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PRINTED & FORM LETTERS

1950

78/177

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January 5, 1950

Mr. Toshio Koyama
Fukui Ken, Tsuruga-Shi
Mishima, Japan

Dear Mr. Koyama:

Under the provisions of the Trading with the Enemy Act which is still operative, the property of American citizens who are within the jurisdiction of Japan cannot be disposed of without the consent of the Attorney General of the United States serving in his capacity as Alien Property Custodian. Such property is subject to a vesting order by him and subsequent sale whereupon the proceeds derived from the sale are deposited in the Alien Property Custodian fund in Washington, D. C., and held until such time as the claimant's rights thereto are determined and the residue left over will be subject to disposition by an act of Congress.

Inasmuch as your citizenship was restored in Equity Suit No. 25294, a legal question arises whether the Alien Property Custodian has any power whatever to interfere with your land. However, until the matter has been judicially determined, it is obvious that under the Trading with the Enemy Act, neither you nor any agent for you is authorized to dispose of your property. When you return to the United States you should consult with your attorneys, Driver, Driver and Driver, who will be able to negotiate with the Alien Property Custodian or to enter into litigation with him so that your property will be adequately protected either in acreage form or in cash form if it has already been converted into cash and deposited in the Alien Property fund which I very much doubt.

Inasmuch as the law firm of Driver, Driver and Driver appears to be representing you, I suggest that you communicate with that firm concerning your rights.

Very truly yours,

as of 1/5/50

extra copy use as
form

P.S. If your wife is a Japanese citizen, who has steadily resided in Japan and is not in possession of a re-entry permit issued by the United States Immigration Service, there is at present no method whereby she would be permitted to come to the United States. In such an event she must wait until such time as a treaty is executed between the United States and Japan authorizing aliens to enter the United States or until such time as Congress by the passage of a statute might grant like authority.

As yet no peace treaty has been executed and as a matter of fact there has been neither a Presidential nor a Congressional proclamation officially ending the war, and in consequence it is not likely that Congress would authorize the visit to this country of the alien wife of a citizen from Japan.

COMMITTEE

Y. HONDA
Y. KAKU
T. KONO
J. KIMURA
Y. KIYOHRO
M. MATSUMOTO
K. MATSUOKA
I. NAMEKAWA
T. NAKAMURA
R. NARIMATSU
H. OKITA

TULE LAKE DEFENSE COMMITTEE

ROOM 302, 117 NORTH SAN PEDRO STREET
LOS ANGELES 12, CALIFORNIA
MICHIGAN 4728

COMMITTEE

T. OBATAKE
M. SASAKI
Y. SHIBATA
I. SHIMIZU
T. SHONO
H. TAKETAYA
G. TSUETAKE
H. TAKEUCHI
H. UCHIDA
M. YAMAICHI

January 9, 1950

On November 30, 1949, we mailed in your care blank checks, and self addressed envelopes to assist you in the payment of your remaining balance in the sum of \$.....

To this date we have not received any response, and we appreciate that you attend to this matter at your earliest convenience.

Very truly yours,

.....

COMMITTEE

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T. KONO
J. KIMURA
Y. KIYOHIRO
M. MATSUMOTO
K. MATSUOKA
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H. UCHIDA
M. YAMAICHI

February 2, 1950

Inasmuch as the final judgment taken by the government to the Circuit Court of Appeals for the Ninth Circuit will be rendered sometime in March, 1950, we ask that you make every effort to remit the remaining balance of \$..... at your earliest convenience.

Very truly yours,

T. NAKAMURA

COMMITTEE

Y. HONDA
Y. KAKU
T. KONO
J. KIMURA
Y. KIYOHRO
M. MATSUMOTO
K. MATSUOKA
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G. TSUETAKE
H. TAKEUCHI
H. UCHIDA
M. YAMAICHI

April 10, 1950

Dear Sir:

In the past we have made numerous attempts to ask your cooperation in the remittance of your pledged contributions. At this time, we regret to inform you that we have been unable to receive the anticipated amount necessary to complete this work.

We, of the committee feel, that when you joined the suit you had in mind to rectify the great injustices that was brought upon you by the U. S. government. There is no question of the great importance to complete this work, so that we may all enjoy the rights, privileges and immunities of U. S. citizens.

Therefore we ask you again to take this matter earnestly, as collectively we can succeed, and divided we shall fall.

The Circuit Court of Appeals for the Ninth District will hear the oral arguments in the mass renunciation suit on the first week of May, 1950.

We ask that you show your collective spirit by remitting your pledged balance in the sum of \$.....at your earliest convenience.

Very truly yours,

T. Nakamura

Jan. 9, 1950

FORM LETTER TO RENUNCIANT
PLAINTIFFS who have written
for advice

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

J-3

On April 12, 1949, U. S. District Judge Louis Goodman entered a final judgment cancelling the renunciations of all renunciants in mass Equity Suits No. 25294 and 25295. The judgment prohibits the Attorney General and the Secretary of State and their respective agents and other governmental officials from in any wise depriving any of the renunciant plaintiffs of their liberty, rights, privileges and immunities. An appeal was taken by the defendants from that judgment to the Circuit Court of Appeals for the Ninth Circuit where a conclusive decision will be rendered sometime in March of 1950. To date, however, U. S. consuls in Japan, acting on instructions from the Justice Department, have not been fully complying with the terms of that judgment but have been denying plaintiffs in Japan the right to return to the United States simply by denying them clearances.

However, a new policy has been adopted by the State Department and our consuls abroad will comply with the instructions they receive from the Secretary of State.

If the U. S. Circuit Court of Appeals decides the case in favor of the renunciants by affirming the judgment of Judge Goodman, no consul in Japan will dare to ask any renunciant to fill out the affidavit forms he presently requires of renunciants in conjunction with their applications for passports, but will issue to them the necessary passports upon their application therefor.

However, until the Circuit Court of Appeals decides the case any renunciant who is now in Japan, whether he is in the mass equity suits or has not filed any suit to cancel his renunciation, may take the following steps to return to the United States:

He may apply to a U. S. Consul in Japan for a passport. The Consul will require him to fill out an application for a passport and a supplemental affidavit which requires him to state his answers to a number of questions such as whether or not he refused at any time to swear unqualified allegiance to the United States, and whether at any time he was a member of various named organizations and, if so, his reasons for joining such organizations, and whether or not he discontinued his activities in such organizations and his reasons

for having renounced U. S. citizenship, and whether he ever attempted to cancel his renunciation and also his reasons for having returned to Japan, among other questions. When the affidavit form is transmitted by the Consul to the Secretary of State and then to the Attorney General's office, if the Justice Department records and the affidavit the renunciant submits to the consul contain nothing against the applicant, the Justice Department will notify the State Department and the State Department will notify its consular agents abroad that the Government (that is to say, the State Department and the Attorney General) admit that the applicant is a citizen of the United States and such an applicant will be permitted to return to the United States. However, if the Attorney General's records or the affidavit contain anything derogatory to the applicant, the Secretary of State and the Consuls in Japan will be notified of that fact and the Consul in Japan will be notified whereupon the passport of such applicant will be denied and the applicant, if not then protected by a law suit, must commence an individual suit to cancel his renunciation and to determine his nationality.

Mr. Enoch Ellison in the Justice Department, Washington, D. C., who is the Director of the Alien Enemy Control Unit for the Attorney General, informed me on Jan. 6, 1950, that so far few, if any, such affidavits have been received by the Justice Department. He also informed me that it is anticipated that the affidavits of such renunciants will be processed by the Justice Department as speedily as possible.

I personally wish to advise the renunciants who are in the mass suit that little, if anything, is to be gained by any of them applying to a consul for a passport and filling out the affidavit forms prescribed by the Attorney General because the Justice Department may attempt to use any adverse statements in the affidavits against them on appeal and also because of the fact that it is likely that the Attorney General's office would not be able to pass on those affidavits before the Ninth Circuit Court of Appeals determines the mass equity suit sometime in March of this year. If that Court affirms the judgment, no consul will ask any plaintiff in the suit to file any such affidavit. All of the matters referred to in the affidavit which the consul requires renunciants to fill out on their applications for passports were matters which were raised in the equity suits in the District Court and were matters which were decided entirely in favor of the renunciants and against the Government. In consequence, neither the Attorney General, the Secretary of State nor consular agents have any right to re-question renunciants who are in the suit concerning those matters.

However, if any renunciant in Japan is not willing to await the final decision of the Circuit Court of Appeals but insists upon applying for a passport and filling out

the affidavit form, my suggestion is that he should answer truthfully the questions in the affidavit and that he should state as reasons why he renounced his U. S. nationality the following applicable reasons, among any other special ones he may have, namely:

1) I was discriminated against solely by reason of my Japanese ancestry in that although I was a U. S. citizen I was confined within a military area, was evacuated from the West Coast and interned simply because of my type of ancestry.

2) I was classified and treated as an alien enemy simply because of my ancestry and was deprived of all citizenship rights.

3) I lost my property because of my internment without any then hope of recovery.

4) My parents and I (or members of my family) were threatened with removal to Japan and they and I believed that we would be removed to Japan.

5) I was offered no reasonable opportunity to be relocated in the United States and was in fear of community hostility which threatened my personal safety and the lives and safety of the members of my family.

6) I feared I would be indefinitely or permanently interned and I feared final deportation to Japan.

7) Expecting to be removed to Japan involuntarily I feared that the Japanese in Japan would take reprisals against me if I had not renounced U. S. nationality before arrival in Japan.

Very truly yours,

WAYNE M. COLLINS Sent to renunciant plaintiffs
Attorney at Law who made inquiries
Mills Tower, 220 Bush Street (sent beginning Jan. 12,
San Francisco 4, California '50)
January 16, 1950

On April 12, 1949, U. S. District Judge Louis Goodman entered a final judgment cancelling the renunciations of all renunciants in mass Equity Suits No. 25294 and 25295. The judgment prohibits the Attorney General and the Secretary of State and their respective agents and other governmental officials from in any wise depriving any of the renunciant plaintiffs of their liberty, rights, privileges and immunities of U.S. citizenship. An appeal was taken by the defendants from that judgment to the Circuit Court of Appeals for the Ninth Circuit where a conclusive decision will be rendered sometime in March of 1950.

Until recently, however, U.S. consuls in Japan, acting on instructions from the Justice Department, have not been complying fully with the terms of that judgment but have been denying plaintiffs in Japan the right to return to the United States simply by denying them clearances.

However, until the Circuit Court of Appeals decides the first mass equity suits any renunciant who is now in Japan, whether he is in the mass equity suits or has not filed any suit to cancel his renunciation, may take the following steps to return to the United States under the new policy decided upon by the Attorney General and the Secretary of States, viz: --

He may apply to a U.S. consul in Japan for a passport. The consul will require him to fill out an application for a passport and a supplemental affidavit which requires him to answer a number of questions such as whether or not he refused at any time to swear unqualified allegiance to the United States, and whether at any time he was a member of various named organizations and, if so, his reasons for joining such organizations, and whether or not he discontinued his activities in such organizations and his reasons for having renounced U.S. citizenship, and whether he ever attempted to cancel his renunciation and also his reasons for having returned to Japan, among other questions. When the affidavit form is transmitted by the consul to the Secretary of State and then to the Attorney General's office, if the Justice Department records and the

affidavit the renunciant submits to the consul contain nothing against the applicant, the Justice Department will notify the State Department and the State Department will notify its consular agents abroad that the Government (that is to say, the State Department and the Attorney General) admit that the applicant is a citizen of the United States and such an applicant will be permitted to return to the United States. However, if the Attorney General's records or the affidavit contain anything derogatory to the applicant, the Secretary of State and the consul in Japan will be notified of that fact whereupon the passport of such applicant will be denied and the applicant, if not then protected by a law suit, must commence an individual suit to cancel his renunciation and to determine his nationality.

Mr. Enoch Ellison in the Justice Department, Washington, D. C., who is the Director of the Alien Enemy Control Unit for the Attorney General, informed me on Jan. 6, 1950, that so far few, if any, such affidavits have been received by the Justice Department. He also informed me that it is anticipated that the affidavits of such renunciants will be processed by the Justice Department as speedily as possible.

I personally wish to advise the renunciants who are in the mass suit that little, if anything, is to be gained by any of them applying to a consul for a passport and filling out the affidavit forms prescribed by the Attorney General because the Justice Department may attempt to use any adverse statements in the affidavits against them on appeal and also because of the fact that it is likely that the Attorney General's office would not be able to pass on those affidavits before the Ninth Circuit Court of Appeals determines the mass equity suit sometime in March of this year. If that Court affirms the judgment, no consul will ask any plaintiff in the suit to file any such affidavit but will issue to him the necessary passport upon his application. All of the matters referred to in the affidavit which the consuls require renunciants to fill out on their applications for passports were matters which were raised in the equity suits in the District Court and were matters which were decided entirely in favor of the renunciants and against the Government. In consequence, neither the Attorney General, the Secretary of State nor consular agents have any right to re-question renunciants who are in the suit concerning those matters.

However, if any renunciant in Japan is not willing to await the final decision of the Circuit Court of Appeals but insists upon applying for a passport and filling out the affidavit form, my suggestion is that he should answer truthfully the questions in the affidavit and that he should state as reasons why he renounced his U.S. nationality the following applicable reasons, among any other special ones he may have, namely:

1) I was discriminated against solely by reason of my Japanese ancestry in that although I was a U.S. citizen I was confined within a military area, was evacuated from the West Coast and interned simply because of my type of ancestry.

2) I was classified and treated as an alien enemy simply because of my ancestry and was deprived of all citizenship rights.

3) I lost my property because of my internment without any then hope of recovery.

4) My parents and I (or members of my family) were threatened with removal to Japan and they and I believed that we would be removed to Japan.

5) I was offered no reasonable opportunity to be relocated in the United States and was in fear of community hostility which threatened my personal safety and the lives and safety of the members of my family.

6) I feared I would be indefinitely or permanently interned and I feared final deportation to Japan.

7) Expecting to be removed to Japan involuntarily, I feared that the Japanese in Japan would take reprisals against me if I had not renounced U.S. nationality before arrival in Japan.

Very truly yours,

Mr. L. L. L.

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

FORM LETTER J-5
(same as J-4 with P.S. added)

SENT TO RENUNCIANT
PLAINTIFFS who made
inquiries

January 17, 1950

(sent beginning Feb. 11, 1950)

On April 12, 1949, U. S. District Judge Louis Goodman entered a final judgment cancelling the renunciations of all renunciants in mass Equity Suits No. 25294 and 25295. The judgment prohibits the Attorney General and the Secretary of State and their respective agents and other governmental officials from in any wise depriving any of the renunciant plaintiffs of their liberty, rights, privileges and immunities of U. S. citizenship. An appeal was taken by the defendants from that judgment to the Circuit Court of Appeals for the Ninth Circuit where a conclusive decision will be rendered sometime in March of 1950.

Until recently, however, U. S. consuls in Japan, acting on instructions from the Justice Department, have not been complying fully with the terms of that judgment but have been denying plaintiffs in Japan the right to return to the United States simply by denying them clearances.

However, until the Circuit Court of Appeals decides the first mass equity suits any renunciant who is now in Japan, whether he is in the mass equity suits or has not filed any suit to cancel his renunciation, may take the following steps to return to the United States under the new policy decided upon by the Attorney General and the Secretary of State, viz: --

He may apply to a U. S. consul in Japan for a passport. The consul will require him to fill out an application for a passport and a supplemental affidavit which requires him to answer a number of questions such as whether or not he refused at any time to swear unqualified allegiance to the United States, and whether at any time he was a member of various named organizations and, if so, his reasons for joining such organizations, and whether or not he discontinued his activities in such organizations and his reasons for having renounced U.S. citizenship, and whether he ever attempted to cancel his renunciation and also his reasons for having returned to Japan, among other questions. When the affidavit form is transmitted by the consul to the Secretary of State and then to the Attorney General's office, if the Justice Department records and the

affidavit the renunciant submits to the consul contain nothing against the applicant, the Justice Department will notify the State Department and the State Department will notify its consular agents abroad that the Government (that is to say, the State Department and the Attorney General) admit that the applicant is a citizen of the United States and such an applicant will be permitted to return to the United States. However, if the Attorney General's records or the affidavit contain anything derogatory to the applicant, the Secretary of State and the consul in Japan will be notified of that fact whereupon the passport of such applicant will be denied and the applicant, if not then protected by a law suit, must commence an individual suit to cancel his renunciation and to determine his nationality.

Mr. Enoch Ellison in the Justice Department, Washington, D. C., who is the Director of the Alien Enemy Control Unit for the Attorney General, informed me on Jan. 6, 1950, that so far few, if any, such affidavits have been received by the Justice Department. He also informed me that it is anticipated that the affidavits of such renunciants will be processed by the Justice Department as speedily as possible.

I personally wish to advise the renunciants who are in the mass suit that little, if anything, is to be gained by any of them applying to a consul for a passport and filling out the affidavit forms prescribed by the Attorney General because the Justice Department may attempt to use any adverse statements in the affidavits against them on appeal and also because of the fact that it is likely that the Attorney General's office would not be able to pass on those affidavits before the Ninth Circuit Court of Appeals determines the mass equity suit sometime in March of this year. If that Court affirms the judgment, no consul will ask any plaintiff in the suit to file any such affidavit but will issue to him the necessary passport upon his application. All of the matters referred to in the affidavit which the consuls require renunciants to fill out on their applications for passports were matters which were raised in the equity suits in the District Court and were matters which were decided entirely in favor of the renunciants and against the Government. In consequence, neither the Attorney General, the Secretary of State nor consular agents have any right to re-question renunciants who are in the suit concerning those matters.

However, if any renunciant in Japan is not willing to await the final decision of the Circuit Court of Appeals but insists upon applying for a passport and filling out the affidavit form, my suggestion is that he should answer truthfully the questions in the affidavit and that he should state as reasons why he renounced his U.S. nationality the following applicable reasons, among any other special ones he may have, namely:

1) I was discriminated against solely by reason of my Japanese ancestry in that although I was a U. S. citizen I was confined within a military area, was evacuated from the West Coast and interned simply because of my type of ancestry.

2) I was classified and treated as an alien enemy simply because of my ancestry and was deprived of all citizenship rights.

3) I lost my property because of my internment without any then hope of recovery.

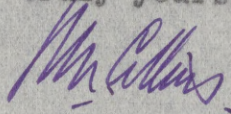
4) My parents and I (or members of my family) were threatened with removal to Japan and they and I believed that we would be removed to Japan.

5) I was offered no reasonable opportunity to be relocated in the United States and was in fear of community hostility which threatened my personal safety and the lives and safety of the members of my family.

6) I feared I would be indefinitely or permanently interned and I feared final deportation to Japan.

7) Expecting to be removed to Japan involuntarily, I feared that the Japanese in Japan would take reprisals against me if I had not renounced U. S. nationality before arrival in Japan.

Very truly yours,



P.S. If you are in Japan and if you have voted in any election, you should not apply to the consul for a passport but should await the decision of the Circuit Court.

If you were not a member of any of the organizations and if you can answer the questions in the affidavits truthfully without running any risk, you are at liberty so to do if you believe that you may be able to return to the United States by so doing before the Circuit Court renders its decision.

Inasmuch as you did not apply in time to be included
→ in the first mass equity suits, you will be joined in the
Second Mass Equity Suit which was filed on June 16, 1949.

P. S. (for those in Second Suit)

*APPROX
RAY*

Inasmuch as you did not apply in time to be included in the first mass equity suits, you were joined in a second mass equity suit on June 16, 1949. The second suit will be held in abeyance pursuant to an agreement from proceeding further until such time as the Circuit Court of Appeals decides the original mass equity suits which are expected to be determined in ~~March~~^{April} of 1950. If the judgment in the first mass suits is affirmed the Government undoubtedly will stipulate that judgment be entered in favor ~~of~~ of all renunciants in the second suit so that the rights of all renunciants will be determined at the same time.

In the interim if you are of the opinion that you can answer all the questions put to you in the supplemental affidavit which the consul requests you to fill out upon applying for a passport and insist upon so doing in the belief that you may be able to return to the United States before the mass equity suits are actually decided by the Circuit Court, you may do so. It is my personal opinion, however, that you well might await the decision of the Circuit Court.

~~P.S. (for those in the "to be joined group - since second suit" and writing in wishing to be joined)~~

*Extra copy
for four*

March 14, 1950

Mr. Roy Ishimaru
c/o Mr. John W. Rahmes DAC, P-5
Hqs 46th Engr Const Bn
APO 929 c/o Postmaster
San Francisco, California

Dear Mr. Ishimaru:

In reply to your letter of February 3rd, I wish to inform you that I had not prior thereto ever received an application from you to join you as a party plaintiff in Equity Suit No. 25294.

I shall be glad to join you in a new mass suit which already has been filed. In the meantime, however, my suggestion is that you adopt the following procedure to establish your citizenship and to return to the United States.

You should apply at once to the U. S. Consul nearest you and inform him that you renounced your nationality at Tule Lake because of Government duress. He will ask you to prepare two affidavit forms and an application for your passport. If neither the State Department nor the Justice Department records contain anything derogatory to your claim, a passport will issue to you and you will be permitted to return. However, if anything in those records is against you, your passport will be denied and thereupon you should await the outcome of the second mass suit which doubtlessly will restore your citizenship and enable you to return.

I have never heretofore received any applications from Yasutoshi Morimitsu and Kinuye Morimitsu. If they likewise desire to be entered in the second mass suit, they should notify me immediately by letter, giving me the following information: 1) full name; 2) address; 3) date and place of birth and 4) whether or not they received a letter approving their renunciation from the Attorney General. You may notify them also that they can adopt the same procedure by applying to a U. S. consul.

Very truly yours,

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

March 23, 1950

Extra Copy for form

Mr. Sam Iseri
P. O. Box 646
Central Post Office
Tokyo, Japan

Dear Mr. Iseri:

I am enclosing a copy of a letter I am having printed which will be sent to each renunciant in Japan who is in the mass equity suits.

From letters renunciants have sent to me it appears that a substantial number of renunciants already have applied in Japan for passports. A number of them have had difficulty in answering the questions concerning their fears which caused them to renounce. A number also have been concerned about the answers they made to question no. 28 in DSS form 304A of the Selective Service System entitled "Statement of U. S. citizen of Japanese Ancestry" which they were compelled to fill out in the Tule Lake Center and other WRA camps, which question then required them to "forswear any form of allegiance or obedience to the Japanese Emperor". The printed letter which will be addressed to each of the renunciants will instruct them how to answer such questions.

If you will look on page 49 of the brief on appeal in the equity cases which I sent to you via air mail, a complete discussion is had on that matter.

Inasmuch as it is necessary to obtain a passport for any renunciant to leave Japan to return to the United States, each of them in due course will be required to fill out an application for a passport form at a U. S. consulate. The applications together with affidavits required of renunciants will be processed through the consul, the Secretary of State's office and the Department of Justice as outlined in the letter I am sending to each renunciant. As the time draws near for the arguments to be heard in the first week of May in the mass renunciation cases, it is my belief that the Justice Department will relax its policy and permit the great majority of renunciants to be issued passports because the Justice Department attorneys will have to make an explanation to the Circuit Judges why they have not abided by Judge Goodman's judgment in its entirety and

permitted the renunciants to return. The only reason they can state to the Court for their failure is that it could not control our consuls in Japan who are outside the jurisdiction of the Court and that the identities of the respective applicants for passports had to be passed on and that it required a considerable period of time for the consul, the Secretary of State and the Justice Department to process the applications by checking them against their files. I believe that as the date approaches for the argument the Justice Department will process the applications with great rapidity and it is possible that substantially all of the renunciants in Japan who were not active leaders of the Hoshi Dan, the Seinen Dan and Joshi Dan will be granted passports before the Circuit Court decides the appeals. In addition thereto, the fact that some 1800 renunciants' applications will be pending for passports before the consuls presents such a serious work problem that the consuls will receive instructions from the Justice and State Departments to grant the great majority of the applications with speed.

For your information, aliens who voluntarily repatriated to Japan who are not in possession of re-entry permits issued by the United States will not be able to return to the United States until Congress authorizes them so to do by a statute. If any such aliens are in possession of unexpired re-entry permits they, of course, will be enabled to return to the United States by applying to a U. S. consul.

There are a number of cases where the Attorney General, acting in his representative capacity as Custodian of Alien Property in the United States, has prohibited the sale or other disposition of the properties in the U. S. of aliens who are in Japan and he may vest title to that property and thereafter convert it into cash and deposit it in the Alien Property Custodian fund in Washington, D. C. Aliens will not be able to recover their said properties unless Congress passes a statute authorizing them to recover their interests. Renunciants in Japan whose property has been subject to control of the Alien Property Custodian will be able to claim their properties upon their return to the United States either by filing claims with the Attorney General as Alien Property Custodian or by commencing suits in the U. S. District Court in the District where they claim a permanent residence in the U. S. pursuant to the provisions of the Trading with the Enemy Act.

Renunciants in the United States who wish to visit Japan before the Circuit Court of Appeals decides the appeals can apply to the State Department in the United States for a passport and by filling out affidavits may obtain such passports.

If there are any renunciants in Japan who have voted in any elections in Japan such persons should not at this time apply for a passport but should wait for the final decision of the Circuit Court of Appeals.

The letters I am sending to the renunciants, copy of which is enclosed, will be sent by ordinary mail because the expense of sending them by air mail is prohibitive.

Very truly yours,

WAYNE M. COLLINS
Attorney-at-Law
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE: GARFIELD 1-1218

March 27, 1950

On April 12, 1949, U. S. District Judge Louis E. Goodman entered a final judgment cancelling the renunciations of all renunciants in mass equity suits Nos. 25294-5 on the grounds that each renunciation was the product of fear invoked in each renunciant by the duress, coercion and intimidation under which each renunciant was held by the government at the time of renunciation. The judgment also declares that the coercion of pressure groups in Tule Lake was a mere incident to that government duress.

The judgment prohibits the Attorney General and the Secretary of State and their respective agents and consuls in Japan and all the other defendants from depriving you of any of your rights, privileges and immunities of U. S. citizenship. The defendants took an appeal to the Court of Appeals.

Until recently the defendants have refused to comply fully with the provisions of the judgment. Now, however, U. S. consuls in Japan, acting on instructions of the State and Justice Departments, will comply partially with the judgment until the appeal is decided by the Court of Appeals.

Inasmuch as the Court of Appeals will hear the oral arguments in the mass renunciation suits during the first week of May, 1950, you now are at liberty to apply to a U. S. consul in Japan for a passport if you have not already done so.

The consul will supply you with a passport application and also a special affidavit form for a renunciant to fill out. Thereupon the forms will be processed through the office of the consul, the Secretary of State and the Justice Department in Washington, D. C. If there is nothing in the affidavits or government records showing that you renounced U. S. nationality freely and voluntarily but that you renounced solely through fear induced in you by duress or coercion, the Justice Department will so instruct the Secretary of State's office and that office will instruct the consul in Japan and thereupon a passport will be issued to you so that you can return to the United States at your own expense.

However, if the special affidavit you fill out or the Justice Department files contain evidence showing that you renounced U. S. nationality freely and voluntarily and not through fear, duress or coercion the consul will notify you that it refuses you a passport. Then you must await the final decision of the Court of Appeals and if it decides in your favor the consul will be instructed to issue you a passport without requiring you to fill out that special affidavit form and thereupon you can return to the U. S. at your own expense.

All of the matters referred to in the special affidavit that the consul will supply you in connection with your application for a passport were matters which were involved in the mass suits and already have been decided in your favor and against the government. It is wrongful, therefore, for the State and Justice Departments to require you to fill out the affidavit form concerning the reasons why you renounced and why you became a member of an organization but until the Court decides the appeal they may continue to impose that requirement on you. It is likely, however, that they will relax that policy by the time the appeal is argued in Court because the government attorneys will not wish the Court to learn that the defendants have flouted Judge Goodman's judgment. Further, the work burden of processing passport applications for some 1800 renunciants will fall suddenly upon the State and Justice Departments and this also may convince them they should comply with that judgment without further delay.

If you apply for a passport you should fill out the special affidavit form truthfully and therein state as reasons why you renounced U. S. nationality (and asked for repatriation to Japan) the following seven (7) reasons showing why you were in fear and renounced:

1. I was discriminated against and was evacuated and interned without prospect of liberation simply because of my Japanese ancestry.

2. I was classified and treated as though I was an alien enemy simply because of my Japanese ancestry and was deprived of all my citizenship rights and I believed the government had repudiated my citizenship.

3. I had no reasonable opportunity to be relocated in the United States and feared mob violence in the event of being relocated.

4. Expecting to be removed to Japan involuntarily I feared that the Japanese in Japan would take reprisals against me if I had not renounced U. S. nationality before arrival there.

5. I feared I would be indefinitely or permanently interned and that there was no escape from internment except by renouncing citizenship.

6. I believed renunciation was necessary to insure continued internment because I was impoverished and had no place to go in the event I was released from internment and I feared mob violence if I was forced out of the Center.

7. The conditions prevailing in the Center kept me and my family in a constant state of fear of the future and for our safety.

In addition to the foregoing reasons you should also set forth in the affidavit the applicable reasons among the following reasons if they also played a part in causing you to renounce, and also any other special reasons you may have had:

8. I feared that the alien members of my family would be deported to Japan and that if I did not renounce we would be separated forever.

9. My parents (or parent, or husband) expected to be deported to Japan and compelled me to renounce in order to accompany them (or him or her).

10. Alien pressure group leaders coerced me into renouncing.

(Note: the above 10 reasons were declared by Judge Goodman's decision to have been factors which caused the renunciations.)

The special affidavit form may ask you whether you at any time refused to swear unqualified allegiance to the U. S. If you refused to answer Question No. 28 in DSS-Form 304A when detained in Tule Lake or in any other WRA camp or you answered it "No" you should state that you did so because:

"I was in fear because the question was asked only of detained citizens of Japanese ancestry and was discriminatory and Question No. 28 required me "to forswear any form of allegiance or obedience to the Japanese Emperor" and, therefore, a "Yes" answer to that question would have contained a false admission that up to that time I had such a foreign allegiance."

If you became a member of the Hoshi, Seinen or Joshi Dan you should answer that question truthfully in the special affidavit form. You should state therein that you became a member because you feared you would be deported to Japan and that you believed the authorities in charge wished you to become a member of that organization so that you would learn the Japanese language, culture and customs and so be prepared for life in Japan when you were deported and that you did not know the organization had any other purposes.

If you have any doubts as to how you should answer any of the questions in the affidavit form you are to fill out for the consul you should ask or write to Samuel Iseri, P. O. Box 646, Central Post Office, Tokyo, ~~or to him in care of the Northwest Airlines Inc., 138 Marunouchi Building, Marunouchi, Tokyo.~~ He is one of the committeemen for the Tule Lake Defense Committee. You may also write to me by air-mail for information.

Very truly yours,

Wayne M. Collins.

Note: Inasmuch as your rights are to be determined in a second mass equity suit which is pending in the District Court and which awaits the outcome of the appeal in the first mass suit you should apply for a passport in accordance with the above letter of instruction to renunciants who are in the first mass suit.

Dated: March 27, 1950

WAYNE M. COLLINS
Attorney-at-Law
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE: GARFIELD 1-1218

March 27, 1950

On April 12, 1949, U. S. District Judge Louis E. Goodman entered a final judgment cancelling the renunciations of all renunciants in mass equity suits Nos. 25294-5 on the grounds that each renunciation was the product of fear invoked in each renunciant by the duress, coercion and intimidation under which each renunciant was held by the government at the time of renunciation. The judgment also declares that the coercion of pressure groups in Tule Lake was a mere incident to that government duress.

The judgment prohibits the Attorney General and the Secretary of State and their respective agents and consuls in Japan and all the other defendants from depriving you of any of your rights, privileges and immunities of U. S. citizenship. The defendants took an appeal to the Court of Appeals.

Until recently the defendants have refused to comply fully with the provisions of the judgment. Now, however, U. S. consuls in Japan, acting on instructions of the State and Justice Departments, will comply partially with the judgment until the appeal is decided by the Court of Appeals.

Inasmuch as the Court of Appeals will hear the oral arguments in the mass renunciation suits during the first week of May, 1950, you now are at liberty to apply to a U. S. consul in Japan for a passport if you have not already done so.

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3. I had no reasonable opportunity to be relocated in the United States and feared mob violence in the event of being relocated.

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6. I believed renunciation was necessary to insure continued internment because I was impoverished and had no place to go in the event I was released from internment and I feared mob violence if I was forced out of the Center.

7. The conditions prevailing in the Center kept me and my family in a constant state of fear of the future and for our safety.

In addition to the foregoing reasons you should also set forth in the affidavit the applicable reasons among the following reasons if they also played a part in causing you to renounce, and also any other special reasons you may have had:

8. I feared that the alien members of my family would be deported to Japan and that if I did not renounce we would be separated forever.

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(Note: the above 10 reasons were declared by Judge Goodman's decision to have been factors which caused the renunciations.)

The special affidavit form may ask you whether you at any time refused to swear unqualified allegiance to the U. S. If you refused to answer Question No. 28 in DSS-Form 304A when detained in Tule Lake or in any other WRA camp or you answered it "No" you should state that you did so because:

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Very truly yours,

Wayne M. Collins.

FORM LETTER

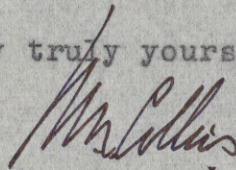
WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

U. S. - A

4/10/50

The Government appealed from the decision of Judge Louis E. Goodman and the cases are to be argued in the Court of Appeals in San Francisco during the first week of May. It is my belief that the Government will accept the decision of the Circuit Court of Appeals as being conclusive. You will be informed by a letter from me when the Court of Appeals decides the cases.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. M. Collins", is written over the typed name "Wayne M. Collins". The signature is fluid and cursive.

FORM LETTER

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

US - B

4/11/50

The Government appealed from the decision of Judge Louis E. Goodman and the cases are to be argued in the Court of Appeals in San Francisco during the first week of May. It is my belief that the Government will accept the decision of the Circuit Court of Appeals as being conclusive. You will be informed by a letter from me when the Court of Appeals decides the cases.

The California Supreme Court has not yet declared the Alien Land Law to be unconstitutional and the State legislature has not repealed that Alien Land Law. Until one or the other of these things has been done, it is unsafe for an alien to purchase real property and until the Circuit Court of Appeals decides the status of renunciants it is unwise for them to purchase real property. In consequence a renunciant should not purchase real property until the Circuit Court of Appeals decides their status. However, any citizen member of a renunciant's family can purchase real property for agricultural, commercial and residential purposes.

Very truly yours,

Mr. Collins

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

May 29, 1950

Inasmuch as your citizenship rights are to be determined in a second mass equity suit which is pending in the District Court and which awaits the outcome of the appeal in the first mass suit, you should apply for a passport to the nearest U. S. Consul in Japan.

On April 12, 1949, U. S. District Judge Louis E. Goodman entered a final judgment cancelling the renunciations of all renunciants in mass equity suits Nos. 25294-5 on the grounds that each renunciation was the product of fear invoked in each renunciant by the duress, coercion and intimidation under which each renunciant was held by the government at the time of renunciation. The judgment also declares that the coercion of pressure groups in Tule Lake was a mere incident to that government duress.

The judgment prohibits the Attorney General and the Secretary of State and their respective agents and consuls in Japan and all the other defendants from depriving any of the plaintiffs of their privileges and immunities of U. S. citizenship. The defendants took an appeal to the Court of Appeals and on May 1, 1950, the appeals were argued and submitted to that Court for decision.

Until recently the defendants have refused to comply fully with the provisions of the judgment. Now, however, U. S. consuls in Japan, acting on instructions of the State and Justice Departments, will comply partially with the judgment until the appeal is decided by the Court of Appeals.

The consul will supply you with a passport application and also a special affidavit form for a renunciant to fill out. Thereupon the forms will be processed through the office of the consul, the Secretary of State and the Justice Department in Washington, D. C. If there is nothing in the affidavits or government records showing that you renounced U. S. nationality freely and voluntarily but that you renounced solely through fear induced in you by duress or coercion, the Justice Department will so instruct the Secretary of State's office and that office will instruct the consul in Japan and thereupon a passport will be issued to you so that you can return to the United States at your own expense.

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All of the matters referred to in the special affidavit that the consul will supply you in connection with your application for a passport were matters which were involved in the mass suits and already have been decided against the government. It is wrongful, therefore, for the State and Justice Departments to require you to fill out the affidavit form concerning the reasons why you renounced and why you became a member of an organization but until the Court decides the appeal they may continue to impose that requirement on you. It is likely, however, that they will relax that policy by the time the appeal is decided. Further, the work burden of processing passport applications for some 1800 renunciants will fall suddenly upon the State and Justice Departments and this also may convince them they should comply with that judgment without further delay.

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3. I had no reasonable opportunity to be relocated in the United States and feared mob violence in the event of being relocated.
4. Expecting to be removed to Japan involuntarily I feared that the Japanese in Japan would take reprisals against me if I had not renounced U. S. nationality before arrival there.
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7. The conditions prevailing in the Center kept me and my family in a constant state of fear of the future and for our safety.

In addition to the foregoing reasons you should also set forth in the affidavit the applicable reasons among the following reasons if they also played a part in causing you to renounce, and also any other special reasons you may have had:

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(Note: the above 10 reasons were declared by Judge Goodman's decision to have been factors which caused the renunciations.)

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Very truly yours,

Wayne M. Collins.

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

letter to renunciant
plaintiffs
re property

June 26, 1950

On May 1st the appeal taken by the defendants in the mass renunciation suits was argued in the Circuit Court of Appeals. A decision from that Court is expected from day to day and when it has been rendered you will receive a letter from me or the Tule Lake Defense Committee informing you of its details.

The California Supreme Court has not yet declared the Alien Land Law to be unconstitutional and the State legislature has not repealed that Alien Land Law. Until one or the other of these things has been done, it is unsafe for an alien to purchase real property and until the Circuit Court of Appeals decides the status of renunciants it is unwise for them to purchase real property. In consequence a renunciant should not purchase real property until the Circuit Court of Appeals decides their status. However, any citizen member of a renunciant's family can purchase real property for agricultural, commercial and residential purposes.

Very truly yours,

*extra copy
for sample*

Sept. 22, 1950

Mrs. Shizuko Fujita
151 11th Ave.
Seattle, Washington

Dear Mrs. Fujita:

The second mass renunciation suit was filed in the District Court and the matter is held in abeyance pending the determination of the first mass renunciation suit in which a decision from the Circuit Court of Appeals is expected from day to day. When that decision is rendered it is likely that it also will be conclusive upon the status of the renunciants in the second suit. When the decision is handed down you will be informed thereof by a letter from me or from the Tule Lake Defense Committee. If you wish your citizenship status to be cleared perhaps before the Circuit Court of Appeals decision is rendered in order to be of assistance to your husband in acquiring property you should apply to a U. S. Consul in Japan for a passport and if he grants you a clearance that will be evidence of recognition by our Government of your U. S. citizenship and will enable you to execute any necessary legal documents concerning the transfer of property.

If your husband is a citizen of the U. S. and is in the United States and wishes to buy land, he may do so individually and have you execute a waiver of any interest in that property until such time as your citizenship status is entirely clarified. I am enclosing a printed form of letter I sent to the renunciants in the first mass renunciation suit which outlines the procedure whereby you may apply for a passport.

Very truly yours,

*extra copy
sample*

November 6, 1950

Mr. Shigeki Higashi
McDonald Village
Stockton, California

Dear Mr. Higashi:

In reply to your letter of October 28, 1950, I wish to inform you that there is no law that prevents renunciants from owning, possessing and transferring personal property. Until the Circuit Court of Appeals decides the appeals taken by the government in the mass renunciation suits, or until the California Supreme Court holds the Alien Land Law unconstitutional, or until the State Legislature repeals it, renunciants should not purchase real property, that is to say, land or buildings.

The mere drafting of a renunciant does not make him a United States citizen. It is possible that even aliens who are drafted and served in the armed forces may, by statute to be enacted at some future date, be enabled to become naturalized citizens of the United States.

If a renunciant is granted a passport to visit Japan after first having filed the affidavit required of renunciants showing why they renounced, they will not lose their citizenship by such a visit and they should, of course, obtain a re-entry permit after a passport has been issued to them. The re-entry permit may be obtained by applying to the U. S. Immigration and Naturalization Service.

The renunciants who are in the mass suits who are now in Japan have had their renunciations cancelled by judgment of the District Court. In consequence, they are and will remain citizens of the U. S. unless and until an appropriate court sets aside that judgment. A number of the renunciants have returned and are returning to the United States. They are requested to fill out applications for passports in Japan and if the Justice Department and State Department clears them, they are able to return. If the Circuit Court of Appeals affirms the judgment of the District Court, all the renunciants in the case will be permitted to return without having to file special affidavits there.

Until the Circuit Court decides the case, renunciants should not vote.

Very truly yours,

extra copy

December 4, 1950

Mr. Frank Norikane
P. O. Box 277
Walnut Grove, Calif.

Dear Mr. Norikane:

The appeals taken by the Government from the judgment cancelling the mass renunciations were argued in the Circuit Court of Appeals on May 1st and submitted to that court for decision. I have been waiting from day to day for that decision to be handed down and when it is you will be informed thereof by letter from me.

You should keep your alien registration card in your possession until we know the final result of the Circuit Court's opinion.

If you apply for a Federal or state civil service job you should show on your application that you renounced U.S. nationality at Tule Lake as a result of governmental duress and then state that the U. S. District Court at San Francisco on April 12, 1949, cancelled your renunciation because it was executed by reason of duress and declared you to be a native born citizen. You should then state that the government appealed the case to the Circuit Court of Appeals for the Ninth Circuit and that we are awaiting its decision.

Very truly yours,