact and of law affecting the several rights involved and a common relief is sought by each petitioner against respondent;

The questions and issues of fact involved herein ^{and}
which are common to each and all of ~~petitioners~~ ^{petitioners} are (1)

~~_____~~
whether the petitioners are native-born American citizens
and nationals of the United States or stateless persons
or alien enemies, ^{it being apparent} ~~is apparent~~ that if petitioners are
not alien enemies their internment was and is unlawful
and they are entitled to immediate release therefrom,
such internment and detention ^{lawfully} being applicable only to
alien enemies during the actual period of time in ~~which~~
which the United States is ^{engaged in the prosecution of} ~~at~~ war and then only provided
~~such~~ ^{the} internment and detention of ~~such~~ specified alien
~~_____~~

enemies is commanded by the President of the United
States and his authority so to do ^{is invoked under and derives from} ~~involves~~ the ~~said~~

Alien Enemy Act; ~~50 USC, Secs. 51 and 52.~~ and (2) ~~whether~~

*The renunciations of nationality signed by petitioners are void
and invalid as having been signed under duress, menace, fraud
and undue influence, as hereinafter alleged, and as having been rescinded,
The petitioners' status of the petitioners depending upon a
determination of the 'legality or illegality' thereof.*

*neither rescinded, voided nor annulled, and in any event
it is apparent that upon a determination of the issues,
pending as legal, each petitioner possessing is a citizen
and national of the United States or is a stateless
inhabitant of the United States and not an alien enemy.*

*of which
the
and
etc.*

*which are common to each
and all of the petitioners
herein*

Among the questions of law involved herein are the following, to-wit: (1) the constitutionality and validity of Title 8 USCA, Sec. 801(i), and ^{the nationality} regulations adopted pursuant thereto, on their face and as construed and applied to petitioners, ~~the petitioners contending the~~ ^{who contend the} same are unconstitutional and void for being repugnant to the provisions of the 4th, 5th, 6th, 8th, 9th, 10th, 13th and 14th Amendment of the Constitution and ~~applying~~ to the following provisions of the Constitution, viz., Art. I, sec. 1, sec. 8 subd. 4, sec. 9 subd. 3; Art. III, sec. 1, and sec. 3 subds. 1 and 2; and Art. IV, sec. 2 subd. 1; and (2) ~~the question~~ whether the Alien Enemy Act, Title 50 USCA, Secs. 21 and 22, which respondent asserts was invoked against petitioners and under which ~~respondent~~ respondent asserts ^(more and) petitioners are interned as alien enemies, was lawfully invoked against them and was and is lawfully applied to them, and the ~~questions of the~~ constitutionality and validity of said Alien Enemy Act on its face and also as ~~construed~~ ^{construed} and applied to the ~~petitioners~~ ^{petitioners who contend the} ~~petitioners~~ ^{petitioners}, ~~the petitioners contending~~ said Act was unlawfully invoked against them and was and is unlawfully applied to them and also ~~that it~~ ^{that it} ~~is~~ is unconstitutional and void ~~on its face~~ ^{on its face and as} ~~construed and~~ ^{construed and} ~~applied~~ applied to them for being repugnant to each of the aforementioned ~~amendments~~ amendments and provisions of the Constitution.

[Handwritten signature]

(2)

The said internment, detention and restraint of each petitioner is unconstitutional, illegal and void, and the said unconstitutionality, illegality and invalidity thereof consists in the following:

Said Officer In Charge at ~~the~~ the Tule Lake Center, the respondent Ivan Williams, acting under the orders of the Attorney General of the United States, under a claim of color of authority of the Alien Enemy Act, Title 50 USCA, sec. 21, asserts each of said petitioners is an alien enemy and that as such each has been and is interned and restrained of his or her liberty and is held ~~and~~ and scheduled for ^{such an} ~~an~~ involuntary removal or deportation thereunder to Japan, albeit that such assertion that petitioners ~~are~~ are alien enemies or that any of them is an alien enemy is a false and fictitious assertion, claim and assumption wholly ~~unsubstantiated~~ unsupported by fact and by law and is a gross mistake and error of ~~fact and of law~~ fact and of law.

Each petitioner for a long period of time has been and now is interned and detained at said Tule Lake Center and now is under ~~such~~ an order of removal or deportation to Japan, as each is informed and believes and therefore alleges, by reason of a claim that each, by a renunciation of United States nationality, ^{thereby} became an alien enemy and subject to such ^{internment, detention and} removal or deportation under the provisions of the Alien Enemy Act, Title 50 USCA, sec. 21, the facts out of which such claim arises ~~being as follows:~~ being as follows:

Each ~~of~~ petitioner~~s~~ has had, in his or her ancestral line, ^{an unknown} number of ancestors who, at some remote time in the past, were born in a geographical area over which a Japanese sovereign ruled and over whom such sovereign claimed, asserted and enforced, through the ^{then} instrumentalities of police power, a temporal jurisdiction. Solely because of said type of ancestry each petitioner, pursuant to proclamations, commands and orders of General John L. DeWitt, then Commander of the Western Defense Command and Fourth Army, during the year 1942, first was imprisoned ~~situated within the Western Defense Command,~~ in the immediate vicinity of his or her then home then driven into and imprisoned in stockades called Assembly Centers, thereafter transported to concentration camps called War Relocation Centers and there confined for approximately ^{three} ~~two~~ years, and thereafter imprisoned in the Tule Lake Center, Newell, Modoc County, California, said imprisonment having been continuous from 1942 to date, all without a charge of crime or accusation of crime having been lodged against any of them, ^{and without any hearing being given them or the reasons for such treatment} and in spite of the fact that the Attorney General of the United States in 1945 ^{caused} ~~made a finding that none of them was a person not~~ ^{and that he was not satisfied that he would have been found to be a person not} dangerous to the security of the United States.

Situated within the geographical area embraced by the Western Defense Command,

*Substantive
Am. Rights
or Justice*

But by its action not content - treatment led them to believe it intended to hold them in perpetual confinement and finally deport them along with others to Japan & that it regarded them as the labor force of Japanese population and economic well-being of the U.S.

That during the entire period of his or her unlawful imprisonment, commencing in 1942, and continuing ever since, as aforesaid, each petitioner has been and still is deprived of substantially all his or her rights, liberties, privileges and immunities guaranteed by the Constitution to him or her as a native-born citizen and national of the United States and subject to the jurisdiction thereof, as also those guaranteed to him or her as a person thereunder, said deprivations having been committed by governmental authorities under a claim of color of authority of the United States;

At said Tule Lake Center

During the preceding period of 1945, ~~at said Tule Lake Center~~ each petitioner signed an application for renunciation of United States

~~nationality, as provided for by Title 8 USCA, sec. 801(i),~~

nationality, as provided for by Title 8 USCA, sec. 801(i), and the Rules and Regulations adopted by the Department of Justice under the Nationality Act of 1940, as amended, said Rules being more particularly designated as Sections 316.1 to 316.9 inclusive, of Chapter I, Subchapter D,

Part D of Nationality Regulations; *that none of said applications has been approved by the Attorney General of the United States nor has he ever issued an order approving any of them, as is required by Title 8 USCA, sec. 801(i) and Rule 316.7 of the Nationality Regulations, before such becomes effective; that*

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The signing of said applications for renunciation *was* ~~was~~ ~~not~~ ~~under~~ ~~oath~~ ~~nor~~ ~~real~~ ~~nor~~ ~~free~~

~~nor~~ ~~voluntary~~ on the part of any of said petitioners but was ~~unlawfully~~ caused by and was the result of duress, menace, fraud, undue influence, mistakes of fact and of law and was the product of the fear, coercion and intimidation under which each then and there was held and subjected to and under which he or ~~she labored; as aforesaid;~~

she labored, all as hereinafter set forth;

The Department of Justice stating that his above mentioned has been approved by the Attorney General as not contrary to the interests of national defense, and informing said that he or she no longer is a citizen of the United States and is not entitled to any of the rights and privileges of such citizenship;

In signing said renunciation applications none of
the petitioners was informed, knew, intended or expected,
~~that or any other person by signing said renunciation~~

~~applications intended, knew or expected,~~ by reason thereof
to be interned, detained and restrained of his or her
liberty as an "alien enemy" or otherwise, ^{was informed, knew,} and none intended,
~~was~~ or expected that he or she would be involuntarily
removed or deported to Japan by reason thereof and, on
the contrary, was led to believe by the Government, its
agents, servants and employees, that ~~such~~ the signing
thereof was not final, but tentative, and subject to being
rescinded and revoked.

VI

The internment and detention of each petitioner and the restraint upon the liberty of each, as aforesaid, and the threatened, imminent and impending involuntary removal and deportation of each to Japan, as aforesaid, are, and each of said things is, in violation of the Constitution and laws of the United States, as heretofore stated, and deprives each of the due process of law guaranteed by the 5th Amendment of the Constitution in the following particulars, to-wit:

¶

A : The unconstitutionality and illegality of the internment and detention of each petitioner and the restraint upon his or her liberty;

8

Set out!

(1) That none of the applications for renunciation
~~and~~ of nationality signed by petitioners has at any time
whatever been approved by the Attorney General of the
United States nor has an approval nor an order approving
any of ~~them~~ said applications at ~~any~~ time been made by
him nor has he at any time passed upon or considered any
of them as required by the provisions of Title 8 ^{USCA} U.S. Code,
Sec. 801(i) *and by the provisions of Sec. 316.1 to 316.9,*
Inclusive of Part 316, Subchp. D, Chp. I of Nationality
Regulations,
before a renunciation therein provided for becomes effectual;

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~~the United States was engaged in the prosecution of a war and, by reason thereof, any approval of a renunciation of nationality by any of the petitioners would have been contrary to the interests of national defense and to the sovereignty of the United States; and violative of the provisions of Article III, section 3, subd. 1 of the Constitution;~~

(2) That at the time each petitioner signed said renunciation application the United States was engaged in the prosecution of a war and, by reason thereof, any approval of a renunciation of nationality by any of the petitioners ^{necessarily} would have been contrary to the interests of national defense and to the sovereignty of the United States; *and violative of the provisions of Article III, section 3, subd. 1 of the Constitution;*

(3) That the hearing accorded each petitioner upon ~~his or her~~ his or her application for renunciation was nothing but a perfunctory ^{pseudo-hearing or} ~~command appearance~~ ^{interview} before a hearing officer designated by the ^{then} Attorney General of the United States and was wanting in ~~substance~~ each and all of the elements of a fair and impartial hearing, ~~in that~~ and in the incidents thereof, in that each petitioner ~~was denied the right~~ was deprived of the benefits of independent advice and counsel and of the assistance of counsel in and about said hearing, was denied the right to be ^{any evidence} confronted by, and to examine witnesses ^{against him or her or to produce witnesses on his or her behalf;} ~~that~~ ^{albeit none of the petitioners waived his or her} ~~rights thereto;~~ ^{rights thereto;}

~~upon his or her application for renunciation that each of said hearings~~
at each ^{of} such pseudo-hearing, ~~of each of petitioners the~~ ^{and} hearing officer's recommendation on ~~said~~ application was based, either in whole or in part, upon secret information and data available to and used by the hearing officer but which was ~~kept~~ withheld, concealed

and kept secret from each petitioner, ^{as provided by} ~~under~~ the provisions
of Section 316.6 of the Nationality Regulations of the
Department of Justice, and ~~that approval had been~~
any approval thereof, had any approval ~~been~~ or order
approving any of said renunciations been ^{issued or} ~~made, necessarily~~

~~made~~
made by the Attorney General of the United States,
necessarily would have been based wholly or partially
thereon;

(4) The signing of the renunciation applications by each petitioner was neither under oath nor real nor free nor voluntary but was caused by and was the result of duress, menace, fraud, ~~and~~ undue influence, mistakes of fact and of law and was the product of the fear, coercion and intimidation under which each then and there was held and subjected to by the government and by groups and gangs, ^{and by individuals,} as hereinafter set forth:

and guardian of petitioners,
its work

Commencing with their unwarranted and unjustified evacuation from their homes in 1942, as aforesaid, and continuously since then to date, the United States government, ^{acting by and through its agents, servants and employees, and its police, gaurds, contractors} has discriminated ~~and~~ and still discriminates against the petitioners and each of them simply because of their descent from persons of Japanese origin and, ~~has~~ ever since ~~intentionally and unlawfully~~ in their unlawful imprisonment in the vicinity of their homes immediately preceding their said evacuation and continuously thereafter during their imprisonment in concentration camps and during their internment in the Tule Lake Center, ^{has} unlawfully confined them and members of their families and subjected them and members of their families there confined to governmental duress, menace, fraud and undue influence and harassment and held and still holds them in a continual mental state of fear and terror simply because of their Japanese ancestry; the United States government, pursuant to its said policy and program of discrimination and in furtherance thereof, ~~has not~~ steadily ~~discriminated against~~ ^{has} and systematically subjected them to a course of abusive treatment during said period of time; pursuant to said policy and program the ~~United States government has~~ ^{it has} by said continuous imprisonment without according them or any of them a hearing on the reasons therefor, ~~has treated~~ ~~classified~~ regarded, classed and treated them as though they were alien enemies; all the males ~~of draft age~~ among them of draft age, including the many who have served faithfully in our armed forces and hold honorable discharges therefrom, the many others who were transferred to and now are in the enlisted reserve and subject to being called for active duty and ~~the many~~ the many who repeatedly have volunteered to enlist in the army but were refused

and denied the right to serve and to fight for and defend
this country by prejudiced and hostile draft boards and
by draft boards ~~and by refusing to permit them so to do~~ *denying them such right*
upon governmental orders and who are still denied this
~~birthright~~

birthright, were classified "4-C" under the Selective
Training and Service Act of 1940, that is, as "alien enemies",
by draft boards acting upon governmental orders, without
good cause and without justification and in violation of
their rights as American citizens, simply because they
were of Japanese descent; by reason whereof, petitioners
and all of said persons of like descent likewise confined
to said Center were led to believe and feared and had good
cause to believe and fear that the government of the United
States viewed them as alien enemies *and intended* and desired to deprive
them of the right to remain in and to fight for this
country and ~~to~~ ^{to} imprison them for an
indefinite period of time and thereafter to remove and
banish them and their families and all like descended
persons from the United States; ~~and that the government had~~
~~such desires and intentions and purposes~~, that the govern-
ment, after having encompassed their ruin by the aforesaid
evacuation and ~~the~~ ^{their} subsequent continuous confinement
led petitioners to believe that the alien Japanese members
of their families were scheduled and held for removal and
deportation to Japan and that the citizen members of said
families would be detained in this country and thereby
caused alien parents who feared the splitting of their
families to coerce their citizen children into signing
renunciation applications, and led petitioners to believe

~~and fear and that they did believe and fear that the signing~~

that the signing of said applications was a matter commanded by the government, compliance with which was a prerequisite to their right ~~to~~ and that of their families to remain in the protective security of said Center and to prevent a disuniting of their families and to save themselves and their families from physical harm and violence were they to be released and sent back into ~~civil~~ civil life in communities where hostility to persons of Japanese ancestry reigned and where they feared they would suffer great physical harm and probable loss of life from lawless elements; and the government ~~has~~ very recently has initiated the practice of permitting aliens to leave said Center and return to their former homes while it holds their children who have signed said renunciation applications for involuntary removal and deportation to Japan and now also compels those who have been released from confinement and those who were lucky enough to have escaped it altogether, including those of our soldiers of Japanese ancestry returning from the battlefields of Europe and the Pacific who have ~~wives~~ parents, wives, sisters, brothers or children interned in said Center and scheduled for deportation to Japan, to the choice of an involuntary banishment from the United States to accompany them ~~and~~ ^{to} preserve family unity or to remain ~~here~~ ^{here} separated from them;

that the signing of said ^{applications} ~~applications~~ and the
pseudo hearing held thereon was a trap designed by
the government of the United States to cause and result
in the involuntary ~~deportation~~ deportation of each
to Japan
signer/and of the involuntary removal of members of
his or her family to Japan and thus to result in a
mass banishment of persons of Japanese descent from
the United States, which design and purpose, ~~was~~ at ~~all~~
all times heretofore, ^{was} withheld, concealed and kept secret
from the signers and petitioners; and, by reason of said
governmental duress, menace, fraud, and undue influence,
~~and the threats, coercion and intimidation~~
practiced upon each petitioner and members of his or her
family each petitioner was compelled by the government
to sign a fictitious renunciation ~~application~~
~~citizenship~~ of a citizenship of which each already,
in fact, had been deprived by the government of the
United States;

(b) That neither at the time each petitioner signed ~~the~~ an application for renunciation at the pseudo-hearing held thereon at said Center, nor at any time prior thereto during his or her unlawful confinement, was he or she a free agent in any sense of the words but then and there was unlawfully confined and restrained of his or her liberty and was held in duress by the United States government, its agents, servants and employees, as the jailor, custodian and guardian^a of petitioners, its wards, and by it and ~~in~~ its agents, servants and employees, knowingly was permitted to be exposed ~~to~~ and subjected to the duress, menace, fraud and undue influence practiced upon and against each petitioner by organized terroristic groups and gangs of persons, likewise there confined, who were fanatically pro-Japanese and committed to forsaking this country and who were engaged in and allowed to engage in a continuous campaign to ~~develop~~ engender, develop and promote loyalty to Japan among the internees;

The said groups and gangs there^{was} engaged in and were permitted to engage in a generalized campaign of lawlessness prior to the time ~~of their signing of said~~ ~~renunciations~~ said renunciation hearings were ~~there~~ held and at the time of said hearings had established and then and thereafter maintained a veritable rule and reign of terror over petitioners, their families and internees residing in said Center; they preached and practiced sedition; they endeavored, by all means at their command, to proselyte to the cause of the enemy the petitioners, their families and other loyal internees there residing; they actively ~~engaged in the engendering, development and promotion of~~ engaged in the engendering, development and promotion of loyalty to the cause of Japan which they openly and

notoriously espoused; they informed ^{petitioners} petitioners that ~~was~~ and their families were regarded by the ~~government~~ United States government as alien enemies and that it had scheduled them and their families for deportation to Japan; they threatened the petitioners and internees that if any of them talked to, ~~association~~ communicated with or associated with any of the Caucasians in and about said Center those so doing would be assaulted by goon-squads, gangsters and hoodlums sponsored ^{and commanded} by them; ~~and~~ ~~and so in obedience to the commands of the leaders of~~ said groups and gangs; they maintained and operated schools in said Center to coach the victims of their fraud, menace, deceit and undue influence into giving false and untrue answers to questions the hearing officers were to propound to them at the hearings on renunciation applications; they sent in spurious ~~applications~~ letters to the Department of Justice requesting applications be forwarded to internees whose names they signed to such letters and then informed the receiver that the government demanded that the receiver sign it; they informed petitioners, as did governmental announcements publicly made just prior to the time said hearings were held in 1945, that the deportation of each petitioner and that of alien members of his ~~family~~ or her family, on an exchange ship, was imminent and ~~imminent~~ impending, and said groups and gangs informed and threatened each petitioner that he or she ~~was~~ would be deported in any event and that if he or she failed to sign an application for renunciation the security of each and that of their families upon arrival in Japan would be endangered because ~~the~~ the pro-Japanese leaders of said nationalistic

They informed petitioners and internees in said Center that imminent acts of physical violence had occurred to persons who had been relocated in said life and that their lives would be in jeopardy because of enemy activities if they succeeded in being permitted to live in this country.

pressure groups and gangs would report them to the Japanese government as being dangerous alien enemies to Japan and as American spies and that they there would be seized and punished as such; that said groups and gangs threatened, ~~coerced~~ coerced and intimidated petitioners into signing said renunciation applications by means of threats, displays, shows, exhibitions and demonstrations of force and violence and by threats against their lives and ^{by} threats of inflicting great physical injury upon them and upon members of their families in the event he or she failed to ^{obey their mandates and to} ~~sign~~ sign such renunciation applications and thereby compelled each of them to sign such renunciation application; that each petitioner ~~believed~~ believed in and feared and had good cause and reason to fear that said threats would be carried into execution and that he or she and his or her family would be exposed to physical violence and probable loss of life if he or she failed to heed said threats and failed to obey the mandates of said pressure groups and gangs and ~~thereby~~ thereby was compelled to sign such renunciation application; that ~~many~~ by reason

~~of said rule of terror~~

~~of said rule of terror~~

of said rule of terror prevailing over said Center which, together with the failure of the government ^{to take steps to prevent, halt and put a stop thereto and to} to accord them protection against the same, ~~and the~~ duress practiced by the government against them, as aforesaid, the petitioners and other internees

in said Center were kept in a constant state of ^{fight,} ~~fear~~ ^{and terror} ~~and~~ mass hysteria ^{and by reason thereof} ~~and~~ and because of the absence of protection against the terroritic activities of said groups and gangs being afforded

They maintained an elaborate system of black-listing and espionage now the internees in said Center as part of their plan of systematic terrorism and to which they subjected petitioners and other internees in said Center;

by the government which was their due many loyal and innocent internees were driven into becoming nominal but inactive members of such groups simply to save themselves and their families from danger, physical violence and probable loss of life from such sources.

and petitioners were compelled involuntarily to sign said unconvicted applications by reason thereof

That at all times during said rule and reign of
terror imposed upon the internees in said Center the
United States government, ^{and} its agents, servants and
employees, ^{was} ~~was~~ aware of and knew of the ^{purposes and} activities of
said groups and gangs and ~~the~~ of the duress, menace,
fraud and undue influence said groups and gangs practiced
~~against~~ upon and against petitioners, members of their
families and other internees in said Center, but condoned
the same ^{and actually} aided and abetted the same by ~~failing~~
~~to~~ permitting them ^{not to do} and by failing to ^{prevent and to} stop the ~~same~~ ^{same only}
~~same and by failing to prevent and stop the same and by~~
failing to arrest ^{criminal} ~~the~~ leaders ~~thereof~~ and active members thereof and
putting a stop to their criminal activities and lawlessness
by ~~invoking~~ and by invoking the federal ~~sedition~~
~~sedition and espionage laws or other criminal laws against~~
them and by failing to segregate such criminal elements
from the petitioners and other loyal internees and isolating
them .

Patrol

By reason of the duress, menace, fraud and undue influence practiced and exerted upon and against ~~the~~ each petitioner by the government and by the ~~gangs~~ ~~gangs~~ groups and gangs, as aforesaid, and the failure of the government to accord them ~~them~~ the protection against the aforesaid lawless acts of said groups and gangs, the petitioners were caught in the grip of terror which ruled throughout said Center and the wave of terror that ~~spread~~ engulfed them when they and members of their families were confronted with a possible return to the ~~hostile~~ communities from which they had been excluded and driven by the 1942 ~~evacuation~~ imprisonment program which was termed an evacuation and was initiated by civilian exclusion orders issued by General John L. DeWitt, as aforesaid;

That none of said renunciations was ~~in~~ real, free or voluntary on the part of any of petitioners but each was the product of fear, torment and terror induced in each petitioner's mind by virtue of the duress, menace, fraud and undue influence to which each was subjected by the government and by the groups and gangs, as aforesaid, and deprived all of which operated to deprive/each petitioner of freedom of choice, will and desire in and about the signing of ~~said~~ such applications for renunciation and each of said renunciations was and is false, and fictitious, null and void by reason thereof,

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(5) That if it should be adjudged by the Court ~~that~~ that any of the petitioners has lost his or her nationality by reason of signing such renunciation application, ~~and~~ coupled with a valid order having issued thereon by the Attorney General of the United States ~~and~~ *approving the renunciation as not contrary to the interests of national defense,* ~~and~~ none of the petitioners thereby became an alien enemy within the meaning and intent of the provisions of the Alien Enemy Act, 50 U.S. Code, sec. 21, ^{Army, 1} but became ~~merely an inhabitant of this country and a stateless person~~ a mere inhabitant of this country and a stateless person entitled to remain here as an inhabitant and resident of this country *and to be free from internment, and detention under said Act;*

The Alien Enemy Act and of
 (6) The provisions of ~~Article~~ Title 8 U.S. Code, Sec. 801(i) are not now in effect as to any ~~one or all~~ petitioners or at all, inasmuch as the United States is not now engaged in the prosecution of a war within the meaning, ^{and purpose of} ~~and~~ intent of ~~the~~ said provisions.

That since the pet. have attempted here and there to do as they please and have not been helped in any way as required by Title 50 U.S. Code, Sec. 21, whose chief purpose is to protect the public safety.
 50 U.S. Code 21

Removal or

B- The unconstitutionality and illegality of the ~~deportation~~ ^{removal or} of each petitioner;

① None of the petitioners is an alien enemy within the intent, ~~and~~ ^{and purpose} meaning of the the provisions of Title 50 USCA, sec. 21, as aforesaid;

② No warrant for the deportation of any of the petitioners has at any time issued from the President of the United States or from any court, judge or justice, as is ~~required~~ a prerequisite to involuntary ^{removal or} deportation required by Title 50 USCA, sec. 24;

③ No complaint at any time whatever has been filed against any of the petitioners, as required by Title 50 USCA, sec. 23, nor has any ~~of~~ ^{of} the petitioners ever had a judicial

~~hearing on such removal or deportation~~
hearing on such removal or deportation ~~now~~ in any court of competent jurisdiction nor has any such court at any time issued any order of removal or deportation against any of the petitioners, all of which ~~is~~ ^{are} ~~required~~ a jurisdictional prerequisite ^{in removal} in removal or deportation proceedings ~~under the said Alien Enemy Act~~

PP ④ under the said Alien Enemy Act; that none of the petitioners has been allowed a reasonable period of time consistent with the public safety and according to the dictates of humanity and national hospitality within which ~~has~~ to recover, dispose of and remove his or her goods and effects and prepare for his or her departure, all as required by Title 50 USCA, sec. 22, in ~~removal~~ ^{removal} ~~proceedings~~ or deportation proceedings under the said Alien Enemy Act;

⑤ None of the petitioners has been accorded and none will be accorded any hearing with respect to his or her ~~rights~~ said involuntary removal and deportation to Japan but summarily will be removed and deported, as aforesaid;

~~_____~~

~~_____~~

⑥ ~~_____~~ That neither a declared nor an undeclared war *now* exists between the United States and any foreign nation ~~or government~~ or government; ^{that} no invasion or predatory incursion is being perpetrated, attempted or threatened against the territory of the United States by any foreign nation or government; that the United States is now at peace with the world;

VIP

Prior to the time of the filing of this petition each petitioner, twice in writing, notified the Attorney General of the United States, that he or she withdrew, retracted, rescinded, revoked, cancelled and annulled his or her said application for renunciation of United States nationality for the reasons that the same was signed under duress, menace, fraud, undue influence and mistakes of fact and of law, as aforesaid, and informed him of the grounds and reasons on which said rescission and revocation was based and made but said Attorney General failed and still does fail to accept said

his agents and representatives, and the respondent as one of his agents, of the circumstances under which he made said application, and

~~and still does fail to accept said~~
rescission and revocation; that in each of said written notifications sent to the Attorney General of the United States each of said petitioners demanded of him and of respondent, Officer in Charge Ivan Williams, as the aforesaid Office in Charge at said Tule Lake Center, that he or she be released and discharged from said internment, detention and unlawful restraint of his or her liberty, asserting therein the various grounds and reasons therefor, both factual and legal, but the Attorney General of the United States, his agents and representatives, and Ivan Williams, as the Officer in Charge of said Tule Lake Center, as aforesaid, acting under his orders, failed and refused and do still fail and refuse to release and discharge each and all of said petitioners from said internment, detention and restraint and threatened removal or deportation to Japan; that a copy of the last written demand so made by each

on November 1, 1945, by registered mail letter,

petitioner is annexed hereto, incorporated herein, made a part hereof and is marked Exhibit "1";

That no prior application for a writ of habeas corpus in regard to the internment, ~~and~~ detention or restraint complained of in this petition has been made by petitioners or by any of them.

WHEREFORE each petitioner prays that a writ of habeas corpus be granted herein directed to the said Ivan Williams as the Officer-In-Charge, United States Department of Justice, Immigration and Naturalization Service, at the Tule Lake Center, Newell, Modoc County, California, commanding him to have the body of each petitioner before the above-entitled Court at a time to be specified therein, to do and receive what then and there shall be commanded by the Court concerning each petitioner, together with the time and cause of the ~~and~~ detention of each, and said writ; and that each petitioner be restored to his or her liberty.

November 5, 1945;

Wayne M. Collins,
1721 Mills Tower,
San Francisco, 4, Calif.
Garfield 1218.

Attorney for Petitioners.

Hon. Ugo Carusi, Commissioner, ^{W.} Immigration & Naturalization
Fund, Department of Justice,
1500 Chestnut Street,
Philadelphia, 2, Pa.

Mr. Irving Wilson, District Director, W. Immig.
& Nat. Fund, Dept of Justice,
Room 1252 Appraisers Bldg.,
San Francisco, Calif.

Edward J. Ennis, Esq., Director, Alien Enemy Control Unit,
Dept. of Justice, Washington, D.C.

C. E. Rhett, Esq., Acting Head, War Division, Dept of Justice,
Dept of Justice Bldg.,
Washington, 25, D.C.

Hon. Frank J. Hennessy, Dist. U.S. Attorney, P.O. Bldg.
L. 2

10/30/45 - Phil. Do. 8173 - New Suburban - says requests
for repatriation to Japan.

A Spanish ^{seated} ~~Passage~~ at Wash, D.C.
now ~~is being~~

~~Swiss Legation~~ → ~~Swiss Legation~~ ^u
Japanese Interests
Dept of Swiss
Legat
↙

Swiss Consul →

Japanese Interests Department of Swiss Legation
2514 Mass Ave.

~~2000~~
~~2900 Cathedral Ave.~~
Swiss Legation → 2901 Cathedral Ave.,
Wash DC

Ivan Williams,

(2)

Swanson,

Office in Charge

1948 (circled)

* ~~WRP~~ Social Welfare, Dept. - as handled yet for State Dept.

* Travis Legation: Wash, DC

* State Dept.



Frank Adams, Wash, DC

Japan

request for
repatriation
of Japan

of Hawaii Dept

~~Commission of Inquiry~~

Commission, ~~WRP~~ ~~Swanson~~ ~~Dept~~
No ~~request~~ ~~of~~ ~~State~~ ~~Dept~~

(7)

D.S.

750
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Transcript

Add to last Page

Asst Atty Genl, in charge of War Division, Dept. of Justice,
(Rechts)

Director, ^{Alien Inquiry} ~~Immigration~~ Control Unit, Dept. of Justice,
Washington, D. C. (Edward J. Ennis, Esq.);

~~Regional Director~~
Mr. Irving Wilson, District Director, ^{Pa 1252} ^{Approved}
Commissioner, Immigration & Naturalization Service, Dept. of Justice,
Philadelphia, Pa

Am 7183

Ugo Carusi, Comr.

1500 Chestnut St
Phila. 2, Pa.

4 Truman

~~John L. Burlingame~~

Take Ings off last
number

~~B~~
C. E. Roette, Dept of Just, March 25, 1940
Acty Head, War Div. Dept of Just
B
1

- ① Atty Genl P.W.
- ② Asst Atty Genl of US in Charge of War Service,
~~By~~ Rechts,
- ③ Director Army Medical Control Unit, Dept of Justice,
Edward J. Quinn.

④ Commission Army & Postoffice Service, Dept of Justice,

[At Philadelphia]

⑤ Officer in Charge, Dept of Justice, Inspection & Investigation
Service, at War Dept, at Tule Lake Camp,
Yuma, Nevada Co., Cal. - Ivan Williams

⑥

Johnson

⑦ 7. Edmund Kelley - Asst Director of Army Medical Control,
Dept of Justice, Army & Postoffice Service - at
Philadelphia

Call W. H. H. H.

11 Hydr. Fed. R. pg 573 Sec. 13702

Should be
a copy
of

Have a number of minor family antiquary

Being to be guard of letters and parts

represent minor as part of fund

of line minor sign case