

Draft

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all  
cases  
→

Re: Return by the US Government  
of the patrimony of Lawrence Fumio  
Mina, a Hawaii-born US citizen

(Note: all the following facts are as stated  
in <sup>the</sup> opinion of August 21, 1958 adopted by  
the Deputy Director of the Office of  
Alien Property of the U.S. Department  
of Justice whereby \$150,412.75, ~~was~~ the  
proceeds ~~of~~ from the sale of this  
citizen's ~~pro~~ the property of this  
citizen's father <sup>taken away</sup> was ~~vested~~ in the  
U.S. Government. ~~Because~~ technically Lawrence  
Mina's <sup>right</sup> ~~is~~ <sup>is</sup> ~~derivative~~ through his father, the latter's  
background is here summarized.)

~~1) After the World War II, the United  
States seized vast amounts~~

Confiscated

1) During and after World War II,  
the United <sup>States</sup> seized vast amounts of money  
and property that had been <sup>illegally</sup> seized ~~by~~ by  
our enemies from their own citizens and  
others who were victims of totalitarianism  
for political reasons. ~~After~~ <sup>After</sup> winning the war, we  
wanted to  
use this sequestered property to return  
to the victims and to the heirs of the victims

of totalitarism. The first specific step (2)  
in this direction was to provide as far as  
possible for those who had been persecuted  
by the Nazis for racial and religious  
reasons. This was done by an amendment  
to the Trading with the Enemy Act, as  
amended (50 U.S.C. Appx. 1-40). Subsequent  
amendments applied to those victimized through  
the actions of other enemy regimes, e.g.  
Italy, Japan, Austria &c. In each  
instance provisions were made to insure that  
returns were made to the victims or to their  
heirs, and not to those who in fact as  
well as technically (because of their birth,  
place of residence, and the like) ~~were~~ had been  
enemies of the U.S., or who had supported  
enemy regimes.

2) The property sought to be  
returned to Lawrence Fumio Miwa (petitioner here)  
emanated from a <sup>wholesale AND RETAIL</sup> food and business that  
had been established by his Japanese grand-  
father, and continued by his father, the late  
Seigo Miwa, also a Japanese citizen. In  
connection with the business and with family  
affairs, Seigo Miwa had made five trips  
back to Japan, and his last return to

Hawaii was in November, 1938, on a "treaty trader" visa.

3) In February, 1942, Seigo Miwa was detained as an "enemy alien" (S quotes are in the decision of the Alien Property Office). In November, 1942, ~~he~~ while interned in New Mexico, he was subjected to deportation proceedings and held to ~~be~~ deportable on a warrant for deportation. While interned, he had learned by letter that his mother in ~~Japan~~ was hopelessly ill and wanted to see him. Being worried <sup>also</sup> about his wife and ~~daughter~~ three minor children in <sup>in December, 1942,</sup> Japan, he executed a "Petition for Reuniting Family in Family Internment Center." Another reason for filing this petition, he stated, was <sup>that</sup> one of the U.S. immigration officers at El Paso told him that if he did not agree to go to Japan, he would be forced to return and never be readmitted to the United States. So he went, arriving in Japan in November 1943.

4) There he was interrogated by the police, and ~~subject~~ to ~~be~~ from time to time

ually

subject to surveillance, although he was not actually arrested. He refused the Japanese request that he become the head of the Tonari Gumi, a community organization devoted to the Japanese war effort.

On the other hand, Seigo Miwa, having survived the Atomic Bombing in Hiroshima, worked for the allied occupation forces there and in Kure City, where he lived.

5) In 1947 he formally applied for permission to return to the U.S., but ~~was denied~~ the U.S. State Department and the U.S. Immigration and Naturalization Service both denied this request on the ground that, as a deportee, he was not allowed to return to Hawaii. Seigo Miwa died in 1954.

6) The petitioner here, Seigo's son Lawrence Fumio Miwa, ~~is~~ is an American citizen, ~~having been~~ born in Hawaii. ~~He returned~~ Having been stranded on a visit to Japan when the war broke out, Lawrence F. Miwa returned to the United States, completed his education, and has resided here since. He himself, under section 32 of the Act is eligible to receive his confiscated patrimony, but this return

has been refused by the U.S. because his father was not eligible at the time his property was taken from him.

And the reason the father was not eligible was the fact that willy nilly he had been a resident of Japan during war time, and therefore was an "enemy" (quotes in the decision of the Deputy Director, Alien Property Office) under section 2 of the Act,

7) Essentially the principal argument urged before the Office of Alien Property on behalf of this claim was that the claimant's father's presence in Japan during the proscribed period should not ~~be~~ be held against him because it was under legal duress, as a deportee he could not legally return to the United States. Claimant cited the <sup>15 August 1957</sup> ~~letter~~ Decision of the Deputy Director of the <sup>1st</sup> Office of Alien Property, Matter of Ludwig Gross

8) ~~The arg.~~ In short:

... Seigo Miwa was interned and interrogated and

asked to apply for repatriation and ordered deported and ultimately sent back to Japan. Under these circumstances he did not have freedom of choice with respect to whether he might stay in Hawaii as he wanted, or return to Japan; he was sent back to Japan because he was deportable and actually under order of deportation. The fact of the matter is that he wasn't wanted here and his return to Japan while under deportation order was the equivalent of deportation under the Immigration Act of March 4, 1929, providing that for immigration purposes " \* \* \* any alien ordered deported \* \* \* who has left the United States shall be considered to have been deported in pursuance of law \* \* \* "

(p6)

This fact of deportation was later to prevent his application for return after the war. He has been penalized as a deportee and it can not now be contended that his was a "voluntary departure" so as to attenuate the damage upon him to leave the United States for Japan during war conditions \* \* \* (Cl. Br. p. 9)

Claimant's brief, p. 9, as cited in the Deputy Director's Decision. (7)

9) The Deputy Director's Decision denied the ~~claim~~ return, citing Matter of Ludwig Gross.

10) Lawrence Fumio Miwa, being a self supporting student, lacked the resources to take the matter to court, and so the matter stands. Since the time of the ~~Decision~~ Decision, he has graduated from college, worked in the securities business, and now ~~is~~ is employed in the International Banking Division of the Bank of Hawaii. He and his wife and his 4 children reside in Honolulu.