4 of 4

1945, nos 1-4

WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

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MAR - 1 1945

SOLICITOR'S MEMORANDUM NO. 1 (1945)

For the guidance of all Project Attorneys in their assisting evacuees in connection with appeals from individual exclusion orders, I am setting forth below a teletype sent to Jim Terry on February 23, 1945, in response to his inquiry:

> "Reurtt February 20. In view Government employment and consistent with policy against representing evacuees in legal proceedings or in administrative proceedings involving other Federal Agencies, Project Attorneys should not act as counsel for excludees in Army hearings on appeal from exclusion orders. Project Attorneys should, however, assist appellants in obtaining counsel if requested and should urge that counsel be obtained in meritorious cases. In lack of counsel or at counsel's request, Project Attorneys may assist appellants in filling out questionnaires and in preparing any other documents or statements that appellants may wish to submit, and may advise appellants concerning their rights and steps that should be taken in assembling and presenting all evidence they may have that is relevant to the hearing and court review in case of adverse decision. While Project Attorneys should not appear as counsel at the hearings, they may upon approval of the Project Director appear, at request of either Army or appellants, as witnesses."

EDWIN E. FERGUSON

Solicitor

WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

MAY 9 - 1945

SOLICITOR'S MEMORANDUM NO. 1 (1945)

Supplement 1

The Western Defense Command has recently established a screening board which reviews appeals from exclusion orders prior to referral for hearing. We understand that quite a few of the appeal cases are being transferred to the white list upon recommendation of this screening board without referral to a hearing board for further hearing and investigation.

Solicitor's Memorandum No. 1 (1945), which this supplements, authorizes Project Attorneys, upon approval of the Project Director, to appear at the request of either the Army or appellants as witnesses in appeal hearings. In view of the intermediate step that has been established through the functioning of the WDC screening board, action on appeals may be expedited if written statements by project personnel acquainted with the appellants are submitted in conjunction with the appeals. Upon approval of the Project Director, Project Attorneys may in their discretion prepare letters of recommendation in connection with appeals from exclusion orders at the request of either the Western Defense Command or the appellants. Such letters should, of course, be based upon project records and personal knowledge, and any statements of opinion should indicate that they reflect only the judgment of the sender. In the usual case, it would probably be advisable to transmit such letters separately to the Western Defense Command.

Edwin E Ferguson

Edwin E. Ferguson
Solicitor

WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

APR 11 1945

SOLICITOR'S MEMORANDUM No. 2 (1945)

Attached is an excerpt from a memorandum that we have sent Mr. Provinse suggesting a revision in the articles of incorporation of center cooperatives organized under the District of Columbia law to take care of a problem that is sure to arise on liquidation of the cooperatives—the disposition of funds payable to members and member-patrons who cannot be located on the basis of cooperative or WRA records, of excess reserves allocated for the expenses of the trustees in winding up the cooperatives, and of miscellaneous assets (such as income tax refunds) that may not be liquidated until after initial distribution of the assets and that are not large enough in amount to justify further distribution.

Adequate statutory provisions are made by the Colorado law under which the Granada cooperative is organized and the California law under which the Manzanar and Tule Lake cooperatives are incorporated for handling any undistributed surplus on dissolution.

EDWIN E. FERGUSON

Edwin E. Ferguson
Solicitor

Attachment

"Section 36 of the District of Columbia Cooperative Association Act, as indicated above, provides that after paying its debts and expenses and returning to the members the value of their membership certificates, returning to the subscribers the amount of their subscriptions and returning to the patrons the amount of saving returns credited to their accounts toward the purchase of shares or membership certificates, the surplus may be distributed in 'either or both' of the following ways as the articles of incorporation may provide:

> "'(a) Among those patrons who have been members or subscribers at any time during the past six years, on the basis of their patronage during that period; (b) As a gift to any consumers cooperative association or other non-profit enterprise which may be designated in the articles.'

"The articles of incorporation of the cooperatives at the relocation centers, I believe, all provide for the distribution of their surpluses in accordance with alternative (a).

"I suggest that we recommend that the cooperatives amend their articles to provide for a combination of these two alternatives. The amended article might read as follows:

> "'In case of dissolution of this corporation, its assets shall be distributed in the following manner and order: (1) By paying its debts and expenses; (2) By returning to the members the par value of their membership certificates, returning to the subscribers the amounts paid on their subscriptions, and returning to the patrons the amount of saving returns credited to their accounts toward the purchase of membership certificates; and (3) By distributing any surplus among those patrons who have been members or subscribers at any time during the past six years, on the basis of their patronage during that period. Provided: That the trustees designated in accordance with Section 36 of the said Act of Congress, approved June 19, 1940, Public Law 642, 76th Congress, shall donate to _____ (name the consumers cooperative association or other non-profit enterprise) any sum payable to any such member or patron whose mailing address cannot be ascertained by reference to the records of this corporation and the War Relocation Authority of the Department of the Interior or its successor, any sum reserved for the expenses of dissolution in excess of the actual expenses thereof, and any other form of surplus held by the trustees, if such surplus is determined by a majority of the said trustees to be less than the actual cost of distributing such surplus to the members and patrons in accordance with this article.'

"The language which is not underlined above was suggested in the draft articles attached to Solicitor's Opinion No. 43, and I believe now appears

in the articles of incorporation of all of the cooperatives organized under the District of Columbia law at the relocation centers. The underlined language is intended only as a suggestion. It may be changed in such manner as the cooperatives may desire as long as it remains consistent with the provisions of Section 36 quoted above.

"Section 7 of the District of Columbia law provides that if an 'amendment (to the articles of incorporation) is to alter the rule by which members' property rights in a non-share association are determined, a vote of two-thirds of the entire membership shall be required'. Inasmuch as the amendment suggested above would alter the property rights of the members at the time of dissolution, a two-thirds vote would be required. I have concluded in an earlier memorandum to you discussing the vote required to adopt a resolution to dissolve that the Congress of Delegates authorized by Section 12 of the Act may vote on behalf of the members for such a resolution, even though Section 36 says that such vote shall be by a vote of two-thirds of the entire membership. It is likewise my opinion, for the reasons stated in that memorandum, that the articles of incorporation of such a corporation may be amended in the manner which we have suggested by a vote of two-thirds of the Congress of Delegates."

Barrett

30,100

WAR RELOCATION AUTHORITY
Office of the Solicitor
WASHINGTON

APR 26 1945

SOLICITOR'S MEMORANDUM NO. 3 (1945)

Enclosed, for your information, is a copy of a memorandum this office has prepared which summarizes the laws of the various States with respect to alien land ownership.

Edwin E. Ferguson
Edwin E. Ferguson
Solicitor

Enclosure

76267

The Director April 24, 1945

Attention: H. Rex Lee

E. E. Ferguson

Subject: State Laws Affecting Land Ownership by Aliens

Alien evacuees contemplating leaving the center or interested in acquiring a home or other real property either immediately or at some future date or evacuees concerned with inheritance laws may require information about the alien land laws of the several States in order to select intelligently a locality for relocation. The following compilation and analysis presents the principal aspects of the alien land laws of all the States, with brief mention of the alien land laws of California, Oregon, and Washington, which have been fully digested and analyzed in Solicitor's Opinions 80, 81 and 82.

The common law rule as to ownership of real property by aliens is to the effect that aliens may take lands by purchase, gift or devise. After such acquisition, however, the alien's rights were subject to forfeiture by the sovereign. Aliens could not acquire lands by descent. See Op. Sol. No. 80. These rules have been changed or modified, however, by practically all State statutes. These statutes do not follow a uniform pattern. Some are liberal, permitting aliens the same rights as citizens. Others follow a rule more rigid than the common law. Some prohibit aliens of some particular nationality from acquiring realty under any circumstances. A number distinguish between resident and non-resident aliens or between aliens eligible and aliens ineligible to citizenship. Others limit the right of ownership to aliens who have applied for citizenship. Still others differentiate between alien "residents" and alien non-residents; "resident" as used in a State constitution or statute is generally interpreted as meaning a resident of the State. See V Vernier, American Family Laws (1938) p. 307.

States Without Restrictions

Considering the State alien land laws, particularly as they affect Japanese aliens, it may be stated generally that in 18 States of the Union Japanese aliens who are residing in the United States may acquire and dispose of real property without restriction. These 18 States are: Alabama, Colorado, Connecticut, Delaware, Florida, Maine,

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Massachusetts, Michigan, Nevada, [1] New York, North Carolina, North Dakota, Ohio, Rhode Island, South Dakota, Tennessee, West Virginia, Wisconsin.

Aliens resident in the United States may also freely acquire and dispose of real property in Alaska, Hawaii and the District of Columbia.

States with Residence Restrictions

The right of aliens to acquire and dispose of real property without restriction is recognized in 4 additional States upon the establishment of residence in the State. These States are: Iowa, Mississippi, New Hampshire, and Oklahoma. In addition, the constitutions of Arkansas and Wyoming provide that no distinction shall be made between resident aliens and citizens with respect to the possession or enjoyment of property. The Arkansas statute passed in 1943 prohibiting land ownership by persons of Japanese descent, and the 1943 Wyoming law prohibiting land ownership by aliens ineligible to citizenship, very probably would be held to violate these State constitutional provisions with respect to aliens resident in the State. See Applegate v. Lum Jung Luke, 291 S.W. 978 (Arkansas 1927). The Arkansas law insofar as it affects American citizens of Japanese descent also clearly violates the equal protection guaranty of the Federal Constitution.

Restrictions upon Enemy Aliens

Georgia, Kentucky, Maryland, New Jersey, Pennsylvania, and Virginia restrict the right to hold land to alien friends. Under the New Jersey law, however, enemy aliens resident in this country, who are licensed or permitted by the Federal Government to do business, are not arrested or interned, and whose property has not been confiscated, are in the same category as alien friends. This means that the vast majority of Japanese aliens in this country are eligible to hold land in New Jersey.

The restrictions as to enemy alien status in these States will, of course, be important to Japanese aliens only for the duration of the war with Japan. Thereafter they will not be subject to any restrictions so far as Georgia, Maryland, and New Jersey are concerned. In Kentucky

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1/ The Nevada law provides that any non-resident alien, except a subject of the Chinese Empire, may freely acquire and dispose of real property, but says nothing about resident aliens. It seems obvious that the same rights would be granted to resident aliens.

ownership of land by Japanese aliens after the war will be permitted for a term of 21 years if the aliens reside in the State. In Pennsylvania such ownership will be limited to a maximum of 5,000 acres in area, and $20,000 in net annual income.

Restrictions Based on Eligibility for Naturalization

Aliens ineligible to citizenship, hence Japanese aliens, are prohibited from owning land or interests therein in the following States: Arizona, California, Idaho, Kansas, Louisiana, Montana, New Mexico, Oregon, Utah, and Wyoming. As noted above, the Wyoming law is probably unconstitutional with respect to aliens resident in the State. The Louisiana prohibition is contained in the State constitution, but has not yet been implemented by statute. In some of these States, the prohibition is modified to the extent that land acquired by inheritance, or land acquired in satisfaction of a judgment, lien or mortgage, may be held for a short period; the leasing of land for 1 or 2 years is permitted under a few statutes.

In several other States aliens who have not declared their intention to become citizens may also be prohibited from owning land or restricted in the amount of land they can hold. See "Miscellaneous Restrictions" below. These limitations would probably be construed to apply to Japanese aliens, since they are ineligible for citizenship by naturalization.

Miscellaneous Restrictions

In Illinois an alien may take title to real property but may not hold it for more than 6 years unless he becomes a citizen in the meantime.

In Indiana an alien may acquire up to 320 acres of land without restriction. Any excess must be disposed of within 5 years.

As noted above, in Iowa alien residents of the State are not restricted with respect to land ownership. Non-resident aliens may acquire up to 320 acres of land; they may also acquire land within the corporate limits of any city or town.

In Kentucky friendly aliens who have declared their intention of becoming citizens may hold land without restriction. Other friendly aliens resident in the State may hold land for a term not to exceed 21 years.

In Minnesota an alien who has not declared his intention to become a citizen may not acquire real property exceeding 90,000 square feet. This limitation does not apply to actual settlers upon farms of not over 160 acres, and hence Japanese aliens may acquire up to 90,000 square feet of land in Minnesota without restriction, and if they actually occupy farm lands with an intent to continue to reside there, they may acquire title to those lands up to a maximum of 160 acres.

In Missouri an alien who has not declared his intention to become a citizen may not acquire realty except by inheritance or in the collection of debts unless the right is secured by treaty.

In Nebraska aliens may acquire realty within the corporate limits of cities and towns, and may lease other lands for not more than 5 years.

Pennsylvania limits land ownership by friendly aliens to a maximum of 5,000 acres in area and $20,000 in net annual income.

Aliens may acquire up to 500 acres of land in South Carolina.

In Texas aliens may acquire realty in any incorporated or platted city, town, or village. If they are bona fide residents of the State and (1) were residents of Texas on June 12, 1921, and (2) have declared their intention to become citizens, (3) are natural born citizens of Mexico or Canada, or (4) are nationals of a country permitting United States citizens to own land therein, they may acquire land without restriction.

In Vermont persons of good character who have sworn allegiance to the State may acquire land without restriction. The requirement of an oath of allegiance may conceivably be construed to prohibit Japanese aliens, who are ineligible to citizenship, from acquiring land in Vermont.

Numerous States which prohibit acquisition of real property by purchase permit aliens to inherit land or to hold title to realty taken in satisfaction of a judgment, lien or mortgage, either for definite stated periods or permanently. Some alien land statutes also include provisions restricting ownership of land by corporations controlled by aliens or where more than a certain percentage of the stock is held by aliens. The more important provisions relating to various conditions imposed upon ownership of real property by aliens are set forth in the attached digest of the statutes of the individual States.

Our research into the case law interpreting the State constitutional and statutory provisions has not been exhaustive, and a number of

collateral problems relating to land ownership or disposition have not been touched upon. We shall be glad to elaborate upon any of the laws summarized and to answer specific questions that may be raised concerning their interpretation.

EDWIN E. FERGUSON

Edwin E. Ferguson
Solicitor

Attachment

Alabama

Const., Sec. 34, Art. 1;
Alabama Code of 1940, Title 47, sec. 1

An alien may take, hold, dispose of and transmit real and personal property to the same extent as a native citizen.

Alaska

Comp. L. 1933, Sec. 4594 (dower)
8 U. S. C. A. 71-77

An alien who is resident in the United States, or who has declared his intention of becoming a citizen, or whose right to hold or dispose of lands is secured by a treaty, may acquire or own lands as freely as a citizen. Any alien may acquire lands by descent, or under judicial process to collect a debt or enforce a lien, but when not otherwise permitted to own he must sell lands so acquired within ten years. Any alien is entitled to acquire and own plots in a municipal corporation, mine or mining claim, but may not acquire any public lands.

Arizona

Arizona Code Anno. 1939, § 71-201
Laws, 1943, Ch. 89, §1-4

Any alien ineligible for citizenship may acquire, possess, and transfer realty only to the extent prescribed by treaty "now existing" between the United States and the country of which he is a national. Corporations controlled by aliens ineligible to citizenship may not hold real property.

Arkansas

Const. Art. II, Sec. 20;
Act 47, 1943.

The constitutional provision cited provides that no distinction shall be made between "resident" aliens and citizens with respect to possession or enjoyment of property. The 1943 statute prohibits Japanese aliens and persons of Japanese descent from purchasing or holding title to realty and declares sales, conveyances, and leases to such persons void, except that they may lease land for a period not to exceed one year.

California

Const., Art. I, Sec. 17;
Deering's Calif. Genl. Laws, 1944
Act 261, secs. 1-2

Ineligible aliens may acquire rights in land only to the extent prescribed under treaty existing between the United States and the country of which the alien is a national. No ineligible alien may hold for longer than two years possession of any agricultural land acquired in the enforcement or satisfaction of a mortgage or other lien or security for a debt. Corporations controlled by ineligible aliens are subject to these restrictions. Real property inherited by ineligible aliens must be sold by court order and the proceeds paid to such aliens. For further discussion of the California law, see Op. Sol. No. 80.

Colorado

Const. Art. 2, Sec. 27;
1935 Colo. Stat. Anno., Ch. 7, sec. 6

All aliens may take realty by deed, will, or otherwise and may alienate, sell, convey and transmit the same regardless of citizenship.

Connecticut

General Statutes, 1930, Secs. 5055-56

Any alien resident in the United States may purchase, hold or transmit realty in as full a manner as native-born citizens. Non-resident aliens may acquire realty for the purposes of quarrying, mining or smelting ores on the same.

Delaware

Revised Code, 1935, Secs. 3655-57.

Realty may be acquired and disposed of by an alien in the same manner as a citizen and good title to realty may be derived through, from or in succession to an alien in the same manner as though through, from or in succession to a citizen of the State.

District of Columbia

8 U. S. C. A. 78

Same as Alaska.

Florida

Const., Declaration of Rights, Sec. 18;
Florida Statutes, 1941, §731.28

An alien may devise, bequeath, inherit and transmit inheritance in real property as if he were a citizen of the United States.

Georgia

Code of 1933, §79(303), 79(304)

Alien subjects of a Government at peace with the United States are entitled to all rights of citizens for the purposes of holding, purchasing or conveying of realty.

Hawaii

8 U. S. C. A. 71-77.

Same as Alaska.

Idaho

1932 Code Anno., §23(101)-23(112)

An alien ineligible for citizenship may acquire, hold and dispose of realty only to the extent prescribed by treaty "now existing" between the United States and the country of which the alien is a national, but may lease land for agricultural purposes for a period not longer than five years. No ineligible alien may hold for a period longer than two years agricultural land taken in the enforcement or in satisfaction of a mortgage or other lien taken as security for a debt. Corporations controlled by ineligible aliens are subject to these restrictions. Real property inherited by ineligible aliens must be sold and the proceeds paid to such aliens.

Illinois

Revised Statutes, 1943, Ch. 6, sec. 1-3

Aliens may take title to realty by deed or devise but may hold it only six years from the time of acquisition. If under 21 years of age,

an alien may hold title for six years from the time he becomes of age. If at the end of this period realty had not been conveyed to bona fide purchasers for value or if the alien has not become a citizen, escheat proceedings may be instituted. No contract, agreement or lease by which realty is demised or leased by an alien or his agent for farming may contain any provision requiring tenant to pay taxes on the realty.

Indiana

Burns, Ann. Stat., 1933, §56-504, 56-505
Baldwin's Stat. Ann., 1934, §§ 14707-8

An alien may acquire land not in excess of 320 acres. If more than this amount is acquired, an alien is required to convey the excess within five years from the date of acquisition or from the date he becomes 21 years of age if he acquired the property while a minor, or it becomes subject to escheat. When an interest of an alien has been conveyed in good faith and for valuable consideration, it is not prejudiced by the alienage of the person from whom it was acquired.

Iowa

Const. Art. I, Sec. 22;
Code of 1939, §10214-5

Aliens who are residents in the State enjoy the same rights in respect to possession and enjoyment of property as native-born citizens. Non-resident aliens may acquire land within the corporate limits of any town or city and may acquire land not to exceed 320 acres. Non-resident aliens may also hold for a period of ten years land which is taken under a judgment. Non-resident alien devisees may hold lands by devise for a period of 20 years, but must dispose of it within that period, unless they become residents.

Kansas

Const., Bill of Rights, Sec. 17;
Laws of Kansas, 1939, c. 180, §280

An alien ineligible for citizenship may acquire, possess, and transfer realty only to the extent prescribed by treaty "now existing" between the United States and the country of which he is a national. Land acquired under a judgment may not be held by an ineligible alien for a period longer than two years. Corporations controlled by ineligible aliens are subject to these restrictions. Real property inherited by ineligible aliens must be sold and the proceeds paid to such aliens.

Kentucky

Rev. Stat., 1944, §381.290, 381.300, 381.320, 381.330, §393.150, 393.160

An alien, not an enemy alien, who has declared his intention to become a citizen may hold realty and devise the same in the same manner as a citizen. Other friendly aliens resident in the State may take and hold any lands for the purposes of residence, business or trade for a term not over 21 years. Non-resident aliens may take realty by devise but must alienate the property within eight years after settlement of the estate.

Louisiana

Const. Art. XIX, Sec. 21

No alien who is ineligible to citizenship shall be permitted or allowed or shall have any right whatsoever to acquire by purchase, devise, inheritance, lease, assignment, gift or otherwise, or shall own or control, directly or indirectly, in his or her name, or through another interposed or by means of any corporation or association, or through ownership in his or her own name or through another of any stock or other form of security, any land or real property or any real rights or interests therein, including mortgage rights.

Maine

Rev. Stat., 1944, Ch. 154, sec. 2

Aliens may hold, convey and devise realty without any restrictions.

Maryland

Flack's Code, 1939, Art. 3, sec. 1

An alien, not an enemy alien, may take and hold realty acquired by purchase and may sell, devise and dispose of the same in the same manner as if a citizen of the State.

Massachusetts

Genl. Laws, 1932, Ch. 184, sec. 1

Aliens may hold and convey real estate as citizens and no title to

realty shall be invalid on account of alienage of a former owner.

Michigan

Const. Art. XVI, Sec. 9;
Mich. Stat. Anno., 26.1105

Aliens enjoy the same rights in respect to possession and enjoyment of property as native-born citizens.

Minnesota

Mason's Minn. Stat. 1927, §9076, 8079-80

No person, unless he is a citizen or declared his intention to become a citizen, may acquire realty exceeding 90,000 square feet except such as is acquired by devise or inheritance. This prohibition does not apply, however, to actual settlers upon farms of not more than 160 acres, to lands acquired in the collection of debts or the enforcement of liens (which must however be disposed of within ten years), or to any person engaged in the business of selling lands to actual settlers. Corporations more than 20 percent of whose stock is owned by aliens are prohibited from acquiring, owning, or holding real estate.

Mississippi

Code of 1942, §842

A resident alien may acquire, hold and dispose of land in the same manner as a citizen of the State. Non-resident aliens may not acquire or hold land except under a lien or a foreclosure sale; under such circumstances the land may be held for not longer than 20 years.

Missouri

Rev. Stat. 1939, §15228-30

An alien who has not declared his intention to become a citizen cannot acquire, hold, or own realty except realty acquired by inheritance or in the collection of debts, unless such right is secured by existing treaty between his country and the United States.

Montana

Const. Art. III, Sec. 25
Rev. Code, 1935, Secs. 6802.1, .2, .4, .5, .7, .8

An alien not eligible to citizenship may not take or hold title to any land or interest therein except mines and mining property, nor is any person permitted to take or hold land or title to land for any such alien. Such alien may, however, acquire land by inheritance or in good faith under mortgage foreclosure, or in ordinary course of justice in collection of debts, and hold it for not over 12 years. Corporations controlled by aliens are subject to these restrictions. Aliens eligible to citizenship have the same rights as citizens to acquire, hold and convey real estate.

Nebraska

Const., Art. I, Sec. 25;
Rev. Stat., 1943, §76402-415

Aliens may acquire realty lying within the corporate limits of a city or town. They may not acquire, take or hold title to other real estate, or a leasehold interest therein for more than five years, or other greater interest less than fee, except in satisfaction of a lien on the property. Property acquired in satisfaction of a lien must be sold within ten years after title is obtained. A resident alien may acquire title by inheritance and hold for not more than five years.

Nevada

Comp. L. 1929 (Hillyer)
§6365; 1941 Laws, p. 396 (Hill)

Any non-resident alien or person except subjects of the Chinese Empire may take, hold, and enjoy any realty as fully and upon the same conditions and terms as resident citizens. A recent provision, however, (Laws of 1941, p. 396 (Hill)), provides that an alien not residing in the United States cannot inherit property or take under a will except where his country gives similar rights to American citizens.

New Hampshire

Rev. Laws, 1942
Ch. 259, Sec. 19
Ch. 340, Sec. 9 (dower)

A resident alien may take, purchase, hold, convey or devise real estate, and the same at the decease of the alien descends in the same manner as in the case of a citizen.

New Jersey

Rev. Stat. 1937
Title 3, Ch. 3, Sec. 13
Title 46, Ch. 3, Sec. 18
Laws 1943, Ch. 145.

An alien not an enemy alien may acquire, hold, and convey realty as fully as a natural-born citizen, and may acquire realty by devise. Under a recent law (Laws of 1943, ch. 145) an alien enemy resident in this country, licensed or permitted by the Federal Government to do business, and not interned or his property confiscated, was put in the same category as an alien friend. ~~In other words, any Japanese alien whose funds were unblocked or who operated under a license could acquire real property in New Jersey.~~

New Mexico

Const. Art. 2, Sec. 22;
State Anno. 1941
Sec. 75-121

The Constitution of this State was amended in 1921 to deny to aliens ineligible to citizenship the previously held right to hold realty in New Mexico. At the present time aliens ineligible to citizenship and corporations controlled by such aliens cannot acquire title to or a leasehold or other interest in real estate.

New York

Cons. Laws, Real Property Law
Sec. 10, Sec. 15
Amended L. 1944, c. 272, March 22, 1944

Under the 1944 law cited above New York has conferred upon aliens the same rights to hold lands as native-born citizens, a privilege theretofore conferred only upon aliens not enemy aliens.

North Carolina

Gen. Stat. 1943, §64-1

Aliens may take realty by purchase or by operation of law and may convey the same as fully as citizens of the State.

North Dakota

Rev. Code, 1943, §47-0111, 56-0116

Any person whether citizen or alien may take, hold, and dispose of real property.

Ohio

Throckmorton's 1940 Anno. Code, §10503-13

Aliens may hold, possess and enjoy lands as fully and completely as citizens.

Oklahoma

Const. Art. XXII, Sec. 1;
Stat. 1941, Title 60, Secs. 121-123;
Title 60, Sec. 121-127

Aliens who are bona fide residents of the State may acquire and hold lands upon the same basis as citizens. If an alien ceases to be a resident he must dispose of his land within five years. Non-resident aliens may acquire realty by devise or under lien foreclosures but if the realty is not disposed of within five years after acquisition, it is subject to escheat.

Oregon

Const. Art. I, Sec. 31; Art. XV, Sec. 8
Compiled Laws Anno. 1940, §61-101 to 111

An alien ineligible to citizenship may acquire, possess, or transfer realty only to the extent prescribed by treaty "now existing" between the United States and the country of which the alien is a national. Corporations controlled by ineligible aliens are subject to the same restrictions. Real property inherited by ineligible aliens must be sold by court order and the proceeds paid to such aliens. For a further discussion of the alien land laws of this State, see Op. Sol. No. 82.

Pennsylvania

Purdon's Stat. Anno., Title 68, Sec. 22-32

Aliens, except alien enemies, may take, hold and dispose of realty. Such holdings may not exceed 5,000 acres in area or $20,000 in net annual income. Where an alien has acquired real estate in excess of the limit prescribed by law and has conveyed to any citizen authorized to hold the same, the title thereto is indefeasible.

Rhode Island

General Laws 1938, Ch. 432, Sec. 1.

Aliens may take and hold and convey realty in the same manner and with the same effect as if they were citizens.

South Carolina

Const. Art. III, Sec. 35;
Code of 1942, §8687, 8907-8, 7790

An alien, or a corporation controlled by aliens, may not own or control any right in land in excess of 500 acres. This does not apply, however, to land purchased under mortgage foreclosure but when so acquired any excess over 500 acres must be sold within five years. Subject to the foregoing, realty may be acquired and disposed of by an alien in the same manner as by a citizen.

South Dakota

Const. Art. VI, Sec. 14;
Code of 1939, §51.0205, 56.0120

The Constitution of this State provides that no distinction shall ever be made by law between resident aliens and citizens in reference to the possession and enjoyment of property. Under statute, any person whether citizen or alien may take, hold, and dispose of realty.

Tennessee

Michie's Code of 1938, Anno.,§7187-90

An alien may take, hold, and dispose of real property in the same manner as a native citizen.

Texas

Vernon's Texas Civil Stat.
Title 5, Art. 166-172, 176.

Aliens may acquire and hold lands in any incorporated or platted city, town, or village without restriction. Title to or leasehold or other interest in any other land in State may not be acquired or held by aliens except bona fide inhabitants who:(1) were bona fide residents of State on June 12, 1921; (2) are inhabitants of State and have according to naturalization laws, declared intention of becoming United States citizens; (3) are natural-born citizens of nation having common land boundary with United States; or (4) are citizens or subjects of nation which permits United States citizens to own land in fee therein. The above-mentioned classes may own real estate or interests therein while residents of State and are allowed five years after ceasing to be residents in which to dispose of same. Property not so disposed of escheats to State. Aliens prohibited from holding lands under above may acquire and hold lands in the ordinary course of justice in the collection of debts and may acquire and foreclose liens for the securing and collecting of debts, and may acquire title to land by devise or descent, but any land so acquired may only be held for five years and will thereafter be subject to escheat.

Utah

Code Anno. 1943, §78-6a-1 to 10 (added by Laws 1943, c. 85)

An alien ineligible to citizenship may not hold or acquire real estate except as provided by treaty between the United States and his native country. Aliens ineligible to citizenship may, however, lease lands for agricultural purposes for a period not exceeding one year. These restrictions are applicable to corporations controlled by ineligible aliens. Real property inherited by ineligible aliens must be sold and the proceeds paid to such aliens.

Vermont

Const. Ch. II, Sec. 62

Every person of good character having first taken oath or affirmation of allegiance to the State may purchase or by other means acquire, hold or transfer realty.

Virginia

Michie's Code, 1942, §66, §5267

Any alien, not an enemy alien, may purchase and hold realty in the same manner as a citizen.

Washington

Const. Art. II, Sec. 33;
Remington Rev. Stat. §10581 et seq.

Aliens, other than those who have in good faith declared an intention to become United States citizen, may not own interests in land, except that they may hold for sixteen years land acquired by inheritance, under mortgage, or in ordinary course of justice in collection of debts. These provisions do not apply to mineral lands or land necessary for mills and machinery used in conjunction therewith. Corporations controlled by aliens are subject to the above restrictions.

West Virginia

Const. Art. II, Sec. 5;
Michie's Code of 1943 Anno, §3541

An alien may take by devise, gift, purchase and may hold, convey or devise realty as if he were a citizen.

Wisconsin

Const. Art. I, Sec. 15;
Statutes, 1943, §234.22, 234.23

Aliens may acquire, transfer, and inherit property like citizens except that an alien not resident in the United States, foreign corporations, or corporations in which over 20 percent of the stock is owned by such non-resident aliens cannot acquire more than three hundred and twenty acres of land by purchase. Alien women not barred of dower in lands owned by husband at time of decease.

Wyoming

Const. Art. I, Sec. 29
Rev. Stat. 1931, §88-4004,
Laws 1943, c. 35

The constitutional provision cited states that no distinction shall ever be made between resident aliens and citizens as to the possession or enjoyment of property. The 1943 statute provides that aliens not eligible to citizenship (except the Chinese) may not acquire, possess, enjoy or inherit real property in Wyoming or any interest therein or have in whole or in part the beneficial use thereof; this restriction applies to corporations controlled by ineligible aliens.

WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

AUG - 3 1945

SOLICITOR'S MEMORANDUM NO. 4 (1945)

Subject: Area Attorneys

1. Irvin Lechliter has reported for duty at Seattle to serve as area attorney and John Meaney will be transferred to the Los Angeles office to serve in a similar capacity about August 6.

2. Each area attorney will be administratively responsible to the area supervisor for the area to which he is assigned and technically responsible to the Solicitor for the adequacy of all legal services performed by him. He will be responsible for all legal services for the area supervisor and his staff in the performance of their functions in resettlement adjustment and evacuee property management matters.

3. Each area attorney will submit a weekly report to the Solicitor covering all the work of his office. The report shall consist of a letter in narrative form reporting the assignments received, work completed, work in process, new developments, the more important and significant conferences, and such other information as would be appropriate for inclusion in such a report. To this letter there shall be attached copies of all written work issued by the area attorney for the report period. The area attorney shall send to the Solicitor an original (which may be on thin paper) and one carbon copy of the report and one carbon copy of the attachments; the original copy of the report shall be transmitted by airmail. He shall send one carbon copy of his report to each project attorney, to Mr. Robert Leflar, Consultant, 601 Park Avenue, Fayetteville, Arkansas, to the Chief of the Relocation Division in Washington, to the principal attorney in San Francisco, and to the remaining area attorney. With the carbon copy of the report to the principal attorney in San Francisco shall be included another set of the attachments sent to the Solicitor. The area attorney shall also make available to his area supervisor a copy of his report. If at all possible the reports should be prepared on such dates as will enable them to be received in Washington, D. C., on Saturday of each week.

4. The Solicitor will reply to each area attorney's report, supply relevant information suggested by the report, indicate any disagreement that he may entertain, and make such other comments as he may deem appropriate. Copies of such replies will be sent to all attorneys receiving the reports.

5. A copy of the weekly report of each project attorney shall be sent to each area attorney.

6. Correspondence between area attorneys, and between area attorneys and project attorneys, is authorized on specific legal problems arising in connection with their work where such correspondence is necessary or desirable in the handling of specific cases involving relocation adjustment or property management assistance. Care should be taken, however, to avoid the use of such direct correspondence as a means of referring property management cases and other cases that should be referred to an area supervisor or appropriate West Coast property officer for handling. Where such referrals are involved, the project attorney or area attorney should discuss the legal aspects of the case in a document for inclusion in the materials to be forwarded by the project director or area supervisor, respectively.

7. All correspondence with an area attorney shall be addressed to the area supervisor, attention area attorney.

8. When an area attorney gives an oral legal opinion on a point of some consequence or on a point on which lawyers might reasonably differ, the oral opinion should promptly be reduced to written form as a memorandum for the files. The memorandum may be very brief, stating merely the problem and the answer given. That much, however, must be stated clearly. Copies of such memoranda should, of course, be attached to the weekly reports.

Each area attorney may issue written opinions over his signature covering legal problems referred to him. He should refer to the Solicitor any legal problem requiring such legal research as is beyond his time or facilities. In general, an area attorney should issue written opinions only on questions that primarily concern problems peculiar to his own particular area. Questions that involve or may affect basic policies of the Authority or that will equally concern other relocation areas or relocation centers shall be referred to the Solicitor.

9. Each area attorney should investigate and determine what law library facilities are available in his vicinity and make necessary arrangements for permission to use them. He is authorized to purchase the 1940 edition of the United States Code with Supplements and the Code of the State or States covered by his area. He may, if the need arises, purchase a form book at a cost not in excess of $45. A form book for the State or States covered by his area may be found more desirable than a general legal form book. If at any time the purchase of any other law books becomes necessary to the effectiveness of his work, he should advise the Solicitor of his needs.

10. The principal attorney in San Francisco will continue to be responsible for the legal work of the San Francisco area office in addition to serving in a staff capacity for the Assistant Director in San Francisco and for this office. He shall make copies of his weekly reports available to the area supervisor together with such information received from other reports and replies of the Solicitor as may be of interest to the area supervisor. He shall also be responsible for reviewing the reports of the area attorneys and making any suggestions to them that he may deem appropriate on the basis of his special experience and knowledge.

11. The principal attorney in San Francisco shall arrange to transfer to the area attorney at Seattle, as soon as possible, the responsibility for liaison work in connection with escheat proceedings brought against evacuees in Oregon or in Washington, together with his files pertaining thereto. Thereafter, the area attorney in Seattle will be responsible for learning promptly of all escheat actions instituted against evacuees in those States, notifying defendants (through the project attorneys where the defendants reside in the center), and extending assistance upon request in obtaining legal representation. The principal attorney shall continue to be responsible for this work with respect to California.

The area attorneys and the principal attorney shall keep the Solicitor and their respective area supervisors promptly and fully informed of all West Coast litigation affecting evacuees or the WRA program and to that end shall establish necessary contacts and secure relevant information, including copies of litigation papers, briefs and decisions.

EDWIN E. FERGUSON

Edwin E. Ferguson
Solicitor