

11:3

KANEKO, Kimiko

1945-1960

78/177

C

CONFIDENTIAL

Committee No. 1131

(For Use Only of My Attorney)

Atty. No. _____

Name (type or print) Kimiko Kaneko

Block No. Blk. 5103-D

Sex: Male _____ Female x

Age: 28 years Date of Birth: Month: Aug. Day: 26 Year: 1917

Place of Birth: (City) Long Beach (County) Los Angeles State) California

Permanent residence address at time of evacuation: _____

1936 Bonita Avenue Berkeley, Calif.

Occupation at time of evacuation: Housewife

Have you "dual citizenship"? Yes

Did you ever have "dual citizenship"? _____

If you have or have had dual citizenship, who registered you as

a dual citizen: Parents When: Around 1928

Where: In Japan

Did you ever take any steps to cancel dual citizenship? No

When: _____ Where: _____

What steps were taken to cancel it? _____

On what date did you sign a form renouncing your U. S. citizenship:

Month: March or April Day: _____ Year: 1945

Were you under 21 years of age at the time you signed that

renunciation form? No

Was there a hearing officer present when you signed? _____

What was his name? Unknown

Did you have a hearing on the matter at that time? Yes

Did anyone represent you at that appearance or hearing? No

If so, who? _____

Did you attend that hearing alone? Yes If not, who went with
you? _____

Have you received a letter approving your renunciation? No

If you have, what date does it bear? _____

On what date did you receive the letter of approval? _____

Who signed that letter of approval? _____

_____. (Attach the letter of approval and the envelope.)

Did you write a letter revoking your renunciation before you received
a letter approving your renunciation? YES.

If you did, what date did you send that letter in the U. S.
mail? Beginning of October

Have you a copy of that letter? Yes

(If you have, annex it to this form)

Since receiving a letter from the Attorney General's office approving your renunciation, have you sent a letter to that office or to the Attorney General revoking your renunciation? No

What date did you send that letter revoking your renunciation of U. S. citizenship? _____

(If you have a copy of that letter revoking your renunciation, annex it to this form.)

Have you served in our military forces? no

If so, what date did you enroll? _____ When were you discharged or released from military service? _____

What type of discharge did you receive? _____

What was your last draft classification? None

Did you refuse to be drafted? _____

Are you or have you ever been a member of the Hoshi Dan, the Hokoku Dan, Seinen Dan or similar organizations while in camp, either becoming such by intimidation, coercion, or otherwise? No

Are your parents U. S. citizens? No

(Deceased)

What are their names: Father: Morikichi Mother: Tsuyo Matsui

Have they been released from detention? In Japan

Have they been relocated? _____

What members of your family, if any, are serving or have served in the military forces of the U. S.? A brother George S. Matsui

Have you registered as an "alien" under the Alien Registration Act of 1940? Yes When: October 22, 1945

Where: Tule Lake Ctr. Who was present with you at that time, if anyone? Myself Were you represented by anyone at that time? No

Was any hearing given to you at that time? No

Who registered you, if you know? Unknown

Did you protest registering as an alien? Yes

Did you write your protest on the form? Yes

Did you file a letter of protest with the registering officer?

No (If so, annex a copy of the letter to this form.)

No such form
at that time

Have you signed non-repatriation form asking to stay in U.S.? _____

Have you filled out a Department of Justice Repatriation form asking
to be sent to Japan? No If you did, when? _____

Where: _____ Before whom did you appear to
sign that repatriation form? _____

Did anyone represent you at that time or were you alone? _____

_____ Were you given a hearing by anyone
on the question of signing the repatriation form? _____

If so, by whom? _____

Did you protest signing that Repatriation form? _____

Did you write the protest on the form? _____

Did you file a letter of protest with the registering officer at
the time you signed it? _____

What was the name of the officer present when you signed, if you
know? _____

X When, if ever, did you fill out a repatriation form for W. R. A.

Social Welfare? January 1944

When did you send a letter cancelling that request? October 25, 1945

Do you own any agricultural land, a home, or commercial property in
the U. S.? No If so, where? _____

The following space is for any remarks you care to write:

Marital Status: Married

Husband: Charles Hiroshi Kaneko — Renouncee.

Three children

Date: October 25, 1945

Kimiko Kaneko

Kimiko Kaneko

(Name)

Date Oct. 25, 1945

Honorable Tom C. Clark
Attorney General of the United States
Department of Justice Building
Washington, D. C.

Sir:

On June, 1945, I signed an application for renunciation of United States nationality form at the W. R. A. Segregation Center situated at Tule Lake, Modoc County, California, at a perfunctory appearance before a government official, and I have received a letter dated have not received 1945, from Mr. Herbert Wechsler, Assistant Attorney General, approving the same.

I hereby repudiate, withdraw, retract, and revoke the said renunciation upon the following grounds and for the following reasons:

(1) The circumstances under which said renunciation form was signed by me did not constitute a fair and impartial hearing and was a denial of my constitutional guaranty of due process of law and of the equal protection of the laws;

(2) I was not a free agent at the time when and the place where said renunciation form was signed but was then and there held in duress and was the victim of fraud, menace and undue influence and mistake of law;

(3) I then and there was and continuously from July 13, 1942, had been detained in the said W. R. A. Segregation Center by official authority and was deprived of substantially all my constitutional rights, liberties, privileges and immunities as an American citizen by birth and by choice and was thusly discriminated against solely by reason of the Japanese nationality of my ancestors;

(4) I was intimidated, coerced, and compelled to sign the said renunciation form by threats of physical violence to myself and members of my family made by a pressure group in said camp, and by members thereof, and I was in constant fear, as was my family, that said threats would be carried into execution if I refused to sign it. I was acting under the menace and fraud of said group and its members and the undue influence exerted by them upon me and I signed said renunciation form under duress.

Because of the foregoing reasons the said renunciation and approval thereof were, and each of them is, invalid, null and void.

I am not a citizen or subject of Japan and I do not and never have owed or given that country or nation any allegiance. I am not an alien enemy. I am a native American by birth and also by choice. I recognize as my sovereign the United States of America and I give and ever have given the United States my undivided loyalty and allegiance. I have no dual citizenship. (If you have dual citizenship - then say: I have no dual citizenship through any act or acceptance upon my individual part. (I have served in the U. S. military services and have an honorable discharge.)

Therefore I demand that you withdraw, recall, cancel, and revoke your approval of said renunciation form.

I am ready and willing to have this matter re-opened and a hearing be granted to me in order to prove that said renunciation form was signed when I was not a free agent in any sense of the words but was acting under duress and under menace, fraud and undue influence and mistake of law.

I respectfully request your immediate consideration of this urgent matter.

Very truly yours,

Name Kimiko Kuno
Address 510312
Tule Lake Center
Newell, California

S.P. Section
Mt. Shasta. CALIF.
Feb. 19. 1946.

Dear Mr Collins;

We got our release
from Dept. of Justice on
Feb. 12. 1946.

Our former address
was 5103 - D. Newell. Calif.
Our present address
is S.P. Section, Mt. Shasta
Calif.

Please let us know
the final decision
Yours truly.

Kiichi Kaneko
Kiniko Kaneko

check with Jeff
on this

My name is
Mrs. Kinoko Takehara
Mrs. ~~Miss Kinoko Reed~~
Miss Ruth Kinoko ~~Kinoko~~
you have the wrong
person addressed

WAYNE M. COLLINS
Attorney at Law
1701 Mills Tower
220 Bush Street
San Francisco 4, California
Telephone GARfield 1-1218

October 20, 1952

Dear Mrs. Kimiko Kaneko:

You are listed among those whose cases were ordered reopened by the Court of Appeals. That temporary setback does not mean that you would lose. On the contrary, you have a decided advantage in the case because the Court of Appeals declared the evidence which was introduced created a legal presumption that your renunciation was **caused** by coercion. In consequence, the government attorneys will experience considerable difficulty in trying to produce evidence to meet or overcome that presumption in your favor. Even if they were able to produce any such evidence we may be able to overcome that proof by contrary evidence and recover your citizenship provided, however, that you are ready and willing to cooperate with me and help yourself.

In the Tomoya Kawakita treason case the U.S. Supreme Court declared that a child born in the United States of Japanese parents is a U.S. citizen by our law and also is a Japanese citizen according to the basic law of Japan. This means that unless you or your parents took steps to renounce and renounced and repudiated Japanese citizenship in a legal manner and form recognized by Japanese law you had Japanese citizenship as well as U.S. citizenship at the time of your renunciation of U.S. citizenship, that is to say, you then had dual nationality. In consequence, if your Japanese citizenship had not been renounced before your renunciation of U.S. citizenship was approved, and provided it is not finally invalidated by a court judgment, you then lost U.S. nationality but retained your Japanese nationality. Thereupon you became a Japanese national who had a permanent residence in the United States. In consequence, you became classified as an "alien enemy" until the peace treaty with Japan was entered into and ratified in 1952 and since then as an "alien" or "stateless" person entitled to permanent residence here. Even if you never had Japanese nationality or that nationality had been renounced you became a legally resident "alien" or "stateless" person in the U.S.

When the Walter-McCarran Act goes into effect on the first of the coming year all aliens in the United States who have not been registered and fingerprinted under the Alien Registration Act of 1940 must register and be fingerprinted within 30 days, must report to the nearest Immigration Service office and there be placed on parole, be kept under surveillance and probably be required to report periodically to that Service. If your U.S. citizenship is not restored you must register, be fingerprinted and report to that Service for parole, surveillance and restriction purposes. If you claim U.S. citizenship you then can be registered and fingerprinted under protest by stating and asserting verbally and in writing at that time that you claim to be a U.S. citizen and that you register and submit to fingerprinting under protest.

Regardless of what you may have said or done in the past or while interned or at your renunciation or mitigation hearing, and regardless of what others may have said about you, and regardless of whether you are a Kibei, or were a member of the Hoshi Dan, Seinen Dan or Joshi Dan, and regardless of whether or not you once asked to be sent to Japan and regardless whether you once were viewed as a trouble maker in camp and were interned at Bismarck, Santa Fe or Crystal City, and regardless whether you remained in the U.S. or went to Japan you still stand a good chance of having your renunciation cancelled and of recovering U.S. citizenship by court judgment. Don't listen to any rumors or gossip to the contrary.

I am negotiating with Justice Department lawyers for a final disposition of your case. You stand a good chance of recovering your citizenship through these negotiations. If I were not successful for you in these negotiations you still will have the right to an individual court hearing which could be determined on affidavits and depositions without you appearing personally in court or, if you wish, by you appearing personally and with witnesses and giving testimony. Even in a court hearing you would have the advantage of the legal presumption that your renunciation was caused by coercion.

The Tule Lake Defense Committee has expressed to me its concern over the fact that you have not been cooperating with it. I must remind you that the Committee has labored unselfishly for your best interests for over six years. It has done everything possible it could do to help you from the time I first filed the mass equity and habeas corpus suits to liberate the renunciants from internment, to prevent their removal to Japan and to recover their U.S. citizenship. It devoted its time and attention to these causes without profit. It did these things for you because it believed the renunciants had been mistreated by the Government without just cause.

The Committee has kept in touch with you, informed you of the progress of the cases and of your chance of recovering citizenship. It has asked for your cooperation to the end that your citizenship and the citizenship of all might be recovered. You and every renunciant in the mass suits forever will be indebted to the Committee and especially to Tetsujiro Nakamura, Toraichi Kono, Harry T. Takeuchi, Sam Iseri, Hiroyuki Taketaya, Roger Narimatsu, Harry Uchida, Yasu Honda, Takeo Yamamoto, Masaru Yamaichi and the other hard-working and devoted members who have given unselfishly of their time and attention, at expense to themselves, just that you might benefit from the cases. You must never forget these things.

If you value U.S. citizenship it seems to me that you should be willing to do something about it while you still have the chance. If you think the opportunity to recover your citizenship is not worth the trifling sum the Committee has asked you to contribute to the cause it is your privilege to view it in that light. It is a matter of indifference to me whether you do or do not value citizenship. Your request for inclusion in the case, however, led me to believe that you regarded its recovery as being very important to you. If you do not proceed to have your renunciation cancelled it is likely that the stigma of disloyalty arising from that renunciation will remain with you and you will not be able to exercise the rights and privileges of U.S. citizenship.

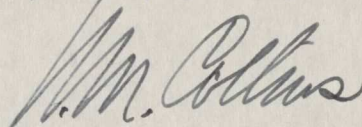
If your suit were to be dismissed it is possible you might never be able to maintain another suit because the government could raise the defense of "laches" to any such suit. This means that such a suit could fail simply because it had not been filed within the permissible

period of time after your renunciation was made, your detention ceased and you no longer were held in duress by the government or deprived of any rights by it.

Those who contributed funds to this cause made it possible for you to have the chance of recovering your citizenship. You have received the benefits but so far have not borne your financial burden. The Committee has suggested that if you value U.S. citizenship that you should do something about it while you still have the chance. The Committee has informed me that it intends to discontinue its help to you unless you are willing to cooperate with it and bear your part of the financial burden which so far has been carried by others and which has brought the mass suits to their present state and from which you have derived advantages and benefits and may derive more.

I do not believe that you wish to shirk your responsibility to the other renunciants in the mass cases. I do not believe you would want the rest of the renunciants in the suits who have contributed funds to learn that you have not contributed your share. You may have too much personal pride and a sense of justice to attempt to evade your obligation. I believe, therefore, that you should cooperate with the Tule Lake Defense Committee and thereby help yourself. The little it has asked you to contribute is a measly sum for the chance of recovering your U.S. citizenship.

Very truly yours,

A handwritten signature in cursive script, appearing to read "W.M. Collins". The signature is written in dark ink and is positioned below the typed name "W.M. Collins".

辯護士 ウェイン・M・カリンス

(英文書簡も同封致します)

冠 省

米國控訴院で再開される控訴審ケースのうちに、あなたの名前が含まれています。この一時的な法的措置は敗訴を意味するものではなく、控訴院では法廷の證言で、あなたが強壓によつて市民権を放棄したという法的假定を釀成するに至つたと言明しているため、かえつて條件が一段と有利になつていきます。ですから檢事側では、このあなたに有利な假定をくつがえすに十分な證據を見出すうえに非常な困難に直面することです。たとえ證據があつてもこれを反論して市民権を回復し得る可能性がありますが、これにはあなたの積極的な協力が必要なのです。

川北友彌反逆事件で米國人審院は、日本人を両親として米國で生れたものは法律の定めるところによつて米國市民であると同時に日本の基本的法則に従つて日本の國民となるということを宣言しました。これは、あなた、またはあなたの両親が日本の法律に照して日本の國籍を放棄しない限り、あなたは米國の市民権を放棄した當時日米兩國の國籍を有していたことを意味します。換言すれば、あなたは米國の市民権放棄當時に二重國籍を有していたこととなります。故にあなたが米國市民権の放棄を認められて、これが最終的に法廷で無効化される前に日本の國籍を離脱しなかつたならば、あなたは米國の市民権を失つたが、日本の國籍を有しているということになります。ですから、あなたは當時米國において永住権を認められた日本國民となり、一九五二年に對日平和條約が發効するまで「敵國外人」の部類に入れられ、講和發効後は米國において永住権を認められた「外國人」または「無國籍」の人となつたわけです。たとえば、あなたが日本の國籍なく、または日本の國籍を放棄していても、あなたは米國において法的居住権を認められた「外人」または「無國籍」の人となつたのです。

來年の初めにウォルター・マツカーラン法が發効すれ

ば、一九四〇年の外人登録法によつて登録および指紋登録を行つていないすべての在米外人は三十日以内に登録および指紋登録を行わねばならず、最寄りの移民局事務所に出頭してパロール(假出所)制によつて監視され、恐らく定期的に移民局の事務所に出席して報告するように要求されることとせう。もし、あなたが市民権を回復していただければ、登録と指名登録を行い、パロール、監視、行動拘束などの目的のために移民局事務所に出席しなればなりません。もし、あなたが米國の市民権を主張するとあれば、あなたは米國市民権を主張し、不承知のうちに登録と指紋登録を行うむね口頭および筆記で異議を申立て、しかるのちに登録および指紋登録を行うことができます。

あなたの抑留中の言行、市民権放棄または復権に関する聽聞會、その他過去における言行が如何なるものであろうとも、あなたのことについて他のものが如何なることをいつたにしても、またあなたが歸米であろうとも、奉仕團、青年團あるいは女子團の會員であつたとしてもまた日本に送還されるように要請したことがあつたり、ビスマーク、サンタ・フェーまたはクリスタル・シティに過激分子として抑留されたことがあつても、またあなたが日本に行つたとしても、米國にとどまつたとしても、法廷の判決によつてあなたの市民権放棄を取消して米國の市民権を回復する可能性は非常に大きいのです。ですから悲觀的なデマやゴシップに耳をかさないようにしなさい。

私はあなたのケースの最後の處置について目下司法省の當局者たちと交渉しています。交渉を通じてあなたの市民権を回復する見込みは非常に大きいのです。交渉を通じて、たとえば、私が失敗しても、あなたが出席することなくして口供書または證言で個別的に法廷で查問會を行う權利を認められ、また望むとあれば自ら證人とともに出席して證言を陳述することもできます。個別的に提訴したとしても、あなたは強壓によつて市民権を放棄したと

いう法的假定を味方にし得るのです。

ツール・レーク・デフェンス委員会では、あなたが同委員会に協力していないと私のところへ報告して来ています。同委員会では過去六年余にわたって犠牲的にあなたのために努力して来たことを私はこゝで強調したいのです。同委員会では私が初めて市民権放棄者の抑留を解き、日本送還を停止して市民権を回復するため集團提訴、人身保護法に基づく訴訟を起こして以来あなたが援助するために献身的に活動をつづけ、目的完遂のために無報酬で働いたのであります。同委員会は市民権を放棄したものは政府によつて不正に遇せられたと信じているからこそ、あなたたちのために盡して来たのです。同委員会はあなたがたと接觸してケースの進展や市民権回復の見込みを通告し市民権放棄者全部の市民権を回復するためにあなたの協力を求めたはずで、あなたをはじめ集團提訴に参加した市民権放棄者のすべては、デフェンス委員会に恩があり、特にあなたがたのために利害を無視して懸命の努力を捧げた中村鐵次郎、河野虎一、武内・T・ハリー、井芹サム、竹田谷弘幸、成松ロージャー、打田ハリー、本田ヤス、山本武雄、山一優、(何れも音譯)その他の人々、負うところ大であります。この事實を忘れてはなりません。

あなたがもし米國市民権を尊重するとあれば、チャンスのあるうちに何とかすべく試みるべきではないでせうか。市民権を回復することはデフェンス委員会が願ひした僅ばかりの献金に値いしないと考えすることはあなたの御勝手、あなたが市民権を大切にしようがしまいが私には關係のないことです。しかし市民権回復ケースに名前を入れてもらいたいというあなたの要請に接して私はあなたが市民権の回復を非常に重視しているものと考えています。もしあなたが市民権放棄の取消し手続をすすめるければ、市民権放棄によつて生じた不忠誠の汚名を拂拭することは難しく、米國市民の權利と特權を行使することができないのであります。

もしあなたが訴訟を撤回すれば、政府は如何なる訴訟に對しても『怠慢』の理由でこれを却下することができ、そのため再提訴することが殆ど不可能になります。つまりあなたが市民権を放棄し、抑留期間が終り、政府の強壓に拘束されず、政府によつて如何なる權利も奪われない

ようになつた後に提訴すれば、許された期間内に提訴しなかつたという理由だけで訴訟が成立しないかも知れないのです。

いずれにしても市民権回復ケースに献金した人たちはあなたに市民権回復の機会をもたらしただけで、あなたはその恩恵に浴しています。あなたは現在までのところ財政的負擔を果していないのです。デフェンス委員会では、もしあなたが米國の市民権を重視するのでしたらいまのうちに財政的義務を果すように提示したはずで、集團提訴を現在の段階まで漕ぎつけそれによつてあなたが利益を蒙り、さらに將來も恩恵を受けることのできるのは他の人々のお蔭で可能となっていますが、もしあなたが財政的負擔を拒否して協力しないのであれば、同委員会ではあなたに對する援助を停止するつもりだと私に申し込んでいます。

この集團提訴ケースで、他の市民権放棄者にだけ責任を負わせようとあなたが考えているものとは思いません。すでに獻金した市民権放棄者に對してあなたがまだ財政的負擔を果していないということを知らせるに忍びないと思います。責任の回避はあなたの誇りと良心が許さないと存じます。ツール・レーク・デフェンス委員会に協力することによつてあなたは自らを助けるべきだと私は信じます。右の委員会があなたにお願いした金額は米國の市民権を回復する機会を與けられることに比べると僅なものです。

敬具

一九五二年十月二十日

ウエイン・M・カリンズ

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

Garfield 1-5827

August 8, 1960

Mrs. Tome Kaneko
2025 Lincoln St.
Berkeley, Calif.

Dear Mrs. Kaneko:

I would thank you to let me know the present address
of Mr. Hisashi Geo. Kaneko
Mr. Hiroshi Kaneko
Mrs. Kimiko Kaneko ✓

so that final papers concerning their citizenship status
may be transmitted to them. Please use the enclosed
cards and self-addressed envelope for your reply to me.

Very truly yours,

W.M. Collins

WAYNE M. COLLINS
Attorney At Law
Mills Tower, 220 Bush Street
SAN FRANCISCO 4, CALIFORNIA
Garfield 1-5827

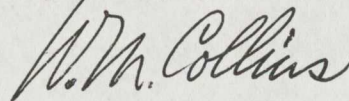
August 25, 1960

Mrs. Kimiko Kaneko
c/o Mrs. Tome Kaneko
2025 Lincoln St.
Berkeley, Calif.

Dear Mrs. Kaneko:

If you wish to receive your individual certified copy of the "Final Judgment" of the Court that cancels your wartime renunciation of citizenship and that declares you to be a U.S. citizen, you can obtain it from me by sending to me the \$ 275.00 balance due on your account. Sometime in the future you may need this document to prove your citizenship, to obtain a passport, to establish your right to vote, in applying for employment, Social Security benefits, various licenses, loyalty checkup, etc. If it presses you too much to pay your balance in a lump sum, you can let me know and arrangements can be made for you to pay the balance by installments. I am enclosing a stamped envelope for your reply.

Very truly yours,



Enc.