

5:21

no. 25295

FURUYA V. CLARK

JAN./FEB. 1946

Cons. no. 25294-S

Stipulations & Orders

78/177

C

1 WAYNE M. COLLINS,  
2 1721 Mills Tower,  
3 San Francisco, 4, Calif.  
4 Garfield 1218.  
5 Attorney for Plaintiffs.

ORIGINAL  
FILED

JAN 2 - 1946

WILLIAMS, U. S. DIST. COURT  
SAN FRANCISCO

10  
11  
12  
13  
14 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
16

17 MARY KANAME FURUYA, et al., etc.,  
18 Plaintiffs,  
19 -vs-  
20 TOM CLARK, etc., et al.,  
21 Defendants.  
22

No. 25295  
Cons. No. 25294-S

23 STIPULATION AND ORDER  
24

25 WHEREAS the Attorney General of the United States, through  
26 the instrumentality of the United States Department of Justice, a  
27 federal agency, contemplates and intends to conduct "mitigation-  
28 hearings" of persons asserted to be renunciants of United States  
29 nationality who are detained in the custody of defendants at the  
30 Tule Lake Center, Newell, Modoc County, California, and of certain  
31 other asserted renunciants detained under his authority at the  
32 Fort Lincoln Detention Camp at Bismarck, N.D., and at the Alien

1 Internment Camp at Santa Fe, New Mexico, and including the plain-  
2 tiffs named in the above-entitled proceeding who are detained in  
3 custody of the defendants at said Tule Lake Center and also those  
4 similarly detained persons, who, from time to time, may be joined  
5 and included as plaintiffs in said class action, and

6 WHEREAS at said such hearings which are expected to be  
7 commenced during the month of January, 1946, such asserted renun-  
8 cians are to be given an opportunity to show cause why they  
9 should not be deported to Japan by the said Attorney General, and

10 WHEREAS it is agreed by the parties hereto and said  
11 Attorney General that such plaintiffs shall not file individual  
12 written statements on any application for any such mitigation  
13 hearings or be required to make oral statements at such hearings  
14 reserving their rights which would increase to an enormous extent  
15 the paper work of the examiners who are to conduct such hearings  
16 and absorb an unusual amount of their time,

17 IT IS STIPULATED between the parties hereto and said  
18 Attorney General that upon applying for or submitting to such a  
19 mitigation hearing each plaintiff in the above entitled action  
20 shall be deemed to have objected to such hearing upon the grounds  
21 that he or she is a native born citizen of the United States and  
22 not subject thereto, and that he or she does not intend the same  
23 to operate as or constitute a waiver of any constitutional, statu-  
24 tory, or other legal right or remedy asserted in the above entitled  
25 action by him or her, or in any wise to bar or prejudice his or  
26 her right to maintain said action.

27 IT IS FURTHER STIPULATED that the stipulation dated  
28 December 31, 1945, executed by William E. Licking for defendants,  
29 and the order of Court made thereon and filed herein on December 31,  
30  
31  
32

1 1945, be vacated and set aside.

2 Dated: January 2, 1946.

3  
4 Wayne M. Collins,  
5 Attorney for Plaintiffs.

6 TOM C. CLARK, Attorney General of  
7 United States

8 IVAN WILLIAMS

9 FRANK J. HENNESSY, United States Attorney,

10 Defendants

11  
12 By Robert D. McMillan  
13 Assistant United States Attorney

14 Attorneys for Defendants.

15  
16 SO ORDERED:

17 January 2, 1946.

18  
19 United States District Judge.  
20

1 WAYNE M. COLLINS,  
2 1721 Mills Tower,  
3 San Francisco, 4, Calif.  
4 Garfield 1218.  
5 Attorney for Plaintiffs.

ORIGINAL  
FILED

JAN 2 - 1946

With Clerk, U. S. Dist. Court  
San Francisco

8 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 MARY KANAME FURUYA, et al., etc.,  
13 Plaintiffs,

14 -vs-

15 TOM CLARK, etc., et al.,  
16 Defendants.

No. 25295

Cons. No. 25294-S

18 STIPULATION AND ORDER

19 IT IS STIPULATED between the parties hereto that the defend-  
20 ants herein may have to and including the 11th day of February,  
21 1946, within which to answer or plead to the complaint of  
22 plaintiffs herein, or to make such motion as they may be advised.  
23

24 Dated: January 2, 1946.

25  
26 Wayne M. Collins  
Attorney for Plaintiffs.

27 TOM C. CLARK, Attorney General of the U.S.

28 FRANK J. HENNESSY,  
United States Attorney.

29 By: Robert S. McMillan  
Assistant United States Attorney.

30 SO ORDERED:  
January \_\_\_\_\_, 1946.

Attorneys for Defendants.

31 UNITED STATES DISTRICT JUDGE.  
32

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

WAYNE M. COLLINS,  
1721 Mills Tower,  
San Francisco, 4, Calif.  
Garfield 1218.  
Attorney for Plaintiffs.

ORIGINAL  
FILED

JAN 2 - 1946

Wild Clerk, U. S. Dist. Court  
San Francisco

IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                                   |   |                   |
|-----------------------------------|---|-------------------|
| MARY KANAME FURUYA, et al., etc., | ) |                   |
|                                   | ) |                   |
| Plaintiffs,                       | ) | No. 25295         |
|                                   | ) |                   |
| -vs-                              | ) | Cons. No. 25294-S |
|                                   | ) |                   |
| TOM CLARK, etc., et al.,          | ) |                   |
|                                   | ) |                   |
| Defendants.                       | ) |                   |

STIPULATION AND ORDER

IT IS STIPULATED between the parties hereto that the defend-  
ants herein may have to and including the 11th day of <sup>March</sup> ~~February~~,  
1946, within which to answer, or plead <sup>to</sup> ~~the~~ the complaint of  
plaintiffs herein, or to make such motion as they may be advised.

Dated: <sup>February 5</sup> ~~January 2~~, 1946.

Wayne M. Collins  
Attorney for Plaintiffs.

TOM C. CLARK, Attorney General of the U.S.  
FRANK J. HENNESSY,  
United States Attorney.

By: Robert C. Hennessey  
Assistant United States Attorney.

SO ORDERED:  
January \_\_\_\_\_, 1946.

Attorneys for Defendants.

UNITED STATES DISTRICT JUDGE.

1 WAYNE M. COLLINS,  
2 1721 Mills Tower,  
3 San Francisco, 4, Calif.  
4 Garfield 1218.  
5 Attorney for Plaintiffs.

6  
7  
8 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MARY KANAME FURUYA, et al., etc., )  
11 Plaintiffs,  
12  
13 -VS-  
14 TOM CLARK, etc., et al.,  
15 Defendants.

No. 25295

Cons. No. 25294-3

16  
17 STIPULATION AND ORDER

18 IT IS STIPULATED between the parties hereto that the  
19 defendants herein may have to and including the 15th day of  
20 March, 1946, within which to answer, plead or move to the  
21 complaint of plaintiffs herein.

22 Dated: February 5, 1946.

23  
24 Wayne M. Collins  
25 Attorney for Plaintiffs

26 TOM C. CLARK, Attorney General of the U.S.

27 FRANK J. HENNESSY,  
28 United States Attorney.

29 By

Robert C. McCallis  
Assistant United States Attorney

30 SO ORDERED:  
31 February 7, 1946.

Attorneys for Defendants.

32 Goodman  
UNITED STATES DISTRICT JUDGE.