

(A copy of Mr. Oliver Stone)

September 3, 1954

Dear Mr. Miwa:

My initial examination of the file at the Office of Alien Property indicates the following facts with respect to your claim:

1. As of 15 March 1954 the net cash balance of the Account No. 29-10773 (Seigo Miwa Claim No. 36891) totalled \$148, 168.95. It consists of the following items:

Vesting Order	Date	Items Vested	
2783	12/15/43)	616 Shares of J. S. Miwa and Co., Ltd. stock, sold for \$130,000	
5983	8/21/45)		
5183 (?)	7497	9/4/46	Account payable from J. S. Miwa and Co., Ltd. in amount of \$4,000 to J. S. Miwa Shokwai, San Francisco, California
11596	7/2/48	a. Bank account at Liberty Bank of Honolulu, Honolulu, T. H., \$520.46.	
		b. 2 U. S. Savings Bonds \$100 face value and 1 U. S. Savings Bond \$50 face value	
		c. 5 Japanese Government 5 1/2% dollar bonds of \$1,000 face value	
		d. 1 Yen Certificate of ¥37,799.10	
		e. One lot of household furniture and fixtures sold for \$49.00 on 26 August 1953	

2. Included in one of the documents which your father submitted in connection with his original claim is the following statement:

"When I was asked by an immigration (sic) officer of El Paso, while interned at the Lordsburg Internment Camp, Lordsburg, New Mexico, whether I wanted to be repatriated or not, I replied "Yes, on condition. Because I was informed by a letter through the neutral channel that my aged mother was hopelessly ill, and she wanted me to be at her bedside. When I arrived at Yokohama on 14 November 1943, I was too late to see her. The date of her death according to Koseki was 4 April 1943."

3 Your father alleged that he was persecuted under Japanese law, and in this connection he cited as generally applicable the following two laws: Law Maintaining Public Order(Chian-Iji-Ho) and also the General Mobilization Act(Kokka Sodoin-Ho).

4 A claim has been filed by Shigeru Nakata for the return of 24 shares of \$100 par value capital stock in J. S. Miwa. This claim has been referred to the Trial Section of the Office of Alien Property

and will be dealt with in due course. I presume that Shigeru Nakata is also the person who had custody of your father's household property and who lives at 2556-A South Beretania Street, Honolulu.

You will observe that the excerpt quoted in 2 above will make it most difficult for us now to prove that your father returned to Japan under duress, because he has stated that his reason for returning related to the ill health of his mother. However, if I can obtain the file of the Immigration and Naturalization Service with respect to your father, it may be that I can show that he was under deportation when he left and thus try to give color to our claim that he was under legal duress to leave. In this connection, it may also be helpful if I had available for analysis your father's passport or similar document covering the trip which he made in September, 1943 to Japan on the M. S. Gripsholm. If documents of this type are available from your brother or from your family, please have them sent to you so that you can translate them for my examination. Furthermore, if your family has a copy of your father's claim and attached documents and his correspondence in that connection, it would be helpful for me to have this material right at hand here for my use in the further pursuit of this matter.

I would assume that you are familiar with the details of the Shigeru Nakata claim against the vested property and that you do not wish to contest it. Please correct or confirm my impression in this respect.

At the time of filing my notice of appearance on your behalf in this case, I took the opportunity to discuss your claim at some length with the official in charge of it. On the basis of this discussion, I concluded that the Schedule 9-A which I had filled out from you was in correct form and properly preserved all of your rights in developing the strongest possible case. Accordingly, the first step for us to take in establishing that you are the successor in interest to your father is to submit "a certified copy of your father's death certificate, duly authenticated by an American consular official, and a certified copy of his Will, similarly authenticated", as indicated by Thomas H. Creighton in his letter to you. With respect to the death certificate, I gather that it is a simple matter to secure a certified copy of the same but that some question arises as to the possibility of authentication by an American Consular official. You should try to comply with this requirement insofar as it is possible, but it may be that some less formal documentation will be acceptable. Ordinarily what is done in matters of this kind is to have a local notary or officer of a local court certify that the document to be submitted is a true copy of the certificate and then what the American Consular officer does is to authenticate the signature of the certifying official. In any event, let me have what you can get on this.

Your father's Will was the subject of considerable discussion and the official of the Alien Property Office indicated that it might be preferable to have the copy of the Will as recognized by the governmental authorities of Japan, the place of your father's domicile. I assume that this refers to proceedings before the Family Court (Kaji-Shinpansho) under §4 of Title 7 of the Japanese Code. Accordingly, if your father's Will has been admitted to probate in Japan or otherwise accepted by the Japanese authorities as a valid testamentary document under

Japanese law, it would seem to be preferable that such certified copy of his Will (with a translation thereof, if necessary) be submitted in connection with your claim. This procedure would have the added advantage of simplicity and economy as compared with probating the Will in Hawaii. Accordingly, if the Will has already been accepted in Japan as a valid testamentary document, I suggest that you secure proof of such acceptance along the lines indicated above so that I may clear up this aspect of your problem with the Office of Alien Property. If, however, no action has been taken in Japan with respect to your father's Will, and none is contemplated, then there may be some point in following through on the proceedings in Hawaii, although those would seem otherwise to be an unnecessary expense.

I have also learned that it is likely to be a period of many, many months before the Office of Alien Property gets around to a formal consideration of ~~your~~ your claim. In many respects, I consider this to be an advantage because, as I have made clear to you, your claim is practically impossible of success in the absence of further legislation liberalizing the basis for return of such vested properties. It is to our advantage to defer the factual presentation of your case until such time as we can tailor-fit it to meet the exact requirements of this legislation upon which we place almost all our hope for securing your father's property for you.

As You will appreciate from all of the foregoing, and particularly from the question relating to whether it be necessary to probate your father's Will in Hawaii at all, I feel it advisable to postpone writing Mr. Murakami in Honolulu. Accordingly, I shall appreciate your early comments on this letter.

It was a pleasure to make your acquaintance and that of Mr. Ozawa, and I wish you all the best for the coming academic year.

Sincerely yours,

O. E. Stone