

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

OCT 29 1958

Mr. Senichiro Takeda
[REDACTED]
Lyons, Illinois

Dear Mr. Takeda:

Enclosed find a certified copy of the "Final Order, Judgment And Decree" in mass equity suit entitled Abo, et al., etc., v. Rogers, etc., et al., Consolidated Number 25294, in the U.S. District Court for the Northern District of California, Southern Division, which forever cancels your renunciation and declares you to be a native born citizen of the United States.

The original judgment of the district court was in your favor. The defendants appealed and the Court of Appeals for the Ninth Circuit ordered the case re-opened as to you and certain other plaintiffs. My appeal to the U.S. Supreme Court to review and affirm the district court's decision as to you was denied on October 8, 1951. Thereafter, pursuant to an agreement I entered into with lawyers for the Justice Department, an administrative procedure was agreed upon which provided that in the event you were successful therein a final judgment as to you could be entered in your favor in the U.S. District Court. Inasmuch as you were successful in the administrative procedure the lawyers for the Justice Department and defendants, pursuant to the said agreement, stipulated that a final judgment be entered in court in your favor.

The entry of this conclusive judgment brings to an end the litigation I commenced on your behalf to cancel your renunciation and to have you declared to be a native born citizen of the United States. The judgment cancels your renunciation from the beginning. This means your renunciation was void from the time it was made and, in consequence, you always have been and still are a U.S. citizen.

The conclusive judgment is against the Attorney General of the United States, the U.S. Attorney for the Northern District of California, the Commissioner of Immigration, and the District Director of the U.S. Immigration and Naturalization Service for the Northern District of California.

You now are free to exercise and enjoy all the rights, privileges and immunities of United States citizenship. You now may register as a voter and vote at elections. You can purchase and lease land and buildings, hold public office, obtain civil service positions and public employment on the same basis as any other citizen. You now can obtain licenses on the same basis and at the same rates as other citizens. You now can obtain a U.S. passport to travel abroad and to re-enter the United States without filling out the special affidavit form which is required of renunciants whose status has not yet been completely determined. In States where old age pension laws provide pensions only for citizens you will, in course of time, become eligible for such old age pensions because you are a citizen of the United States. You can be taxed only on the same basis as other citizens. You cannot be classed or treated as an alien. You cannot be required to register as an alien or to apply for an alien registration card.

If you are in Japan you can apply to the nearest U.S. Consul for a U.S. passport. There you can use the enclosed certified copy of the conclusive judgment in your favor to prove your renunciation has been cancelled and that you are a native-born citizen of the United States.

If your spouse (wife or husband) is an alien or is a renunciant in Japan who has not recovered or does not recover U.S. citizenship such spouse, nevertheless, is eligible to enter the U.S. for permanent residence purposes on a "nonquota immigrant visa", which can be obtained from the nearest U.S. Consul in Japan, and after returning to the U.S. will become eligible for naturalization as a U.S. citizen in due course of time.

If you are in Japan you should take care that you do not commit any act of expatriation whereby you might lose your U.S. citizenship. Section 349 of the U.S. Immigration & Nationality Act of 1952, (Title 8 U.S. Code, Section 1481) as amended, specifies that a U.S. citizen loses U.S. nationality by any of the following acts, viz: (1) obtaining naturalization in a foreign country; (2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; (3) entering or serving in the armed forces of a foreign state unless first authorized in writing by the U.S. Secretary of State; (4) accepting, serving in, or performing any of the duties of any office, post or employment under the government of a foreign state if he has or acquires the nationality of such foreign state or if such office, post or employment requires an oath, affirmation or declaration of allegiance to such state; (5) voting in a political election in a foreign state; (6) making a formal renunciation of U.S. nationality before a U.S. diplomatic or consular officer in a foreign state; (7) making a formal written renunciation of U.S. nationality in the U.S. during time of war in such form as may be prescribed by the U.S. Attorney General; (8) deserting the armed forces of the U.S. in time of war if convicted thereof by a court martial and is dismissed from such service; (9) committing any act of treason against the U.S. or attempting by force to overthrow or bear arms against the U.S. if and when convicted thereof by a court martial or by a court of competent jurisdiction and (10) departing from or remaining outside the U.S. in time of war or national emergency for the purpose of evading or avoiding training or service in the armed forces of the U.S.

For your information you are deemed to be a dual citizen (i.e. a citizen of both Japan and the U.S.) if you were born in the U.S. before December 1, 1924, and you never thereafter renounced Japanese nationality. You are also deemed to be a dual citizen if you were born in the U.S. since December 1, 1924, if your name was registered with a Japanese Consulate within 14 days of your birth for the purpose of giving or reserving Japanese nationality for you.

Therefore, if you are a dual citizen and you now are in the U.S. I suggest that you communicate with the office of the Japanese Consulate nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are a dual citizen and you now are in Japan I suggest that you communicate with the Japanese Foreign Office in Tokyo or one of its regional offices in the Prefectural Office Building nearest you and there sign a document relinquishing (renouncing) Japanese nationality so that in the future no question of dual citizenship may arise as to you.

If you are in Japan I wish to advise you against having your name registered in a family Koseki and against doing anything else that might cause you to lose your U.S. citizenship or to raise a question as to your U.S. citizenship.

Further, if you are a dual citizen and you are in Japan and while there you voluntarily seek or claim benefits of Japanese nationality you will lose your U.S. Citizenship unless you take an oath of allegiance to the U.S. before a U.S. diplomatic or consular officer and also have your residence in the United States, within the 3 year period prescribed by Section 350 of the U.S. Immigration and Nationality Act of 1952 (McCarran Act), (Title 8 U.S. Code Section 1482), which provides that:

A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter (after December 24, 1952) having a continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of 22 years unless he shall -

- (1) prior to the expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Secretary of State; and
- (2) has given up his residence in Japan and resides in the U.S. (There are certain exemptions as to this residence requirement about which you may make inquiry to the nearest U.S. Consul in Japan.)

I do not know precisely just what benefits of Japanese nationality that Act refers to which, if voluntarily sought or claimed by a dual national while in Japan, would deprive him of U.S. citizenship if he does not take the oath of allegiance to the U.S. and does not reside in the U.S. before the 3 year period expires. Therefore, if you are in Japan and if you are considered to be a dual citizen you must not voluntarily seek or claim any benefits of Japanese nationality in the future. This means you must not take or perform any affirmative act whatsoever in Japan with the intent or purpose of obtaining, enjoying or fulfilling some right, privilege, immunity, advantage or profit of a Japanese citizen. For example, you must not apply for a Japanese passport or identity card or register as a Japanese national or hold real property (land or buildings) in a zone where only Japanese citizens are authorized to hold such property; you must not seek a scholarship available only to Japanese citizens; you must not register in a family Koseki or do anything to obtain a benefit reserved for Japanese citizens; and you must not claim exemption from taxes on foreigners or foreigners property in Japan on the ground that you are a Japanese citizen. If you are a dual citizen and do any such voluntary act in the future you thereby may lose U.S. citizenship. In any event, if you are a dual citizen by birth and you are in Japan and intend to remain there for a period of time you should consult the nearest U.S. Consul in Japan for information and advice as to what steps you must take to avoid losing U.S. citizenship under this law.

The only organization which was friendly to the renunciants and tried to help them was the American Civil Liberties Union of Northern California of which Ernest Besig is director. Its office is situated at 503 Market Street, San Francisco, California. This organization steadily gave favorable publicity to the cause of the renunciants and gave the mass lawsuits its moral support. If you wish to show your appreciation for what it did you can become one of its members or a subscriber to its publication.

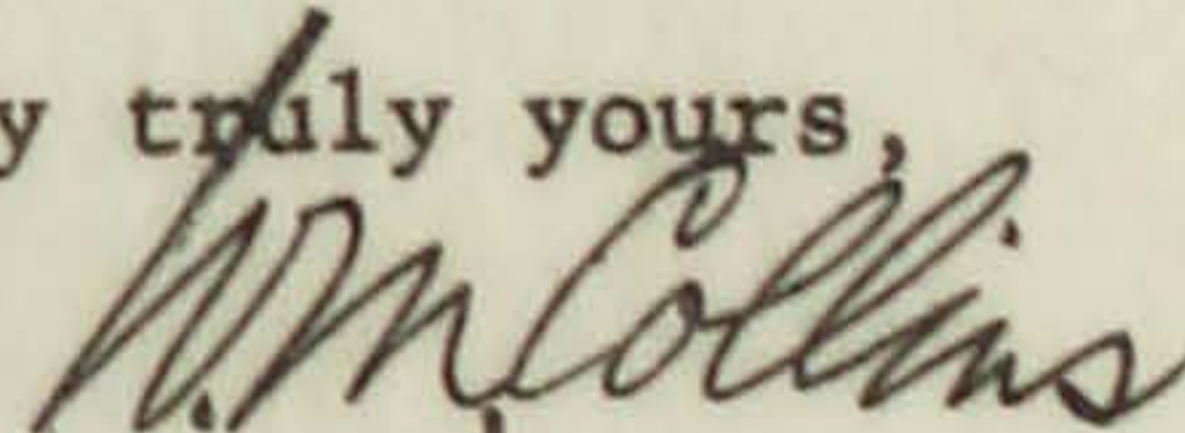
All the renunciants owe a debt of gratitude to your Tule Lake Defense Committee and its members Harry Uchida, Tetsujiro Nakamura, George Tsuetaki, Eddie Masuoka, Hiroyuki Taketaya, Harry T. Takeuchi, Yas Honda, Yoshiro Kaku, Toraichi Kono, Roger Narimatsu, Masaru Yamaichi, Sam Iseri, Ben Watanabe, Roy Shiraishi, Takeo Yamamoto, Arata Hayashida and other hard-working members of the Committee. If it had not been for the complete devotion and splendid work of your Committee your case probably could not have been brought to a successful conclusion. It was your Committee that fixed the amount of individual contributions and raised and sustained the common defense fund of the renunciants and transmitted the funds to me in trust to defray all the costs and expenses necessitated such as stenographers, postage, printing, stationery and travel expenses and legal fees to me for my services. It was your Committee that made it possible for the cases to be prosecuted in the District Court, to defend against the appeals to the Circuit Court, to appeal to the Supreme Court, for everyone to take advantage of the administrative remedy that is resulting in the cancellation of so many renunciations and to make some provision for individual court hearings to bring the remaining causes to conclusion.

You need not be ashamed of the fact that you once renounced citizenship. You did so because the government took advantage of you while it held you in duress and deprived you of practically all the rights of citizenship. You had no opportunity to make a free choice in the matter. Inasmuch as your renunciation is declared by the conclusive judgment to have been void you do not have to reveal to anyone that you once renounced citizenship. The records of your voided renunciation in possession of the Attorney General of the U.S. are not open to public inspection. My records are confidential and are not subject to examination. The only other records of your renunciation are those of the Court and consist chiefly of pleadings.

I am delighted that this litigation has terminated successfully for you. It is my hope that finally all those still in the mass suits likewise may have their renunciations cancelled by court judgment and their citizenship recovered.

You should keep the enclosed certified copy of the conclusive judgment in your favor as a memento of the ordeal you have undergone and also as a document which demonstrates that you are a citizen of the United States.

Very truly yours,



P.S. An alien child of a U.S. citizen also is entitled to enter the United States for permanent residence purposes on a "non-quota immigrant visa" which can be applied for at the nearest U.S. Consul's office in Japan or the U.S. Immigration Service office in the U.S. and, after coming to the U.S. and residing here for the required period of time, becomes eligible to apply for naturalization as a U.S. citizen.

1 Wayne M. Collins
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2 220 Bush Street
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3 Garfield 1-5827
Attorney for Plaintiffs.

ORIGINAL
FILED
OCT 27 1958

Clerk, U.S. Dist. Court
San Francisco

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

9 -----
10 TADAYASU ABO, et al., etc., Plaintiffs,

11 -vs-

12 WILLIAM P. ROGERS, as Attorney
General of the United States, etc., et al.,
Defendants.

13 and

14 MARY KANAME FURUYA, et al., etc., Plaintiffs,

15 -vs-

16 WILLIAM P. ROGERS, as Attorney
General of the United States, etc., et al.,
Defendants.

No. 25294

Cons. No. 25294-G

No. 25295

18 FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED

19 PLAINTIFFS WHO HAVE SUBMITTED AFFIDAVITS IN LIEU OF ORAL TESTIMONY

21 This cause (originally consisting of companion suits Nos.
22 25294 and 25295 which had been consolidated under No. 25294-G)
being submitted to this Court, sitting without a jury, for decision
23 of the causes of certain individual parties-plaintiff hereinafter
named, pursuant to a written "Stipulation That Certain Plaintiffs
24 May Introduce Affidavits In Lieu Of Oral Testimony And That Entry
of Final Judgments Against Certain Defendants Will Not Be Opposed
25 In Such Cases" entered into between the parties hereto and filed
herein this date together with certain affidavits which are hereby
26 accepted in lieu of the oral testimony of affiants in accordance
with the provisions of such stipulation;

27 And it being conceded by counsel for certain defendants,
28 namely the Attorney General of the United States, and those under
his authority, that notwithstanding the proofs heretofore made
29 and offered in this cause, the representations set forth in such
affidavits, in the light of the decisions of the United States
30 Court of Appeals for the Ninth Circuit in the cases of Acheson v.
Murakami 176 F. 2d 953 and McGrath v. Abo 186 F 2d 766, among
31 others, remove any efficacious defense to the suits of such
parties-plaintiff, and such concession being consistent with the
32 Court's conclusion as to the effect of applicable law in the

1 circumstances; and formal findings of fact and conclusions of
2 law having been waived;

3 And the Court having been advised that counsel for such
4 parties-defendant will offer no objection to the entry of a final
5 order, judgment and decree on the merits of the causes herein,
6 in favor of the hereinafter specifically identified parties-
7 plaintiff; and there being no just reason for delay;

8 NOW THEREFORE, pursuant to Section 503 of the Nationality
9 Act of 1940 as amended, (former Title 8 USC Sec. 903), which was
10 by Section 405 of the Act of June 27, 1952, 66 Stat. 280 effec-
11 tive December 24, 1952, continued in force and effect for pur-
12 poses of this cause, and pursuant to the terms of such stipulation;

13 IT IS ORDERED, ADJUDGED AND DECREED as and for a final order,
14 judgment and decree directed to be entered in this cause;

15 I.

16 That the plaintiffs hereinafter identified are and at all
17 times have been, natives, nationals and citizens of the United
18 States of America, and entitled to the rights and privileges of
19 such nationality and citizenship, notwithstanding their purported
20 applications for renunciation of United States nationality pur-
21 suant to Section 401 (i) of the Nationality Act of 1940, as
22 amended, their purported renunciations of United States National-
23 ity pursuant thereto and the approvals thereof given by the
24 Attorney General, all of which occurred during the calendar years
25 1944 and 1945, and all of which are hereby declared to be, and at
26 all times to have been, null, void, and without legal effect upon
27 the status and rights as nationals and citizens of the United
28 States of any such plaintiffs, whose names and birthdates are as
29 follows:

NAME	BIRTHDATE
TAKEDA, Senichiro	3-23-20

30 II.

31 That no costs shall be taxed by the Clerk to any party.
32 Done in open Court this 27 day of October, 1958.

33 /s/ LOUIS E. GOODMAN
34 UNITED STATES DISTRICT JUDGE

35 APPROVED AS TO FORM:

- 36 GEORGE COCHRAN DOUB, Assistant Attorney General.
- 37 ROBERT H. SCHNACKE, United States Attorney, and a Defendant.
- 38 ENOCH E. ELLISON, Attorney, Department of Justice.
- 39 PAUL J. GRUMBLY, Attorney, Department of Justice.

40 By: /s/ Charles Elmer Collett

41 Assistant United States Attorney
42 Attorneys for Defendants.

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

TADAYASU ABO, et al., etc.,
Plaintiffs,
vs.
WILLIAM P. ROGERS, as Attorney General
of the United States, etc., et al.,
Defendants,
and

MARY KANAME FURUYA, et al., etc.,
Plaintiffs,
vs.
WILLIAM P. ROGERS, as Attorney General
of the United States, etc., et al.,
Defendants.

No. 25294
Cons. No. 25294-G
No. 25295

CERTIFICATE OF CLERK

I, C. W. CALBREATH, Clerk of the United States District Court in and for the Northern District of California, do hereby certify that the annexed and foregoing is a true copy of excerpt of the original FINAL ORDER, JUDGMENT, AND DECREE AS TO CERTAIN NAMED PLAINTIFFS WHO HAVE SUBMITTED AFFIDAVITS IN LIEU OF ORAL TESTIMONY made and filed in the above-entitled cause on OCT 27 1958, and entered OCT 27 1958, with the name of Senichiro Takeda, a plaintiff, remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at San Francisco, California, this 27 day of October, A.D. 1958.

C. W. CALBREATH,
Clerk,

By Dave E. Frey
Deputy Clerk.

WAYNE M. COLLINS
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CITIZENSHIP

~~ROY S. TAKEDA
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Peto 1

~~[REDACTED] WAKEGAN RD~~

~~Mr. Senichiro Takeda
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