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NAKAGAWA, YOSHIO

1950-1953

78/177

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BEFORE THE BOARD OF IMMIGRATION APPEALS
BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of

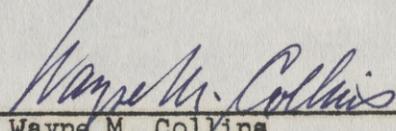
No. _____

KAZUO NAKAGAWA

APPLICATION TO REOPEN CAUSE FOR A SUSPENSION OF DEPORTATION

_____ hereby requests
that the deportation proceeding heretofore instituted against _____
be reopened for the purpose of enabling _____ to apply for a sus-
pension of deportation under the provisions of Title 8 USCA, Sec. 115
(c) effective as at July 1, 1948, (Public Law No. 863), on the ground
that _____ is and has been, for a period of time in excess of five
years, a person of good moral character and that _____ has resided
continuously in the United States for seven years or more and now so
resides and was so residing on July 1, 1948, the effective date of said
Act.

WHEREFORE, applicant requests that said cause be reopened for the
aforesaid purposes to enable applicant to introduce oral and documentary
evidence of _____ eligibility to apply for and to receive the benefits
afforded by the provisions of Title 8 USCA, Sec. 155 (c), and regula-
tions thereunder and for the grant of said application for suspension
of deportation.



Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

Attorney for Applicant

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AFFIDAVIT OF MERITS

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for KAZUO NAKAGAWA, the applicant in the foregoing application named; that he is informed and believes and therefore alleges upon such information and belief that the applicant is an alien dependent minor child of Yoshio Nakagawa, alien parent, who, together with applicant, is eligible to apply for and is applying for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), on the grounds each is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and did so reside when 8 USCA, Sec. 155 (c), as amended July 1, 1948, became effective; that applicant desires to have said cause reopened for the purpose of enabling applicant to submit oral and documentary evidence demonstrating said eligibility to apply for and to be granted a suspension of deportation.

Wayne M. Collins
Wayne M. Collins

Subscribed and sworn to before me
this 9th day of May, 1950.

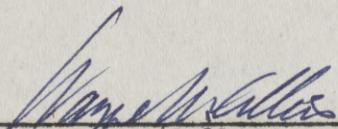
Ernest Deering
Notary Public in and for the City and
County of San Francisco, State of California

My Commission Expires
December 23, 1952

AFFIDAVIT OF MERITS

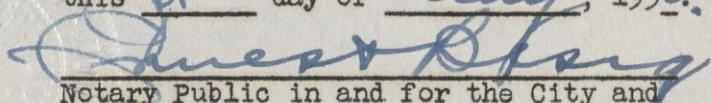
STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) SS.
-----)

Wayne M. Collins of said City and County and State, being first duly sworn, deposes and says: that he is the attorney for _____ YOSHIO NAKAGAWA, the applicant in the foregoing application names; that he is informed and believes and therefore alleges upon such information and belief that the applicant is and has been a person of good moral character for a period of time in excess of five years and has resided continuously in the United States for seven years or more and now so resides and was so residing on July 1, 1948, when Title 8, USCA, Sec. 155 (c), as amended, became effective; that applicant desires to have his deportation proceeding reopened to enable him to apply for a suspension of deportation under the provisions of Title 8 USCA, Sec. 155 (c), by reason thereof, and is ready, willing and able to submit at such reopened hearing oral and documentary evidence demonstrating his said eligibility to apply for and to be granted such suspension of deportation.



Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.
Attorney for Applicant.

Subscribed and sworn to before me
this 22 day of May, 1950.



Notary Public in and for the City and
County of San Francisco, State of California.



My Commission Expires
December 23, 1952

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

May 4, 1950

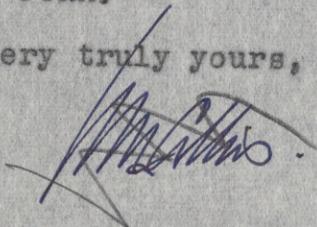
The Board of Immigration Appeals
Department of Justice
Washington 25, D. C.

Gentlemen:

In re: Yoshio Nakagawa and
Kazuo Nakagawa
Seabrook Farms, N. J.

Enclosed find appearance forms and three each of original application forms to reopen cause for the purpose of enabling the following Peruvian-Japanese to apply for a suspension of deportation, together with accompanying affidavits of merits: Yoshio Nakagawa and his alien dependent minor son, Kazuo Nakagawa, who are living at Seabrook Farms, Bridgeton, New Jersey. An original application form for each is also being sent to the District Director, USI&NS, Philadelphia, Penn.

Very truly yours,



Copy to:
District Director, USI&NS
Philadelphia, Penn.

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

May 15, 1950.

In re: Yoshio Nakagawa & Kazuo Nakagawa
File No. 5967437 & 6096818
ALM:rmd

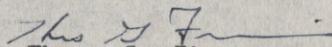
Wayne M. Collins, Esquire
Mills Tower Building, 220 Bush Street,
San Francisco, California.

My dear M r. Collins:

This will acknowledge receipt of your communication dated **May 4**, 1950, with reference to the above case.

You will be informed of further action which may be taken by the Board. However, the filing of a motion with the Board does not operate to stay the outstanding order in the case. Until such time as a new decision is entered by the Board, the outstanding order remains in full force and effect.

Sincerely yours,


Thos. G. Finucane
Chairman

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

File
ADDRESS REPLY TO BOARD OF
IMMIGRATION APPEALS AND
REFER TO FILE NUMBER

5967437, 6096818

YOSHIO Nakagawa

June 1, 1950

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

My dear Mr. Collins:

Reference is made to the motion submitted in the above case.

For your information, there is enclosed herewith copy of the decision of the Board of Immigration Appeals.

This decision will not become effective until notification has been transmitted by the Immigration and Naturalization Service to the field office which handled the case. Any further information concerning this matter may then be obtained from the field office.

Sincerely yours,

Thos. G. Finucane

Thos. G. Finucane
Chairman

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS

JUN 1 - 1950

IN THE MATTER
OF
YOSHIO HAKAGAWA (father)
and
KAZUO HAKAGAWA (son)

FILE NO: A-5967437
and
A-6096818

IN DEPORTATION PROCEEDINGS

MOTION

IN BEHALF OF RESPONDENTS:

Wayne M. Collins, Esquire
Hills Tower, 220 Bush Street
San Francisco 4, California

This case comes before us for reconsideration.

Our most recent order herein directed that action be held in abeyance pending the conclusion of litigation involving the same subject matter, viz: The possible relief from deportation of certain aliens of the Japanese race. Since that order was entered such litigation has been concluded or has become inactive and Congress has amended Section 19(c) to broaden the class of aliens who may be granted suspension of deportation (Public Law 863, 80th Congress, approved July 1, 1948).

ORDER: It is ordered that the hearing be reopened for the reception of such application for relief from deportation as may be made and for further appropriate proceedings in connection therewith.

IT IS FURTHER ORDERED that orders and warrants of deportation predicated thereon be and the same are hereby withdrawn.

FMC/rgb

Chairman

I-226
Rev. 11-3-50

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Lafayette Building, Fifth & Chestnut Streets
Philadelphia 6, Pennsylvania

Yoshio Nakagawa
111-B Hoover Annex
Seabrook Farms
Bridgeton, New Jersey

Exp.
Date March 11, 1952

File No. A-5,967,437

Dear Sir:

Pursuant to warrant of arrest served on you on Mar. 30, 1946 you are advised to appear at 1:00 PM., on March 24, 1952, in Room 717 Lafayette Building, 5th & Chestnut Sts., Philadelphia, Pennsylvania for a reopened hearing to enable you to show cause why you should not be deported from the United States in conformity with law.

The hearing under said warrant is being held pursuant to authority contained in and jurisdiction conferred by Sections 19 and 20 of the Act of February 5, 1917, as amended (8 U.S.C. 155, 156).

It is asserted that (1) you are an alien, and (2) **you entered the United States at San Pedro, California on February 6, 1943, and that you are in the United States in violation of the Immigration Act of May 26, 1924, in that, at the time of entry, you were an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder; The Passport**

(OVER)

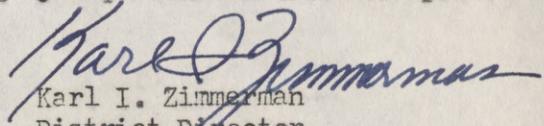
You are advised that at the hearing you have the right to be represented by counsel of your own choice and at your own expense, or by any other person duly qualified to practice before the Immigration and Naturalization Service. You are further advised that you should bring to the hearing any documents which you desire to have considered in connection with the case. If any of these documents is in a foreign language, you should bring the original and certified translation thereof. **A copy of this letter is being furnished your counsel, Wayne M. Collins, Esquire, Mills Tower, 220 Bush St., San Francisco 4, California.**

You are further advised that if you are deported or if you depart under an order of deportation you will not be permitted to enter the United States within one year after the date of your departure. If you desire to enter the United States after one year has elapsed from the date of your deportation or departure under an order of deportation you must obtain permission from the Attorney General to apply for admission into the United States. If you enter the United States at any time after deportation or departure under an order of deportation without receiving permission from the Attorney General, you will be guilty of a felony and upon conviction be liable to imprisonment of not more than two years or a fine of not more than \$1,000, or both such fine and imprisonment.

You should be accompanied at the time of your hearing by a person who can interpret into English the language you speak.

COPY TO:

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


Karl I. Zimmerman
District Director

File

March 18, 1952

Karl I. Zimmerman, Esq.
District Director
Immigration and Naturalization Service
Lafayette Building, Fifth & Chestnut Sts.
Philadelphia 6, Pennsylvania

Dear Sir:

Re: Seikel Arasaki - 0400-19467
Jitsuo and Takeno Dodohara & children,
0400-19470 and 1400-19470
Kunikichi and Hisako Matsuda and children,
0400-19476, 0400-42051, 0400-42052,
0400-42053 and 0400-42054.
Yoshio Nakagawa - A-5,967,437
Kazuo Nakagawa - A-6,096,818

I wish to thank you for the notices of hearings in the above-mentioned Peruvian-Japanese cases. It will not be necessary for me to be present at the said hearings. However, I would be grateful if you would forward to me the recommendations that are made in each of the above cases when they are made.

Very truly yours,

Date:	March 24, 1952
Place:	Philadelphia, Pa.
Hearing Officer:	Herman W. Williams
Stenographer:	Mary T. Cody
Interpreter:	Fukaji Sasaki
	833 E. Parsonage Road
	Seabrook, N. J.
Respondent's Counsel:	Wayne M. Collins, Esq.
(Not Present)	Mills Tower,
	220 Bush Street
	San Francisco, Cal.
Respondent:	YOSHIO NAKAGAWA

HEARING OFFICER TO RESPONDENT:

Q. What is your name?

A. YOSHIO NAKAGAWA.

Q. Where it appears you are unable to speak and understand the English language, you are advised that an interpreter has been engaged to act at this hearing. You have talked with the interpreter and I ask if you understand him?

A. Yes.

Q. What language are you and the interpreter speaking?

A. Japanese.

HEARING OFFICER TO INTERPRETER:

Q. Will you identify yourself for the record?

A. FUKAJI SASAKI, 833 E. Parsonage Road, Seabrook, N. J.

Q. Please rise and be sworn (complies). Do you solemnly swear that you will truly and correctly interpret from English to Japanese, and vice versa, all that is said at this hearing, and accurately translate any documents which may be presented, to the best of your knowledge and ability, so help you God?

A. I do.

HEARING OFFICER TO RESPONDENT THROUGH INTERPRETER:

Q. Please stand and raise your right hand (complies). Do you solemnly swear that all the statements you are about to make will be the truth, the whole truth, and nothing but the truth, so help you God?

A. Yes.

Q. Are you the same person who was accorded a hearing in deportation proceedings at Crystal City, Texas, on April 1, 1946?

A. Yes.

Q. You are advised that under date of June 1, 1950, the Board of Immigration Appeals ordered your case reopened for the purpose of affording you opportunity to apply for such relief from deportation as you may be eligible for and for such further appropriate proceedings as required. Do you understand?

A. Yes.

Q. It is noted from the record that WAYNE M. COLLINS, Esq., of San Francisco, California, has filed an appearance in this case as your counsel. I ask if you are being represented in these proceedings by Mr. Collins?

A. Yes.

Q. Is Mr. Collins present here today to act at this hearing?

A. He is not here.

Q. Where your representative is not present, are you prepared and ready to proceed with this reopened hearing?

A. Yes.

Q. Inasmuch as you are not presently represented by counsel, you are advised that at this reopened hearing you will be afforded an opportunity to present any evidence you desire, to meet the evidence presented by the Government, to question witnesses if there be any, and to make objections for the record. Do you understand?

A. Yes.

Q. I now show you seven documents and ask you to examine same and state whether or not you submitted these documents to this office in connection with your case?

A. Yes.

Q. This Form I-55, General Information Form, is checked to show that you are applying for suspension of deportation, and that said form was executed on February 7, 1950. Is that correct?

A. Yes.

Q. I ask you to examine this form and to state whether or not there are any changes you wish to make as to the information appearing in said form, especially as to marital status, assets, residence and employment?

A. The only change is about my assets. I now have about \$5,000.00 cash and have other assets about \$1,000.00.

Q. On what ground are you basing your application for suspension of deportation?

A. Since we came here my wife died and we lost all ties in Peru. I left Japan more than 20 years ago so I have nothing in Japan to go back to. My son came in with me. He was 11 at that time and has forgotten all the language that he knew - that is, Spanish - so he wouldn't be any good if he went to Peru. I am basing my application on the fact that I have been here over seven years.

- Q. You are advised that you may, at any time during this hearing, apply for suspension of deportation. In order to establish that you are eligible for suspension of deportation, you must show that you have been a person of good moral character for the preceding five years and you are not ineligible to naturalization or, if ineligible, that such ineligibility is solely by reason of race. In addition, you must show (1) that you have resided continuously in the United States for seven years or more and were residing in the United States on July 1, 1948. Do you understand?
- A. I understand.
- Q. You are also advised, as an alternative to suspension of deportation, you may apply for the privilege of voluntary departure in lieu of deportation. In order to establish your eligibility for such privilege, you must establish that you have been a person of good moral character for the preceding five years and that you have the ability to depart from the United States promptly at your own expense. Do you understand?
- A. Yes.
- Q. Do you also desire to apply for this alternative privilege which I have just explained to you?
- A. Yes.
- Q. You are advised that all the information appearing in this Form I-55, General Information Form, may be considered as evidence in the case and that false answers in said form may result in a denial of the relief which you request. Do you understand?
- A. Yes.
- Q. This Form I-55, General Information Form, will be accepted as evidence in the case, made part of the record of hearing, being identified as Exhibit R-1. Do you understand?
- A. Yes.
- Q. Do you desire that the additional six documents you submitted be also incorporated into the record as evidence?
- A. Yes.
- Q. Accordingly, Form 4-222, affidavit of witness KOTOKU YAMASHIRO, accepted as evidence in the case and identified as Exhibit R-2.
Form 4-222, affidavit of witness YASUHIKO OHASHI, accepted as evidence in the case and made part of the record, being identified as Exhibit R-3.
Letter dated February 17, 1950, from the Seabrook Community House, Seabrook, N. J., accepted as evidence in the case and identified as Exhibit R-4.
Letter dated February 28, 1950, from Seabrook Farms Company, Bridgeton, N. J., accepted as evidence in the case and made part of the record, being identified as Exhibit R-5.
Letter dated January 16, 1950, from Chief of Police, Seabrook, N. J., accepted as evidence in the case and made part of the record, being identified as Exhibit R-6.

Notarized document, dated January 31, 1950, of the Personnel Director, Seabrook Farms Company, accepted as evidence in the case and made part of the record, being identified as Exhibit R-7.

- Q. I now show you Form 4-401-A, same being report of investigation conducted, and ask what, if any, comment you have to make regarding same?
- A. No objection and no comment.
- Q. Accordingly, same is accepted as evidence in the case and made part of the record, being identified as Exhibit R-8. I now show you Form G-58, addressed to the Federal Bureau of Investigation, and endorsed by said Bureau, showing no criminal record, and I ask what, if any, comment you have to make regarding same?
- A. No objection and no comment.
- Q. This document is being accepted as evidence in the case and made part of the record of the hearing, being identified as Exhibit R-9. Are you still employed by the Seabrook Farms Company?
- A. Yes.
- Q. What are your average weekly earnings from this employment?
- A. About \$50.00 a week while work continues during the season.
- Q. And how long have you been without work?
- A. Since December, 1951.
- Q. When does the season usually start?
- A. Usually toward the end of April.
- Q. Your Form I-55 (Exhibit R-1) indicates that your wife has died. Will you state for the record when and where she died?
- A. My wife died in 1947, in Peru.
- Q. Have you since her death remarried?
- A. No.
- Q. Do you have any other members of your family still living in Peru?
- A. I have a boy named MARCO FRANCISCO. His Japanese name is TOSHIO NAKAGAWA.
- Q. Do you have any close relatives in the United States?
- A. My son, KAZUO.
- Q. Is your son also under proceedings similar to these?
- A. Yes (Office file A-6 096 818 relates to son of respondent).

- Q. If it is found that you are not eligible or entitled to suspension of deportation but were granted the privilege of voluntarily departing from the United States at your own expense in lieu of deportation, how much time would you require before you could effect your departure from the United States?
- A. I think about three months.
- Q. Why would you require so much time?
- A. Time is required to draw money out of the bank and sell some of the securities I own.
- Q. What kind of securities do you own?
- A. I have some industrial stock - Jones & Lauchman Steel and Follansbee Steel.
- Q. Is the value of these stocks included in the \$5,000.00 cash which you say you have?
- A. Yes.
- Q. What is the present market value of these stocks, if you know?
- A. About \$2,000.00.
- Q. If the privilege of voluntary departure was granted you, to what country would you go?
- A. Peru.
- Q. To your knowledge, would you be readmitted to Peru?
- A. It may be a question of time before the Peruvian Government would accept me and my son because I have another son in Peru. It is the only other country I have to go.
- Q. Have you ever been informed or received information that the Peruvian Government will not allow any person of the Japanese race who is not a citizen of Peru to enter Peru?
- A. I heard that before but I hope, when the peace is restored, the Government might ease the entry to Japanese nationals.
- Q. In the event Peru would not allow you to enter that country, if the privilege of voluntary departure were granted to you are you willing to voluntarily return to Japan at your own expense, the latter being the country of your birth and nationality?
- A. No, I don't want to go to Japan.
- Q. If the privilege were granted you, is there any other country than Peru that you would go to?
- A. No other country.
- Q. If you are found deportable and ordered deported, to what country do you desire to be deported?
- A. Peru.

Q. Have you ever believed in Communism?

A. No.

Q. Have you ever been a member of or affiliated with any Communist or other subversive organization?

A. No.

Q. If necessary, would you take up arms in defense of this country against any other country?

A. Yes.

Q. When were you released from the internment camp?

A. August 16, 1946.

Q. Prior to your release from the internment camp, had you been offered an opportunity of being voluntarily repatriated to Japan?

A. I don't remember.

Q. Do you recall on September 5, 1945, executing an application for repatriation in which you stated your desire to be repatriated to Peru, if possible, and further stated that you desired to return to Peru in order that you may be with your wife who has been ill for many years, and with your child; that you cannot leave your sick wife alone in Peru and return to Japan?

A. Yes, I remember.

Q. This application indicates that you declined the opportunity of being voluntarily repatriated to Japan by desiring to be returned to Peru. Is that correct?

A. Yes, my wife was sick.

Q. Do you recall, under date of April 18, 1946, an order of the Commissioner, in which you and your son were ordered deported to Japan at Government expense, and the further order that you and your son be permitted to depart from the United States, without expense to the Government, to any country of your choice except contiguous territory at any time prior to being called for deportation by the Government under safeguards, such departure to be verified?

A. I don't recall.

Q. Do you recall, under date of April 25, 1946, an order of the Board of Immigration Appeals, in which the order of the Presiding Inspector, as approved by the Commissioner, was adopted and it was ordered that you, together with your son, be deported to Japan at Government expense, and

further order that execution of the warrant of deportation be stayed for 90 days, without prejudice to an application for voluntary departure if you and your son can secure permission to enter some other country than Japan?

A. Yes, I remember receiving a notice.

Q. Did you make any efforts to secure permission from some country other than Japan to enter such country?

A. No, I consulted my lawyer and left the matter up to him.

Q. Have you understood everything that has taken place here today?

A. Yes.

Q. Do you have any statement you wish to make for the record?

A. I have acquired many friends and feel at home here.

Q. Do you have any additional evidence, including witnesses, you wish to present in support of your application for relief from deportation?

A. I have no further evidence to present.

Q. Have you, since your release from the internment camp, been able to secure the permission of any country, other than Japan, to enter such country?

A. No.

Q. There being no further evidence to be presented, the case is being brought to a conclusion. In lieu of preparing a written decision, I am authorized under Part 151.5(d), Title 8 C.F.R., to orally state for the record a brief summary of the evidence, my findings of fact, conclusions of law and decision, and same is stated as follows:

DISCUSSION OF THE EVIDENCE: The record shows the respondent is an alien, a native and citizen of Japan and of the Japanese race, 51 years old, a widower; that he last entered the United States on February 6, 1943, at San Pedro, Cal., at which time he was brought to the United States from Peru by the United States military authorities for internment; that he remained in the United States. The record further shows that, at the time of entry, respondent was not in possession of an unexpired immigration visa and that he was not in possession of a valid passport. As the respondent was not entitled to enter the United States as a non-immigrant under any of the exemptions mentioned in Section 3 of the Immigration Act of 1924, he was an immigrant at the time of entry and, as such, required to present a valid immigration visa. From the foregoing, the charges in the warrant of arrest are sustained.

The respondent has selected Peru as the country to which he desires to be deported if he is found deportable and ordered deported.

The record shows that the respondent has not been naturalized in any country outside the country of his birth.

Respondent has applied for suspension of deportation as provided under Section 19(c) of the Immigration Act of 1917, as amended, on the ground that he has lived in the United States for a period in excess of seven years and was so residing on July 1, 1948. In the alternative, he has applied for the privilege of voluntary departure in lieu of deportation. The record shows the respondent is a widower; that he has a son residing in Peru, and has a son presently residing in the United States who is also under deportation proceedings. Respondent is employed by the Seabrook Farms Company, Bridgeton, N. J., and has been so employed since 1946. During the season, when the work is on, he receives an average of \$50.00 weekly salary. The record shows that the respondent was arrested by the Peruvian authorities in Peru in January, 1943, and subsequently was conveyed to the United States by the American military authorities for internment, and he remained so interned until August, 1946, at which time he was released. As a matter of policy, aliens who have been brought into the United States solely for reasons connected with the war, have had their applications for suspension of deportation denied, and where this respondent is within such class he is one to whom discretionary relief of suspension of deportation ought not be granted (See Matter of W-----, A-5908014, BIA, May 31, 1951 (Interim decision 225)).

In connection with the alternative application for voluntary departure in lieu of deportation, applied for by the respondent, the record shows that the respondent has not been other than a person of good moral character for the preceding five years, and that he has the funds whereby he can depart from the United States at his own expense promptly. However, the record further shows that prior to his release from internment he was offered the opportunity of being voluntarily repatriated to Japan but declined such offer stating that he desired to be repatriated to Peru instead. Following his hearing at Crystal City, Texas, Internment Camp on April 1, 1946, in an order of the Commissioner, he was ordered deported but was permitted to depart from the United States without expense to the Government, to any country of his choice except contiguous territory at any time prior to being called for deportation by the Government, and this order was approved by the Board of Immigration Appeals on April 25, 1946, execution of the warrants of deportation being stayed for 90 days without prejudice to an application for voluntary departure if the respondent could secure permission to enter some country other than Japan. Respondent has testified that, on advice of counsel, he made no effort to so effect his departure. He has further testified that if he were granted the privilege, he would require a period of at least three months before he could

effect such departure and that he would not depart to any country other than Peru. It is known, and respondent has testified he was so notified, that the Government of Peru has denied entry to that country of people of the Japanese race who are not Peruvian citizens. Accordingly, from the foregoing, he is one to whom the privilege of voluntary departure in lieu of deportation ought not be granted.

FINDINGS OF FACT: Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is an alien, a native and citizen of Japan;
- (2) That the respondent last entered the United States at San Pedro, California, February 6, 1943;
- (3) That the respondent was brought to the United States by the military authorities for internment;
- (4) That the respondent, at the time of entry, was not in possession of an unexpired immigration visa;
- (5) That the respondent, at the time of entry, did not present a valid passport or other official document showing his origin and identity.

CONCLUSIONS OF LAW: Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under Sections 13 and 14 of the Immigration Act of 1924, the respondent is subject to deportation on the ground that, at the time of entry, he was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said Act or regulations made thereunder;
- (2) That under Section 19 of the Act of February 5, 1917, the respondent is subject to deportation on the ground that he entered in violation of the Passport Act of May 22, 1918, as amended, in that, at the time of entry, he did not present an unexpired passport or official document in the nature of a passport, issued by the government of the country to which he owes allegiance, or other travel document showing his origin and identity, as required by Executive Order in effect at the time of entry.

DECISION: That the application for suspension of deportation and the alternative application for voluntary departure in lieu of deportation be denied and that the alien be deported from the United States pursuant to law on the charge stated in the warrant of arrest.

- Q. You have heard my oral decision as I have stated it to you through the interpreter. You are now required to state for the record whether or not you take exceptions to any part thereof. If you do take exceptions, the entire file will be forwarded to the Commissioner for his consideration and final action. If you do not take exception, my decision becomes final. What do you wish to do?
- A. I take exceptions.
- Q. Where you have indicated that you desire to take exceptions to my decision and further where you are represented, your representative not being present at this hearing, you are advised that your representative will be furnished with a copy of the transcript of this reopened hearing, which includes my oral decision as I have stated it, and he will be appropriately advised as to the taking of exceptions thereto and the period of time in which such exceptions are to be taken. Do you understand?
- A. Yes.

- * - HEARING CLOSED - * -

CERTIFIED CORRECT TRANSCRIPT:

Mary T. Cody
Mary T. Cody
Stenographer

I CERTIFY THAT, to the best of my knowledge and belief, the record is a true report of everything that was stated during the course of the hearing, including oaths administered and rulings on objections, except statements made off the record.

Herman W. Williams
Herman W. Williams
Hearing Officer

I N D E X

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EXHIBIT R-2: Affidavit of KOTOKU YAMASHIRO.....	9
EXHIBIT R-3: " " YASUHIKO OHASHI.....	9
EXHIBIT R-4: Letter from Seabrook Community House.....	9
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4 - 95-E
Rev. 3-1-51

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Lafayette Bldg., 5th & Chestnut Sts.,
Philadelphia 6, Penna.

REGISTERED MAIL
RETURN RECEIPT REQUESTED

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

Exp.
File A-5,967,437
Date April 22, 1952

Dear Sir:

Re: YOSHIO NAKAGAWA

Enclosed is a copy of transcript of testimony adduced at the hearing in deportation proceedings in the case of the above-named person in which is entered the decision of the Hearing Officer and oral exceptions taken thereto. You are requested to execute and promptly return the attached receipt for the transcript of testimony.

You are allowed **five (5)** days (excluding Saturdays, Sundays and holidays) after receipt of this notice within which to submit to this office written exceptions to the Hearing Officer's decision and, if desired, supporting argument or brief, for consideration by the Commissioner of Immigration and Naturalization. When replying, advise whether oral argument before the Commissioner in Washington, D. C., is desired.

This is not a final order. The entire record will be forwarded promptly to the Commissioner by this office (1) upon receipt of written exceptions and supporting argument or brief (if any), or (2) upon expiration of the time allowed therefor.

Very truly yours,


Karl I. Zimmerman,
District Director.

Enclosure

Reid
4/28/52

April 30, 1952

District Director
U.S. Immigration and
Naturalization Service
Lafayette Bldg.
5th and Chestnut Streets
Philadelphia 6, Penn.

Attention: Herman W. Williams, Esq.

Dear Sir:

In re: Yoshio Nakagawa,
File No. Exp. A-5,967,437

Enclosed find your Form 40432 executed
by me.

In addition thereto there is enclosed
herein three original Exceptions To
Recommendation in the above-entitled matter.

Oral argument before the Commissioner
is not desired.

Very truly yours,

ADJ-304
(4-28-52)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

COPIES FOR ATTORNEY
OR REPRESENTATIVE

File: A-5967437 - Philadelphia

Appeal 15

In re: YOSHIK HAKAGAWA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENT:

Wayne H. Collins, Esquire
220 Bush Street, Mills Tower
San Francisco, California

MAY 26 1952

CHARGES:

Warrant : Act of 1924 - No immigration visa
Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of deportation

DETENTION STATUS: Not detained

DISCUSSION: Upon consideration of the entire record, including the exceptions taken, the findings relating to deportability made by the officer conducting the hearing are hereby adopted.

The facts and circumstances in this case do not warrant the exercise of any discretionary relief.

ORDER: It is ordered that the alien be deported from the United States, pursuant to law, on the charge in the warrant of arrest.

ASSISTANT COMMISSIONER
ADJUDICATIONS DIVISION

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Address Official Communications to

American Embassy
Lima, May 29, 1952

Mr. Wayne M. Collins, Attorney at Law,
Mills Tower, 220 Bush Street,
San Francisco 4, California

Dear Mr. Collins:

I wish to acknowledge receipt of your letter of May 19, 1952 referring once more to the return to Peru of a number of Peruvian-Japanese who were deported to the United States in 1943 and 1944.

Correspondence continues between this Embassy and the Peruvian Ministry of Foreign Affairs on the subject, but there has so far been no official change in the Peruvian position. When the matter was taken up orally with the Foreign Ministry this week, however, there was some indication that it intended to restudy the problem and to formulate a set of conditions under which certain Peruvian-Japanese would be enabled to obtain an entry permit. That indicates possible progress towards a solution of the problem.

Please be assured that the Embassy will continue to devote attention to this matter and will bear in mind the information contained in your letter.

Sincerely yours,

/s/ Harold H. Tittmann

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Post Office Building
Chicago 7, Illinois

June 6, 1952

FILE NO. A5 967 437T
#1

Wayne M. Collins,
Attorney at Law,
220 Bush Street, Mills Tower,
San Francisco, Calif.

Dear Sir:

The attached is a copy of the decision and order of the Commissioner in ~~xxxxxxx~~ the case of Yoshio Nakagawa.

This order is final unless an appeal is taken to the Board of Immigration Appeals in Washington, D. C., and notice of appeal is filed within **fifteen** days (not including Saturdays, Sundays, and holidays) after receipt of this notice.

If appeal is desired, notice of appeal (forms for which are attached) should be executed in triplicate. Two copies must be filed with the local office of the Immigration and Naturalization Service in which the proceedings were held and the third copy must be filed directly with the Board of Immigration Appeals, Department of Justice, Washington, D. C.

If you do not desire to appeal, please sign the waiver below and return it to this office.

Any questions which you may have should be addressed to this office.

Very truly yours,

MARCUS T. NEELLY
District Director
Chicago District

C. C. Davis

By: C. C. Davis, Chief,
Investigation & Deportation Section.

enc.

W A I V E R

Rec'd. June 9, 1952

I have read the above letter and do not desire to appeal.

(Signature)

BEFORE THE BOARD OF IMMIGRATION APPEALS

In the Matter of

YOSHIO NAKAGAWA

A-5967,437

BRISK POB APPELLANT

On March 24, 1952, the hearing officer, Herman W. Silliens, recommended that the alien Yoshio Nakagawa, a native of Japan and resident of Peru, be deported on the charges stated in the warrant of arrest. May 26, 1952, the Assistant Commissioner, Adjudications Division, contrary to law and the evidence, held the alien deportable, denied him discretionary relief and, presumably, also voluntary departure and ordered him deported.

Because the Peruvian Government thus far has not granted the appellant authority to return to Peru, in which country he had acquired residence, his efforts to return there have not yet proved successful. Further, his counsel and the State Department still are endeavoring to persuade the Peruvian authorities to allow his entry to Peru. Of the causes and reasons connected with his failure to depart from the U.S. the Commissioner had actual knowledge and takes administrative notice. Annexed hereto is a copy of the letter dated May 29, 1952, from Hon. Harold H. Tittman, our Ambassador to Peru, demonstrating that our Embassy at Lima, Peru, is endeavoring to obtain the consent of the Peruvian Government to the repatriation of the appellant and similarly situated Peruvian-Japanese whom it and our own Government long have abused. The original of said letter has been forwarded to the Commissioner of Immigration for examination.

The appellant was brought to this country and interned on Feb. 6, 1943, under an asserted claim that he was subject to

1 the provisions of the Alien Enemy Act. On August 16, 1946, he
2 was released from the Provisions of the Alien Enemy Act and his
3 detention under authority of the Act thereupon ceased. Of these
4 facts the Commissioner, this Board and the Attorney General have
5 actual knowledge and take executive notice.

6 We submit that the finding and conclusion that the alien
7 cannot meet the residence requirements for suspension of deporta-
8 tion under Title 8 USCA, Sec. 155 (c), is contrary to law, to
9 fact and to the evidence.

10 The seven (7) year period of residence required by Title 8
11 USCA, Sec. 155 (c) for suspension of deportation is satisfied by
12 the elapse of time from Feb. 6, 1943, when applicant arrived
13 here or is, at least, partially satisfied by the elapse of time
14 from August 16, 1946, when he was released from internment and
15 from any claim of being subject to the provisions of the Alien
16 Enemy Act.

17 We submit that there is no evidence in the record that the
18 alien was brought to this country for any legitimate war connected
19 reason. We contend that the government is estopped to deny that
20 his entry was lawful and likewise is estopped to assert that his
21 presence in this country is unlawful. It is nonsense for the
22 government to assert that he did not present an unexpired passport
23 or other travel document at the time of entry and that he was not
24 in possession of a valid immigration visa. The secret orders of
25 the Peruvian government which authorized this cruel uprooting of
26 the appellant and similarly situated Peruvian-Japanese constitute
27 a blanket visa to the appellant and those other Peruvian-Japanese
28 who forcibly were brought to this country. The concealed orders
29 of the U.S. Government, under which he and they were banished
30 from Peru and transported to the U.S., constitute blanket
31 admission credentials.

32 We submit that the appellant was brought involuntarily to

1 this country for political reasons only. Because he is, in fact,
2 an involuntary refugee from Peru, he is entitled to asylum in
3 this country.

4 Our ambassador to Peru and our State Department still are
5 trying to prevail upon the Peruvian authorities to re-admit the
6 appellant and similarly situated members of the Peruvian-Japanese
7 group here to Peru. So long as those negotiations are pending
8 we suggest that no order of deportation should issue against him.

9 For the foregoing reasons we urge that the finding of
10 deportability be set aside and that the alien's application for
11 suspension of deportation be granted.

12 June 9, 1952.

13 Respectfully submitted,

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Wayne M. Collins
17 1701 Mills Tower
18 San Francisco 4, Calif.

19 Attorney for Appellant.
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BEFORE THE COMMISSIONER OF IMMIGRATION

In the Matter of
KAZUO NAKAGAWA

A-6,096,818

EXCEPTIONS TO RECOMMENDATION

The hearing officer, Herman W. Williams, has recommended that the alien above-named, a resident of Peru, be deported on the charges stated in the warrant of arrest. On May 1, 1952, the District Director, USI&NS, at Philadelphia, sent counsel a notice of that recommendation.

Because the Peruvian Government thus far has not granted the applicant authority to return to Peru, in which country he has his residence and of which country he is a citizen, his efforts to return there have not yet proved successful. His counsel and the State Department still are endeavoring to persuade the Peruvian authorities to allow his entry to Peru. Of the causes and reasons connected with their failure to depart from the U.S. the Commissioner has actual knowledge and takes administrative notice.

The applicant's father, was brought to this country and interned on July 2, 1944, under an asserted claim that he was subject to the provisions of the Alien Enemy Act. However, the applicant was not brought here for that purpose of under any such a claim. He was permitted to enter the U.S. as a guests of our government, although termed voluntary internees, simply to accompany his father. On August 6, 1946, the father was released from the provisions of the Alien Enemy Act and his detention under authority of that Act thereupon ceased. Of these facts the Commissioner, the Board of Immigration Appeals and the Attorney

1 General have actual knowledge and take executive notice.

2 We except and object to the finding and conclusion, unsup-
3 ported by any evidence whatever, that the alien cannot meet the
4 residence requirements for suspension of deportation under Title
5 8 USCA, Sec. 155 (c). We submit also that said finding and con-
6 clusion is contrary to law, to fact and to the evidence.

7 The seven (7) year period of residence required by Title 8
8 USCA, Sec. 155(c) for suspension of deportation is satisfied by
9 the elapse of time from July 2, 1944, when applicant arrived here.

10 We submit that there is no evidence in the record that the
11 alien was brought to this country for any legitimate war connected
12 reason. We contend that the government is estopped to deny that
13 his entry was lawful and likewise is estopped to assert that
14 his presence in this country is unlawful. It is nonsense for
15 the government to assert that he did not present an unexpired
16 passport or other travel document at the time of entry and that
17 he was not in possession of valid immigration visa. The secret
18 orders of the Peruvian government which authorized this cruel
19 uprooting of the applicant and similarly situated Peruvian-Japanese
20 constitute a blanket visa to the applicant and those other
21 Peruvian-Japanese who forcibly were brought to this country. The
22 concealed orders of the U.S. Government, under which he and they
23 were banished from Peru and transported to the U.S., constitute
24 blanket admission credentials.

25 We submit that the applicant was brought involuntarily to
26 this country for political reasons only. Because he is, in fact,
27 an involuntary refugee from Peru, he is entitled to asylum in this
28 country.

29 Our ambassador to Peru, our State Department and applicant's
30 counsel still are trying to prevail upon the Peruvian authorities
31 to re-admit the applicant and similarly situated members of the
32 Peruvian-Japanese group here to Peru. So long as those negotiations

1 are pending we suggest that no order of deportation should issue
2 against him.

3 For the foregoing reasons we urge that the recommendation
4 of the hearing examiner be disregarded and that the alien's
5 application for suspension of deportation be granted and that the
6 recommendation that he be denied voluntary departure be withdrawn.

7 Respectfully submitted,

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Wayne M. Collins
1701 Mills Tower
San Francisco 4, Calif.

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12 Attorney for Applicant
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June 10, 1952

District Director
U.S. Immigration and Naturalization
Service
Lafayette Building, 5th & Chestnut Sts.
Philadelphia 6, Pennsylvania

Dear Sir:

In re: Yoshio Nakagawa
File No. A-5967437

Enclosed find duplicate original Notices
of Appeal and supporting Brief in the above
entitled matter.

An original Notice and like Brief have
been forwarded this date to the Board of
Immigration Appeals.

Very truly yours,

Encs.

June 10, 1952

District Director
Immigration and Naturalization Service
Post Office Building
Chicago 7, Illinois

Dear Sir:

Re: Yoshio Nakagawa
File: A-5967437

I have this date forwarded to the Board of Immigration Appeals and the District Director, USI&NS, at Philadelphia, notices of appeal, together with supporting briefs in the above-entitled cause. I am enclosing herewith a copy of the supporting brief inasmuch as the final notice came from your office instead of from the USI&NS Office at Philadelphia where it was my impression the cause was pending.

Very truly yours,

June 10, 1952

Board of Immigration Appeals
Department of Justice
Washington 25, D.C.

Gentlemen:

In re: Yoshio Nakagawa
File No. A-5967437

Enclosed find original Notice of Appeal
and supporting Brief for appellant in the
above entitled matter.

Duplicate original copies of said Notice
and Brief have been forwarded to the District
Director, U.S. Immigration and Naturalization
Service at Philadelphia.

Very truly yours,

Encs.

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

June 24, 1952

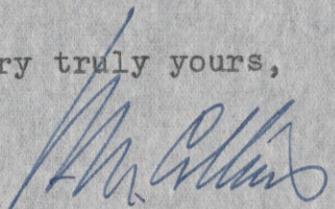
Mr. Kazuo Nakagawa
Seabrook Farms,
Bridgeton, N.J.

Dear Mr. Nakagawa:

Enclosed find a copy of the "Exceptions to Recommendation" I have filed on your behalf with the District Director, USI&NS and the Commissioner of Immigration in your case.

This copy is forwarded to you simply to keep you informed from time to time of the progress of your case and of your status in this country.

Very truly yours,



Encs.

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

June 25, 1952

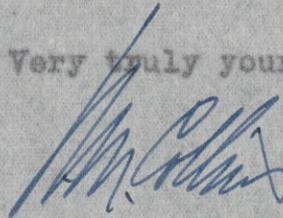
Mr. Yoshio Nakagawa
Seabrook Farms,
Bridgeton, N.J.

Dear Mr. Nakagawa:

Enclosed find a copy of the brief I have filed on your behalf with the "Board Of Immigration Appeals" in the appeal I took on your behalf to that Board from the adverse recommendations of the hearing officer and the Commissioner of Immigration in your case.

This copy is forwarded to you simply to keep you informed from time to time of the progress of the case and of your status in this country.

Very truly yours,



Encs.

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

June 25, 1952

Mr. Yoshio Nakagawa
Seabrook Farms,
Bridgeton, N.J.

Dear Mr. Nakagawa:

Enclosed find a copy of the brief I have filed on your behalf with the "Board Of Immigration Appeals" in the appeal I took on your behalf to that Board from the adverse recommendations of the hearing officer and the Commissioner of Immigration in your case.

This copy is forwarded to you simply to keep you informed from time to time of the progress of the case and of your status in this country.

Very truly yours,

Encs.

This letter was sent to me to
1820 W. 38th Pl. L.A. 12, Calif and
was opened by mistake.

I understand that this Kazuo
Nakagawa has moved from
Seabrook, N.J.

I am sending this letter
back to you since I don't
know the whereabouts of this
party.

Kazuo
Nakagawa

U. S. DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON

ADDRESS REPLY TO BOARD OF
IMMIGRATION APPEALS AND
REFER TO FILE NUMBER

5967437
Nakagawa

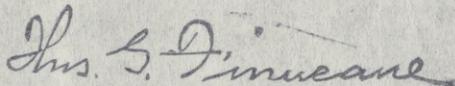
March 3, 1953

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

Reference is made to your interest in the above case.

For your information, there is enclosed herewith copy of the
decision and order of the Board of Immigration Appeals.

Sincerely yours,



Thos. G. Finucane
Chairman

MAR 3 - 1953

Files: A-5967437 and A-6096818 - Philadelphia

In re: YOSHIO NAKAGAWA and son, KAZUO NAKAGAWA also known as
JULIO CAESAR KAZUO NAKAGAWA

IN DEPORTATION PROCEEDINGS

IN BEHALF OF RESPONDENTS: Wayne M. Collins, Esquire
220 Bush Street, Mills Tower
San Francisco, California

CHARGES:

Warrant: Act of 1924 - No immigration visa
Act of 1918 - No passport

Lodged: None

APPLICATION: Suspension of deportation - seven years residence
or voluntary departure

DETENTION STATUS: Not detained

By order dated April 25, 1946, we found the respondents deportable on the charges stated above. On June 1, 1950, on motion of counsel, we directed that the orders and warrants of deportation be withdrawn and that the hearing be reopened for the reception of such application for relief from deportation as may be made. The case of the father is before us now on appeal from an order entered on May 26, 1952 by the Acting Assistant Commissioner denying discretionary relief and directing that such alien be deported from the United States on the charges stated in the warrant of arrest. The son's application for discretionary relief was denied by the Acting Assistant Commissioner on June 13, 1952 by an order which directed that the son also be deported from the United States on the charges stated above. The son's case is before us now for final decision in accordance with 8 C.F.R. 90.3(b).

DISCUSSION AS TO DEPORTABILITY: The respondents are a 50 year old widower and his 19 year old single male child. The older alien is a native and citizen of Japan who last entered the United States at the port of San Pedro, California on February 6, 1943 when he was brought to this country from Peru for internment. The younger alien, a native and citizen of Peru, last entered the United States at the

port of New Orleans, Louisiana on July 3, 1944, arrangements having been made by his mother for him to join the elder alien in this country. Both aliens are of the Japanese race. The deportability of aliens who came to the United States under like circumstances as the respondents has been settled by decision of the courts. Schirmeister v. Watkins 171 F 2d 858 (C.A. 3, 1949); U. S. ex rel Sommerkamp v. Zimmerman 178 F 2d 645 (C.A. 3, 1949). It is concluded from the evidence of record that the respondents are subject to deportation on the charges stated above.

DISCUSSION AS TO ELIGIBILITY FOR SUSPENSION OF DEPORTATION: The respondents base their application for suspension of deportation on seven years' continuous residence in the United States including July 1, 1948. The evidence of record establishes that they have been residing in the United States continuously since their last entries. We find that they meet the residence requirements for suspension of deportation.

The older alien testified that he left Japan over twenty years ago. He stated that his wife died in Peru in 1947. He has another son who still resides in Peru.

The respondents were released from internment in August 1946. The adult has been employed as a laborer by the Seabrook Farms Company, Bridgeton, New Jersey since August 21, 1946 and earns \$50 a week. He has \$5,000 in cash and stocks and \$1,000 in other assets. The younger respondent has been employed by the Seabrook Farms Company since June 1, 1950 and earns \$1.00 an hour for a 50-hour week. He has no assets.

A check of appropriate local and federal records has failed to reveal an arrest or criminal record for either respondent. An independent character investigation is favorable. We find that the evidence of record establishes that the respondents have been persons of good moral character for the preceding five years. There is no evidence of record that either one of them is subject to deportation on any ground specified in Section 19(d) of the Immigration Act of 1917, as amended. It is concluded that they are eligible for suspension of deportation.

The respondents are chargeable to the quota for Japan which has an annual quota of 185.

Counsel states that the Peruvian Government has not granted authority to the Japanese brought to the United States from Peru during World War II to be repatriated to that country. Counsel further states that the United States Ambassador to Peru and our State Department are still endeavoring to persuade the Peruvian Government to authorize the repatriation of these Japanese. We feel that the circumstances in this case warrant granting suspension of deportation. Accordingly, the appeal will be sustained.

ORDER: It is ordered that deportation of the aliens be suspended under the provisions of Section 19(c)(2) of the Immigration Act of 1917, as amended.

IT IS FURTHER ORDERED that the orders entered by the Acting Assistant Commissioner on May 26, 1953 and June 18, 1953 be and the same are hereby withdrawn.

IT IS FURTHER ORDERED that if during the session of the Congress at which this case is reported, or prior to the close of the session of the Congress next following the session at which this case is reported, the Congress passes a concurrent resolution stating in substance that it favors the suspension of such deportation, the proceedings be canceled upon the payment of the required fee and that the aliens be charged to the quota of Japan.

Chairman

MG:hcl:mph

March 9, 1953

Mr. Yoshio Nakagawa
and Mr. Kazuo Nakagawa
Seabrook Farms
Bridgeton, New Jersey

Dear Messrs. Nakagawa:

On March 3, 1953, the Board of Immigration Appeals sustained my appeals in your cases and reversed the orders of the Acting Assistant Commissioner which had ordered you deported. In consequence, if Congress approves your applications for suspension of deportation each of you will be granted permanent residence status in this country.

Very truly yours,

March 9, 1953

Mr. Koshiro Mukoyama
55 Hoover Annex
Seabrook Farms
Bridgeton, New Jersey

Dear Mr. Mukoyama:

My previous correspondence to Mr. Yoshio Nakagawa, addressed to Seabrook Farms, was returned to me with the notation "moved, no address."

I enclose a letter to Mr. Yoshio Nakagawa and his son, Kazuo, which I would thank you to forward to him at his present address. Also, I would appreciate your letting me know the present whereabouts of the Nakagawas.

Very truly yours,

March 14, 1953

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

Dear Mr. Collins:

I have received your letter of March 9, 1953, enclosing a letter for Mr. Yoshio Nakagawa and his son, Kazuo, which I have forwarded to his new address, 4337 South Berkeley Avenue, Chicago 15, Ill.

Also I wish report you that I have lately removed to

add
OK (1612 Third street
Seabrook, New Jersey

Please take notice of this removal for further convenience.

Very truly yours

Koshiro Mukoyama

Koshiro Mukoyama

Peruvian

Stratosphere

3030 S. E. 58th Ave.
Portland 6, Oregon
October 7, 1953

Mr. Wayne M. Collins
1701 Mills Tower
220 Bush Street
San Francisco 4, Calif.

Dear Mr. Collins:

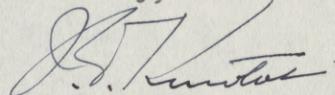
I am Enclosing herewith a check for \$100.00 in your favor. The check has been sent to me by Mr. Yoshio Nakagawa, Chicago, Illinois through Mr. Yasuhiko Ohashi of the Same City with the request that the sum be forwarded to you for the payment of retainer fee of Mr. Yoshio Nakagawa's family

As you know, Mr. Nakagawa is widower and he has minor child in Peru and his only adult son is now serving U.S. Army Force, therefore Mr. Ohashi has informed me that the amount will be maximum sum he can pay at present for your services.

However, Mr. Nakagawa has expressed to us his willingness to pay the additional amount if his financial condition permits him to do so.

Kindly acknowledge the above at your earliest conviences.

Sincerely,



I. E. Kurotobi

cc: Mr. Y. Ohashi
Mr. Y. Nakagawa