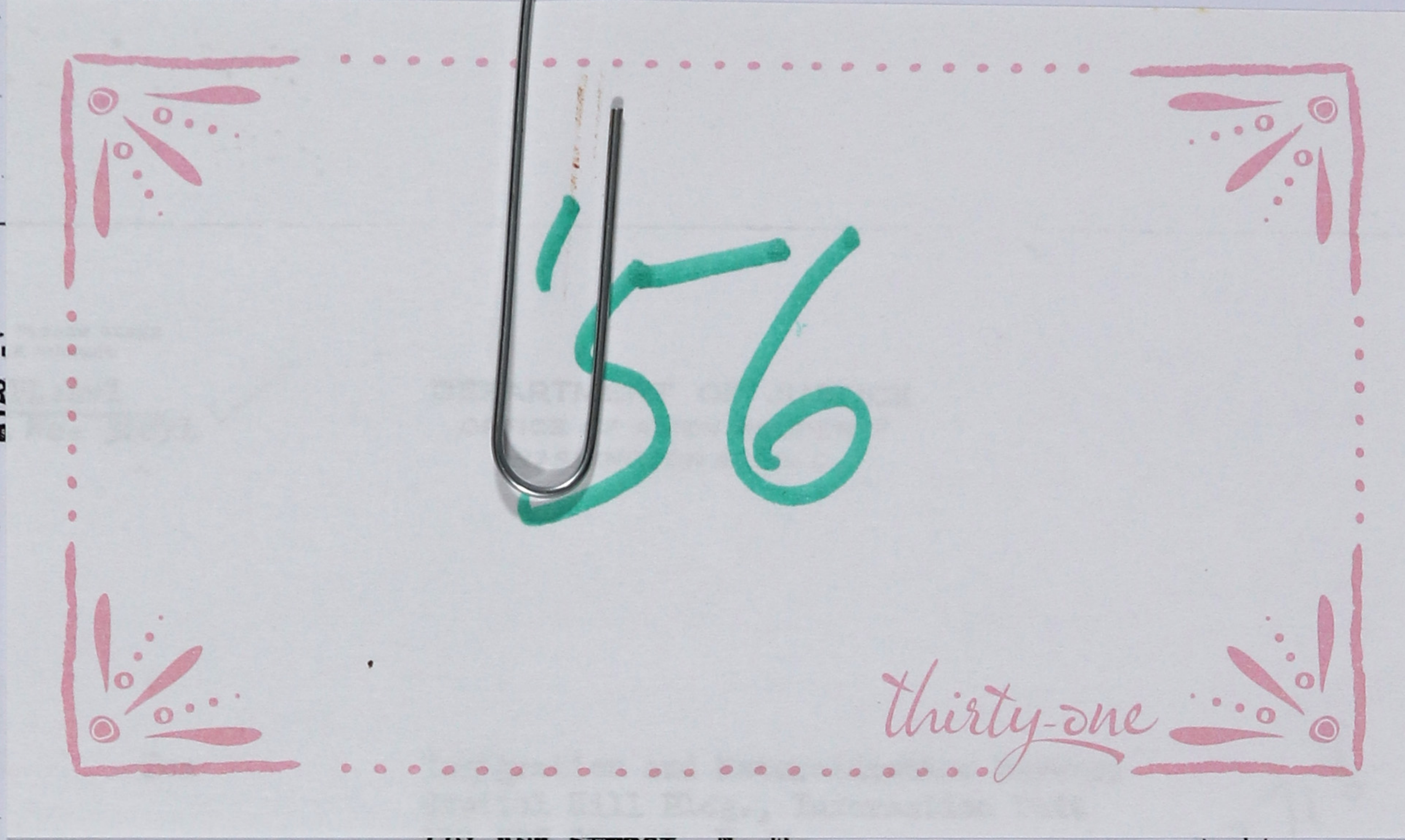


IN REPLY
TO FILE
ARS:R
Claim



1117 "B" Street, N. W.
Washington, D.C.

From: Claims Section
Office of Alien Property

Date: April 20, 1956

Handwritten: Kaid
Lut

In accordance with our understanding, please deliver to the attention of Mr. Arthur R. Schor, Chief, Claims Section Office of Alien Property, Room 300-A HOLC Building, 1st and Indiana Avenue, N. W., Washington, D.C., data pertaining to the following:

MWA, Seigo Born - June 25, 1897, Japan.

Returned to Japan, sailing on Gripsholm, September 2, 1943 under deportation proceedings.

RECORD

Claim 36891
RECEIVED
OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE
MAY 21 1956
ANS'D _____ DATE _____
NO. ANS. _____ DATE _____

Received in Mail Room
Dept of Justice
APR 23 1956
Imm. & Nat. Serv

FILED
BY
ON JUL 16 1956

IN REPLY, PLEASE REFER
TO FILE NUMBER

ARS:RPL:hvl
Claim No. 36891

DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON 25, D. C.

To: Immigration and Naturalization Service
Capitol Hill Bldg., Information Unit
119 "D" Street, N. W.
Washington, D.C.

From: Claims Section
Office of Alien Property

Date: April 20, 1956

Handwritten: 12102718
Signature: [Signature]

In accordance with our understanding, please deliver to the attention of Mr. Arthur R. Schor, Chief, Claims Section Office of Alien Property, Room 300-A HOLC Building, 1st and Indiana Avenue, N. W., Washington, D.C., data pertaining to the following:

MIWA, Seigo Born - June 25, 1897, Japan.

Returned to Japan, sailing on Gripsholm,
September 2, 1943 under deportation proceedings.

RECORD

Claim 36891

RECEIVED	
OFFICE OF ALIEN PROPERTY	
DEPARTMENT OF JUSTICE	
MAY 21 1956	
ANS'D _____	DATE _____
NO. ANS. _____	DATE _____

Received in Mail Room
Dept of Justice
APR 23 1956
Imm. & Nat. Srv

FILED
BY [Signature]
ON JUL 16 1956

ARS:EA:lw

DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON 25, D. C.

Lott

APR 26 1956

Federal Bureau of Investigation
Department of Justice, Room 7714
Washington 25, D. C.

APR 25 1956

Attn: Mrs. Collins

Gentlemen:

In accordance with procedures heretofore established, I am submitting a summary of the claim indicated below for your consideration. This is a request for a check of F. B. I. files only and is not to be considered as a request for an investigation or a clearance. You may make a reply on the attached copy.

Sincerely yours,

Dallas S. Townsend

Dallas S. Townsend
Assistant Attorney General
Director, Office of Alien Property

CLAIM NO. 36891 VESTING ORDER NO. 2783, et al ACCOUNT NO. 39-10773

CLAIMANT: originally Siego Miwa, a/k/a J. S. Miwa
(now deceased - successor is son Lawrence F. Miwa)

PLACE OF BIRTH: Seigo Miwa, 3- 1647 Aza Furuichi DATE OF BIRTH: 6/25/1897

Furuichimachi Asa Gun, Hiroshima Pref., Japan PRESENT CITIZENSHIP: Japanese
PRESENT RESIDENCE: Deceased

LAST PREVIOUS RESIDENCE: Hiroshima

NATIONALITY OF CLAIMANT AS SHOWN BY VESTING ORDER: Japanese

PROPERTY CLAIMED: Proceeds of shares in J. W. Miwa & Co., a Hawaiian corporation.

VESTED AS PROPERTY OF: - -

INCREMENT OR INCREASE IN VALUE OF PROPERTY SINCE VESTING: - -

CHARACTERIZATION OF PROPERTY: INCOME-PRODUCING: - -

TENTATIVE DETERMINATION AS TO RETURN OF ROYALTIES AND CLAIMS ARISING
OUT OF WAR PRODUCTION: - -

ANTI-TRUST FACTORS NOTED: - -

COMMENTS BY REVIEWING AGENCY:

F. B. I. Report 100-1026

SEP 2 1956

5-34

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

Honolulu, T. H.

FILE NO. **100-1088**

REPORT MADE AT Honolulu, T. H.	DATE WHEN MADE 12/21/41	PERIOD FOR WHICH MADE 12/19, 20/41	REPORT MADE BY J. STEWART ASHES <i>jsa</i>
TITLE JAMES SHIGO MIYA			CHARACTER OF CASE INTERNAL SECURITY - J

SYNOPSIS OF FACTS:

Subject born, 6/23/07, in Hiroshima, Japan. First came to Honolulu, 6/14/14, his father and mother having preceded him. Attended school, Mid-Pacific Institute, Honolulu, completing education in 1918. Employed since in operation of grocery stores in Honolulu. Mother presently residing in Japan. Father deceased. Subject's wife, a Japanese alien, returned to Japan in 1934, and has remained there since. Subject's three children also presently residing in Japan, the oldest being a daughter, eighteen years of age. Subject has made six trips to Japan, the first about 1928, another in 1932, one in 1934, remained in Japan from 1935 to 1936, and his last trip, leaving Honolulu 4/1/41, and returning, 10/25/41. One store is operated in Japan, which was started by father, one in San Francisco, Calif., and two stores in Honolulu. Net income for 1941, to date, about \$15,000.00. Search of residence and two stores operated in Honolulu fails to develop anything of significance. Subject presently residing with a niece at 1771-S. Luanihale Street.

- 7 -

Details:

On the morning of December 19, 1941, Inspector CONORAN of the United States Immigration & Naturalization Service, telephonically advised Special Agent R. L. HODGE that SHIGO MIYA was at the Immigration Station with reference to his Alien Registration

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT 3 Bureau 1 OHI, Honolulu 1 OI, Honolulu 2 Honolulu		This report and its contents are loaned to you by the FBI and are not to be distributed outside of agency to which loaned. This is the result of a request for an FBI file check and is not to be considered as clearance.

Receipt, which he had not as yet received. CORCORAN was of the opinion that NINA would bear investigation by this office. According to CORCORAN, NINA last arrived at Honolulu on the Takata Maru, on October 23, 1941, being admitted for a period of six months. His date of birth is shown as June 25, 1897. He stated that he was a merchant and is manager of the J. S. Niwa Shoten, Hiroshima, Hiroshima-kan, Japan, and also connected with the same firm in Honolulu. The firm is reported to have a branch in San Francisco. According to the records of the Immigration Service, NINA has made a number of trips between the islands and Japan and also a trip to Mexico and Canada is of record. The trip to Canada was made in 1927 and the trip to Mexico in 1928. He is married and has three children, all of them being in Japan at the present time. His three children were born in Hawaii, therefore they are citizens. The oldest was born in 1923, and the youngest in 1928.

Inspector WAGONER of the Immigration Service later advised Agent MOORE that NINA's address in Honolulu was 1771-A Lusitana Street, and his business is the J. S. Niwa and Company, 1150-1160 North King Street. When NINA was admitted to Honolulu on October 23, 1941, as a temporary visitor for a period of six months, he gave as his reason for coming to the islands "to inspect the books of the company." He listed the Sumitomo Bank, Honolulu Branch, Sumitomo Bank in Japan, and SHIGEHU HAYATA, Vice-President of the J. S. Niwa and Company, as references. According to CORCORAN and WAGONER, NINA is a smooth customer and would bear the attention of this office.

The writer, accompanied by IWASABURO YOSHIKAWA, proceeded to subject's present place of residence in Honolulu, 1771-B Lusitana Street. There it was noted that subject resides with a widow, HISAE NAKOHAYASHI, also known as ISAE NITANURA. The residence is rented by this widow, who also has a child, one HELLIE FUEAKO NITANURA, born November 7, 1930, in Honolulu. HISAE was born on July 5, 1907, in Kona, Hawaii. There is also residing at this residence one SABURO YAMAMOTO, age 45, born in Japan, and his wife, TOSHIE, age 29, born in Kona, Hawaii. SABURO is employed with the Consolidated Amusement Company on Fort Street, having been there for seven to eight years. TOSHIE, his wife, has been employed with the Hawaiian Pineapple Company for four years. They have one child, ARTHUR TOMOZO YAMAMOTO, age 7, born in Honolulu.

Subject occupies only one room at this residence, which was thoroughly searched, but no pertinent information was located. It was observed that subject apparently anticipated making only a short visit to Honolulu since he had little baggage. According to the widow, subject is living there alone. However, from the appearance of subject's room and articles found there, it was apparent that the widow is occupying the room with him. She advised that she

has been acquainted with MIWA for a period of from 11 to 12 years. The only significant items noted were five one-thousand-dollar Imperial Japanese Government bonds, purchased by subject on May 1, 1935, through the Yokohama Specie Bank, and which were indicated as being presently on deposit with the Bishop National Bank, Honolulu.

The writer and YOSHIKAWA next proceeded to one of subject's grocery stores at 1130-40 North King Street, where a thorough and complete search was made, both of the store proper and the warehouse immediately in the rear of the store, but nothing of any significance was located therein. Subject, who was present at the time, was made to accompany the writer and YOSHIKAWA to his other store at 2550 South Beretania Street, Marusan Shokai, where a thorough search was also conducted. However, no pertinent papers or other articles were located at this store. Afterwards, subject was brought to the Honolulu Field Division, where he was interviewed by the writer. It is pointed out that subject speaks good English. During the interview, he furnished the following information. JAMES SEIGO MIWA was born on June 25, 1897, in Hiroshima-ken, Japan. He attended school in Japan through the third year of high school, before coming to Honolulu. His father, SENEKICHI MIWA, and mother, KIYO SHINAGAWA MIWA, came, together, to Honolulu from Japan in 1896, his father coming here as a free laborer. The mother returned to Japan shortly afterwards, and SEIGO was born in Japan in 1897. The father later returned to Japan when SEIGO was about six years of age, and later the mother and father returned, together, to Honolulu about a year later, leaving subject in Japan. After obtaining his education through the third year of high school, subject first arrived in Honolulu on April 14, 1914, aboard the SS MANCHURIA. He is an only child. Prior to his arrival, subject's father had started a feed store in Honolulu. Subject entered the Mid-Pacific Institute in Honolulu, completing his education in 1919. At that time, his father owned a store at about 1500 North King Street, and subject began working with him in the store. His father returned to Japan in 1921, and established the J. S. Miwa Store in Hiroshima-ken, Japan. He later died in Japan in 1936. Subject's mother also went to Japan in 1921, and is still living in Hiroshima-ken, Japan.

SEIGO's wife-to-be came to Honolulu from Japan on September 3, 1921. She was a cousin of subject's before their marriage, and was born in Japan in 1904. They were married in 1921, in Honolulu. Afterwards, she returned to Japan for about three months, in 1926, and later returned to Japan in 1934, remaining there from that time to the present. Subject's children

are as follows:

KATHERINE HIYOKO MINA, born in 1923, in Honolulu.
HENRY SHOSO MINA, born 1926, in Honolulu.
LAWRENCE JUNIO MINA, born 1931, in Honolulu.

KATHERINE went to Japan in 1932, HENRY went there in 1933, and LAWRENCE in 1934. None of the children has returned to Honolulu since.

SEIGO, himself, has made about six trips to Japan, the first about 1928. He has made additional trips in the following years: 1932 and 1934, staying for two to three months in Japan on each occasion. In 1935, he returned to Japan and remained there up until 1938. His father was ill at the time and died in 1936. During that time, subject's reentry permit expired and he states he asked for an extension, but that Mr. BRENCH, American Consul at Osaka, Japan, suggested that he just use his passport. Thereafter, subject obtained a new passport, in 1938, to return to Honolulu. The next trip was made on April 1, 1941, subject returning to Honolulu on October 25, 1941, aboard the Tatuta Maru. Because of complications arising out of the expiration of his reentry permit on the previous date, subject's stay in the United States has been limited to a period of six months, he being carried as a temporary visitor.

Subject has one store in Hiroshima-ken, Japan, which was originally established by his father but is not now in operation due to the present war, one store in San Francisco, known as J. S. King Shokai, at 210 California Street, and two stores located in Honolulu, as previously set forth. He advised that his net income from the operation of these stores from January 1, 1941, to date, has amounted to about \$15,000.00.

Subject contended that he has had no relations with the Japanese Consulate; that he has spent practically all of his life in Honolulu, and in spite of the fact that his family is residing in Japan, he prefers to live here, and has no desire to return to Japan.

The following description is submitted:

Age	44 years (born 6/25/97)
Height	5' 3"
Weight	150 lbs.
Build	Medium-heavy
Complexion	Dark
Hair	Black
Eyes	Brown
Nationality	Japanese

Citizenship Japanese
Characteristics Rather full face, broad nose.
Residence 1771-B Lunitana St.,
Honolulu, T.H.
Social Security No. 575-14-3507.

- PENDING -

IN REPLY, PLEASE REFER
TO FILE NUMBER

ARS:RPL:shv1
Claim No. 36891 ✓

DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON 25, D. C.

To: Immigration and Naturalization Service
Capitol Hill Bldg., Information Unit
119 "D" Street, N. W.
Washington, D.C.

From: Claims Section
Office of Alien Property

Date: April 20, 1956

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Lot

In accordance with our understanding, please deliver to the attention of Mr. Arthur R. Schor, Chief, Claims Section Office of Alien Property, Room 300-A HOLC Building, 1st and Indiana Avenue, N. W., Washington, D.C., data pertaining to the following:

MIMA, Seigo Born - June 25, 1897, Japan.

Returned to Japan, sailing on Gripsholm, September 2, 1943 under deportation proceedings.

RECORD

Claim 36891

RECEIVED
OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE
MAY 21 1956
ANS'D _____ DATE _____
NO. ANS. _____ DATE _____

Received in Mail Room
Dept of Justice
APR 23 1956
Imm. & Nat. Srv

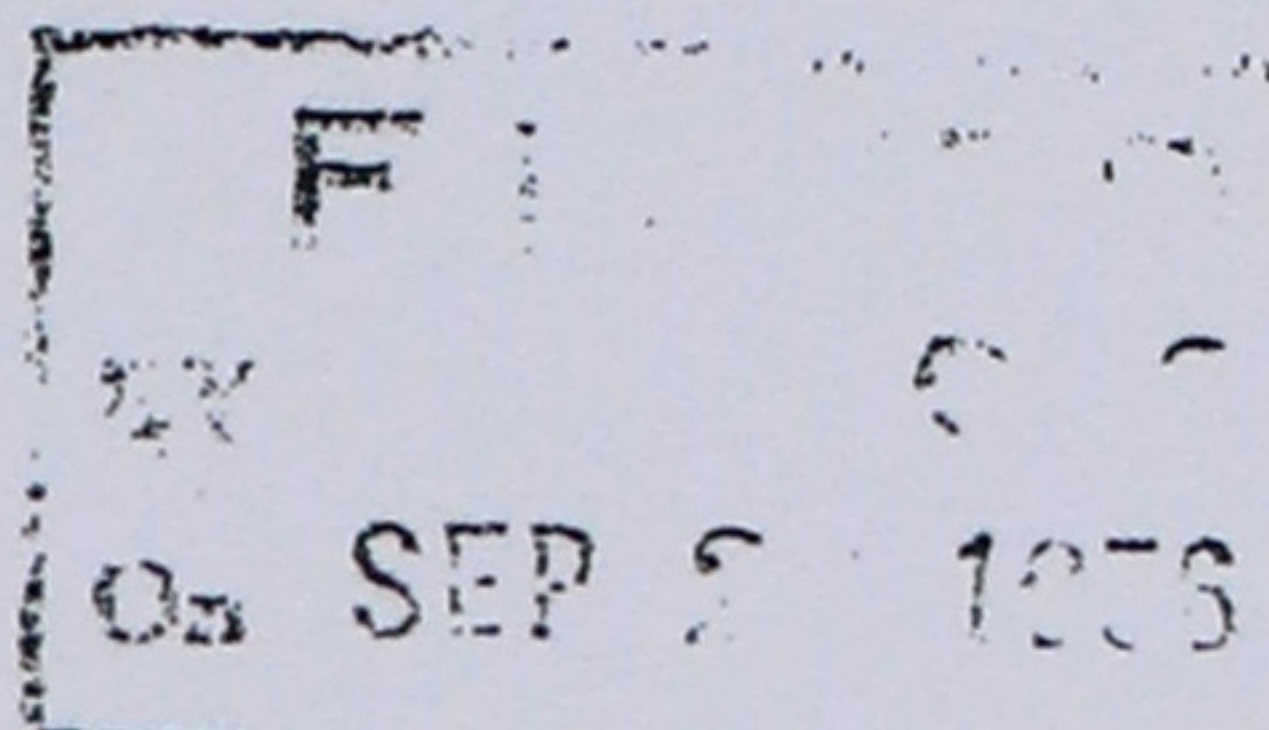
FILED
BY
ON JUL 16 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : FILES

DATE: August 6, 1956
RPL:ESCFROM : Richard P. Lott
Trial AttorneySUBJECT: Claim 36891
Seigo Niwa

Mr. Kelly, Immigration & Naturalization Service, Ext. 428, Room 221, 119 D Street, N. W., advised me over the telephone, that he is prepared to provide certifications of copies of their records in deportation proceedings if we will submit photostatic copies of the desired material. Their certifications will imply there is no objection to the use in a claims proceeding of the material in question, which otherwise might be considered confidential.



FILES

August 6, 1956
EPL:EGC

Richard F. Lott
Trial Attorney

NOTED

RL

Claim 36891
Seigo ~~Mina~~

AJG

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Ext. 428, Room 221, 119 B Street, N. W., advised us over
the telephone, that he is prepared to provide certifica-
tions of copies of their records in deportation proceed-
ings if we will submit photostatic copies of the desired
material. Their certifications will imply there is no
objection to the use in a claim proceeding of the
material in question, which otherwise might be considered
confidential.

FILED
BY
SEP 2 1956

Arthur J. Gang
Chief, Trial Unit

Sept. 18, 1956
RPL:ESC

Richard E. Lott
Trial Attorney

APPROVED

AJG

Claim 36891

Lawrence Fumio Miwa, as successor-in-interest of
Seigo Miwa, also known as J. S. Miwa.

PRELIMINARY HEARING MEMORANDUM

STATEMENT OF THE CASE

By Vesting Order 2783, effective January 18, 1944, there were vested 789 shares of the capital stock of J. S. Miwa & Co., Ltd., a corporation of the Territory of Hawaii.

By Supplemental Vesting Order 3567, effective May 8, 1944, there were vested 3 additional shares of this corporation.

By Supplemental Vesting Order 5183, effective August 31, 1945, there were vested 24 additional shares of this corporation, as well as an indebtedness of the corporation owing to J. S. Miwa in the amount of \$1038.81.

By Vesting Order 7497, effective September 16, 1946, there was vested an obligation of J. S. Miwa & Co., Ltd. to the J. S. Miwa Shokai, found to be beneficially owned by J. S. Miwa.

By Vesting Order 10305, effective January 8, 1948, there was vested inter alia, an obligation of Yokohama Specie Bank, Ltd. San Francisco, to J. S. Miwa Shokai, found to be beneficially owned by J. S. Miwa.

By Vesting Order 11595, effective July 27, 1948, there were vested as the property of J. S. Miwa, certain bank accounts, U.S. Savings Bonds, Imperial Japanese Government dollar bonds, miscellaneous household furnishings, and a yen certificate of deposit.

By Vesting Order 13491, effective July 15, 1949, there were vested the net proceeds of an insurance policy issued by the Manufacturers Life Insurance Company as due to Seigo Miwa.

The vested property has been liquidated, with the exception of Imperial Japanese Government bonds in the face amount of \$5,000, and a yen certificate of deposit, and has realized as of July 31, 1956 the sum of \$150,412.95.

Claim 36891

The claim is thus an excepted claim within the meaning of Section 502.2(h).

While J. S. Miwa's claim, according to statements of his attorney, sounds under Section 9(a) of the Act, there is no Section 9(a) litigation pending and in view of the apparent ineligibility of his successor-in-interest to prosecute in his own behalf a Section 9 claim, the case, in my opinion, has no Section 9 aspects as presently presented.

? What does this mean?

The claim was filed on June 28, 1948 and was timely filed. The succession of the son, Lawrence Fumio Miwa, is supported by certified copies of documents evidencing the death of Seigo Miwa, and the filing in the District Court of Kobe, Japan of the will of Seigo Miwa intended to bequeath to his son, Lawrence Miwa, all of the property which the testator had in the United States.

STATEMENT OF FACTS

The following statement of facts is derived not only from the claim file but from the file of the Immigration and Naturalization Service 2-192-718 and Department of Justice file 146-13-2-71-717. A non-confidential report on James Seigo Miwa by the F.B.I. dated December 31, 1941 and bearing file 100-1028, as well as the voluminous general files of this Office relating to the Miwa properties, and more particularly File D-39-81, complete the sources of information.

J. S. Miwa was born in Japan on June 25, 1897. He first entered the United States in Hawaii on April 15, 1914. His father was then engaged in Hawaii in importing feedstuffs and agricultural feeds from Japan and the United States, the same business which was eventually incorporated as J. S. Miwa & Co. Ltd., the vested shares of which on liquidation have realized \$130,000. of the total vested assets. He made trips to Japan in 1926, 1933 and 1935. On July 6, 1936 he departed for Japan in possession of a reentry permit. His wife and three children were already there. He has stated that his return was because his father, who was handling the Japanese export end of the J. S. Miwa Company, as well as other business interests, had become aged and needed him there. J. S. Miwa overstayed the duration of his reentry permit. On November 22, 1938 he returned alone to Hawaii in possession of a Treaty Merchant Visa and remained in Hawaii until April 1941. He returned again to Hawaii on October 21, 1941, this time in possession of a Visitor's Permit valid for six months. On February 13, 1942 he was apprehended as an alien enemy and transferred to detention camps in the United States. On September 1, 1943 he

went to Japan between April and Oct. 41?

Claim 36891

was repatriated to Japan. Prior to his sailing he was the subject of deportation proceedings for having overstayed the duration of his permit. The warrant of deportation was issued on July 23, 1943. His departure thereafter with an outstanding warrant of deportation was the equivalent of deportation although his departure was actually on one of the exchange vessels upon which he had requested repatriation. He applied on November 25, 1947 (see Notice of Claim as supplemented) for a Returning Resident's Visa, which was denied him on the ground (mistaken fact) that his last entry in the United States was as a Treaty Merchant, in which category he could not have acquired the status of a permanent resident. He renewed his application for a visa in 1949 or 1950 and this application was denied because of his previous deportation. His application to the Immigration & Naturalization Service for permission to reapply for admission was denied on March 19, 1953. He died on May 23, 1954.

The son, Lawrence, was born in Hawaii on July 5, 1931. He was taken to Japan in 1934 where he lived with his parents and brother and sister, and returned to Hawaii on June 28, 1947 in the status of a citizen because of his native birth in Hawaii.

The claimant's attorney, with respect to J. S. Miwa, has stated informally that he proposes to urge the contention that since J. S. Miwa's departure in 1943 was pursuant to deportation proceedings it was not voluntary, and in further view of his earlier long residence in the United States he should be considered not a resident of Japan and therefore eligible under Section 9(a) of the Act. He apparently assumes that since Lawrence Miwa, the successor-in-interest, is an American citizen by birth, any 9(a) eligibility of his father descends upon him despite his long residence in Japan with his parents and brother and sister. Cf. In the Matter of Anni, Harold and Rita Monsrud, Dep. Dir., May 29, 1953.

The facts in opposition to the status of Miwa as a non-resident of Japan appear mainly in the I&N file containing the record of his testimony in the deportation proceedings. At page 3 of the transcript of the hearing of March 4, 1943 he testified in effect that he last entered the United States on October 23, 1941 for business purposes, intending to stay four or five months; that he was alone and was coming to join no one. At page 8 he explains the purpose of his return to Japan in 1936 was to take control of his father's business interests there. In "General Information Form I-55" which J. S. Miwa submitted in connection with his deportation proceedings, he lists under Question 35 his assets in the United States as 99%

Claim 36891

of J. S. Miwa & Co. Ltd., at a valuation of \$170,000, and total United States assets of \$181,200. Under the following Question 36 he lists his Japanese assets as cash in banks \$250,000, personal effects \$10,000, and real estate \$100,000, a total of \$360,000.

Further evidence that in October 1941 J. S. Miwa did not consider himself a resident of the United States but rather a resident of Japan is found in Report TFR-300, Series C-2, which he swore to under date of October 30, 1941, in part E-8 of which he described himself as residing in Japan since April 1, 1941.

In my opinion these declarations of J. S. Miwa establish conclusively that, commencing in 1936, he was resident in Japan, where his family was and where his major business interests were; and that his subsequent visits to the United States in a non-immigrant status do not detract from the fact that his residence, as well as his domicile, remained in Japan.

Among the host of cases which could be referred to in this connection are In the Matter of Insolvent Account of Yokohama Specie Bank, claimant David Latuf, Dep. Dir. July 15, 1955; In the Matter of Kensuke Samura, H.E. Febr. 10, 1955; In the Matter of Katsuji Onishi, H.E. Nov. 28, 1955; In the Matter of Emil Lorenz, H.E. Jan. 9, 1956.

Although not contained in any statement made by Miwa, a report contained in file D 39-81 under date of July 12, 1943 at page 6 (draft) quotes from a January 1940 issue of a Japanese-American newspaper published in Hawaii which refers to J. S. Miwa as the president of a rubber company in Hiroshima and the holder of the title of Investigator of Labor under the control of the Cabinet. It may be noted also that of Miwa's vested property there was only a scanty roomful of furniture.

In my opinion, J. S. Miwa could not possibly have been considered other than a resident of Japan both before and after his deportation in 1943. In his Notice of Claim he did make some allegations of persecution to the effect that by reason of his previous presence in the United States he was interrogated by the police at frequent intervals and kept under surveillance. The attorney, however, seems to have abandoned any claim with respect to J. S. Miwa under Section 32(a) of the Act.

Claim 16531

QUESTIONS PRESENTED

Whether J. S. Miwa, who had resided in Hawaii from 1914 to 1936 and who in 1936 went to Japan, joining his entire family there, for the purpose of taking over control of substantial business interests there, thereby abandoned his Hawaiian residence and acquired Japanese residence; whether J. S. Miwa's deportation from the United States in 1943 for having overstayed the duration of his six month's Visitor's Permit (though in circumstances beyond his control) resulted in his subsequent presence in Japan being involuntary and not residence; whether Lawrence Miwa, a citizen of the United States and living in Japan from 1934 to 1947, can qualify as the eligible successor-in-interest of J. S. Miwa, should the latter be found eligible under Section 9(a).

These are
poorly
stated

work on
them!

INVESTIGATION REQUESTS

No further investigation of the case is indicated.

SIMPLIFICATION OF ISSUES

A prehearing conference may serve to eliminate the necessity for detailing proof of some of the irrefutable aspects of the history of the Miwa family.

Claim 4700 of Shigeru Nakata is for the return of the proceeds of 24 shares of J. S. Miwa & Co. Ltd. stock, vested by Vesting Order 5183 as the property of J. S. Miwa. The claimant's attorney, Mr. Oliver Ellis Stone, 1025 Vermont Avenue, N. W., Washington, D. C., states that the claimant wishes to be heard in opposition to this Nakata claim and suggests that a hearing on the Nakata claim be docketed at the same time as the Miwa claim since he proposes to produce Lawrence Miwa as a witness in the Miwa claim and as a witness in opposition to the Nakata claim. The hearing on the Nakata claim without the appearance of Mr. Miwa would otherwise be totally documentary, as will be the Claims Section opposition to the instant claim.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Arthur J. Gang
Chief, Trial Unit

DATE: Sept. 13, 1956
RPL:ESC

RC FROM : Richard P. Lott
Trial Attorney

SUBJECT: Claim 36891
Lawrence Fumio Miwa, as successor-in-interest of
Seigo Miwa, also known as J. S. Miwa.

PRELIMINARY HEARING MEMORANDUMSTATEMENT OF THE CASE

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By Vesting Order 10305, effective January 8, 1948, there was vested inter alia, an obligation of Yokohama Specie Bank, Ltd. San Francisco, to J. S. Miwa Shokai, found to be beneficially owned by J. S. Miwa.

By Vesting Order 11596, effective July 27, 1948, there were vested as the property of J. S. Miwa, certain bank accounts, U.S. Savings Bonds, Imperial Japanese Government dollar bonds, miscellaneous household furnishings, and a yen certificate of deposit.

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The vested property has been liquidated, with the exception of Imperial Japanese Government bonds in the face amount of \$5,000, and a yen certificate of deposit, and has realized as of July 31, 1956 the sum of \$150,712.95.

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SEP 2 1956

Claim 36891

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? what does this mean?

The claim was filed on June 28, 1948 and was timely filed. The succession of the son, Lawrence Fumio Miwa, is supported by certified copies of documents evidencing the death of Seigo Miwa, and the filing in the District Court of Kobe, Japan of the will of Seigo Miwa intended to bequeath to his son, Lawrence Miwa, all of the property which the testator had in the United States.

STATEMENT OF FACTS

The following statement of facts is derived not only from the claim file but from the file of the Immigration and Naturalization Service 2-102-718 and Department of Justice file 146-13-2-21-717. A non-confidential report on James Seigo Miwa by the F.B.I. dated December 31, 1941 and bearing file 100-1028, as well as the voluminous general files of this Office relating to the Miwa properties, and more particularly File B-39-81, complete the sources of information.

J. S. Miwa was born in Japan on June 25, 1897. He first entered the United States in Hawaii on April 15, 1914. His father was then engaged in Hawaii in importing foodstuffs and agricultural feeds from Japan and the United States, the same business which was eventually incorporated as J. S. Miwa & Co. Ltd., the vested shares of which on liquidation have realized \$130,000. of the total vested assets. He made trips to Japan in 1926, 1933 and 1935. On July 6, 1936 he departed for Japan in possession of a reentry permit. His wife and three children were already there. He has stated that his return was because his father, who was handling the Japanese export end of the J. S. Miwa Company, as well as other business interests, had become aged and needed him there. J. S. Miwa overstayed the duration of his reentry permit. On November 22, 1938 he returned alone to Hawaii in possession of a Treaty Merchant Visa and remained in Hawaii until April 1941. He returned again to Hawaii on October 21, 1941, this time in possession of a Visitor's Permit valid for six months. On February 13, 1942 he was apprehended as an alien enemy and transferred to detention camps in the United States. On September 1, 1943 he

went to Japan between April & Oct. 41?

Claim 36891

was repatriated to Japan. Prior to his sailing he was the subject of deportation proceedings for having overstayed the duration of his permit. The warrant of deportation was issued on July 23, 1943. His departure thereafter with an outstanding warrant of deportation was the equivalent of deportation although his departure was actually on one of the exchange vessels upon which he had requested repatriation. He applied on November 26, 1947 (see Notice of Claim as supplemented) for a Returning Resident's Visa, which was denied him on the ground (mistaken fact) that his last entry in the United States was as a Treaty Merchant, in which category he could not have acquired the status of a permanent resident. He renewed his application for a visa in 1949 or 1950 and this application was denied because of his previous deportation. His application to the Immigration & Naturalization Service for permission to reapply for admission was denied on March 19, 1953. He died on May 23, 1954.

The son, Lawrence, was born in Hawaii on July 5, 1931. He was taken to Japan in 1934 where he lived with his parents and brother and sister, and returned to Hawaii on June 28, 1947 in the status of a citizen because of his native birth in Hawaii.

The claimant's attorney, with respect to J. S. Miwa, has stated informally that he proposes to urge the contention that since J. S. Miwa's departure in 1943 was pursuant to deportation proceedings it was not voluntary, and in further view of his earlier long residence in the United States he should be considered not a resident of Japan and therefore eligible under Section 9(a) of the Act. He apparently assumes that since Lawrence Miwa, the successor-in-interest, is an American citizen by birth, any 9(a) eligibility of his father descends upon him despite his long residence in Japan with his parents and brother and sister. Cf. In the Matter of Anni, Harold and Rita Monsrud, Dep. Dir., May 29, 1953.

The facts in opposition to the status of Miwa as a non-resident of Japan appear mainly in the I&N file containing the record of his testimony in the deportation proceedings. At page 3 of the transcript of the hearing of March 4, 1943 he testified in effect that he last entered the United States on October 23, 1941 for business purposes, intending to stay four or five months; that he was alone and was coming to join no one. At page 8 he explains the purpose of his return to Japan in 1936 was to take control of his father's business interests there. In "General Information Form I-55" which J. S. Miwa submitted in connection with his deportation proceedings, he lists under Question 35 his assets in the United States as 99%

Claim 36891

of J. S. Miwa & Co. Ltd., at a valuation of \$170,000, and total United States assets of \$181,200. Under the following Question 36 he lists his Japanese assets as cash in banks \$250,000, personal effects \$10,000, and real estate \$100,000, a total of \$360,000.

Further evidence that in October 1941 J. S. Miwa did not consider himself a resident of the United States but rather a resident of Japan is found in Report TFR-300, Series C-2, which he swore to under date of October 30, 1941, in part B-8 of which he described himself as residing in Japan since April 1, 1941.

In my opinion these declarations of J. S. Miwa establish conclusively that, commencing in 1936, he was resident in Japan, where his family was and where his major business interests were; and that his subsequent visits to the United States in a non-immigrant status do not detract from the fact that his residence, as well as his domicile, remained in Japan.

Among the host of cases which could be referred to in this connection are In the Matter of Insolvent Account of Yokohama Specie Bank, claimant David Latuf, Dep. Dir. July 15, 1955; In the Matter of Kensuke Samura, H.E. Febr. 10, 1955; In the Matter of Katsuji Onishi, H.E. Nov. 28, 1955; In the Matter of Emil Lorenz, H.E. Jan. 9, 1956.

Although not contained in any statement made by Miwa, a report contained in file D-39-81 under date of July 12, 1943 at page 6 (draft) quotes from a January 1940 issue of a Japanese-American newspaper published in Hawaii which refers to J. S. Miwa as the president of a rubber company in Hiroshima and the holder of the title of Investigator of Labor under the control of the Cabinet. It may be noted also that of Miwa's vested property there was only a scanty roomful of furniture.

In my opinion, J. S. Miwa could not possibly have been considered other than a resident of Japan both before and after his deportation in 1943. In his Notice of Claim he did make some allegations of persecution to the effect that by reason of his previous presence in the United States he was interrogated by the police at frequent intervals and kept under surveillance. The attorney, however, seems to have abandoned any claim with respect to J. S. Miwa under Section 32(a) of the Act.

Claim 36891

QUESTIONS PRESENTED

Whether J. S. Miwa, who had resided in Hawaii from 1914 to 1936 and who in 1936 went to Japan, joining his entire family there, for the purpose of taking over control of substantial business interests there, thereby abandoned his Hawaiian residence and acquired Japanese residence; whether J. S. Miwa's deportation from the United States in 1943 for having overstayed the duration of his six month's Visitor's Permit (though in circumstances beyond his control) resulted in his subsequent presence in Japan being involuntary and not residence; whether Lawrence Miwa, a citizen of the United States and living in Japan from 1934 to 1947, can qualify as the eligible successor-in-interest of J. S. Miwa, should the latter be found eligible under Section 9(a).

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INVESTIGATION REQUESTS

No further investigation of the case is indicated.

SIMPLIFICATION OF ISSUES

A prehearing conference may serve to eliminate the necessity for detailing proof of some of the irrefutable aspects of the history of the Miwa family.

Claim 4700 of Shigeru Nakata is for the return of the proceeds of 24 shares of J. S. Miwa & Co. Ltd. stock, vested by Vesting Order 5183 as the property of J. S. Miwa. The claimant's attorney, Mr. Oliver Ellis Stone, 1025 Vermont Avenue, N. W., Washington, D. C., states that the claimant wishes to be heard in opposition to this Nakata claim and suggests that a hearing on the Nakata claim be docketed at the same time as the Miwa claim since he proposes to produce Lawrence Miwa as a witness in the Miwa claim and as a witness in opposition to the Nakata claim. The hearing on the Nakata claim without the appearance of Mr. Miwa would otherwise be totally documentary, as will be the Claims Section opposition to the instant claim.

Harry LeRoy Jones
Chief Hearing Examiner

ARS:AIC:RPL:ESC

Arthur R. Schor
Chief, Claims Section

Claim 36891
Lawrence Fumio Miwa, as successor-in-interest
of Seigo Miwa, also known as J. S. Miwa.

25 1956

You are requested to docket the above claim for hearing in accordance with the Rules of Procedure for Claims of this Office.

Richard F. Lott, Trial Attorney, will represent the Claims Section at the hearing.

Notice of Claim on Form APC-1A was received on June 28, 1948. This claim was filed by J. S. Miwa who died on May 23, 1954 in Japan, leaving a will which has been deemed adequate to constitute his son, Lawrence Miwa, as his successor-in-interest with respect to the claim for the vested property.

The properties for which claim was made were vested by Vesting Order 2783, effective January 18, 1944, Supplemental Vesting Order 3567, effective May 8, 1944, Supplemental Vesting Order 5183, effective August 31, 1945, Vesting Order 7497, effective September 16, 1945, Vesting Order 10305, effective January 8, 1948, Vesting Order 11595, effective July 27, 1948, and Vesting Order 13691, effective July 15, 1949. With the exception of Imperial Japanese Government bonds in the face amount of \$5,000, and a yen certificate of deposit, the vested property has been liquidated realizing the sum of \$150,412.95. The claim is thus an excepted claim within the meaning of Section 502.2(h) of the Rules.

It is the position of the Claims Section that J. S. Miwa, deceased, was a Japanese citizen present in that country after December 7, 1941, who was not a persecutee, and would have been ineligible under Section 32(a) of the Act. It is further the position of the Claims Section that J. S. Miwa, deceased, was resident in and doing business in Japan at a time when the United States was at war with that country, and was therefore an enemy and ineligible under Section 9(a) of the Act.

Lawrence Miwa is an American citizen but since his predecessor-in-interest was not eligible under Section 32(a) of the Act, the claim cannot be allowed despite Lawrence Miwa's American citizenship. The issues accordingly are:

Handwritten notes on the left margin: a large 'X' mark, the number '24', the number '16', and several illegible initials and scribbles.

Claim 36891

1. Whether J. S. Miwa, deceased, claimant's predecessor-in-interest, was resident within Japan at any time after December 7, 1941 and therefore an enemy under Section 2 who would not have been entitled to recover under Section 9(a) of the Act.

2. Whether J. S. Miwa, deceased, claimant's predecessor-in-interest, was doing business in Japan after December 7, 1941 and therefore an enemy under Section 2 who would not have been entitled to a recovery under Section 9(a).

3. Assuming that J. S. Miwa, deceased, would have been entitled to a recovery under Section 9(a), whether the claimant may obtain a return of vested property although he is eligible for a return of vested property only under the provisions of Section 32(a) of the Act.

The claimant has indicated that he will be present at the hearing, and will offer oral testimony.

Mr. Miwa also has asked that the claim of Shigeru Nakata, No. 4706, be scheduled for hearing at the same time as the hearing on his claim, so that he may testify in opposition to that claim which, to the extent of the property claimed therein, is in conflict with the instant claim.

Accordingly, it is requested that the two claims be docketed for hearing on the same day.

Claimant's attorney is Oliver Ellis Stone, Attorney at Law, Arlington Building, 1025 Vermont Avenue, N. W., Washington, D. C. Claimant's address is not at present known to the Claims Section.

Claim 16891
ARS-AJC:BNL:ISC

Oliver Ellis Stone
Attorney at Law
Arlington Building
1025 Vermont Avenue, N. W.
Washington, D. C.

SEP 25 1956

Dear Mr. Stone:

Lawrence Fumio Miwa, as successor-
Re: in-interest of Seigo Miwa, also
known as J. S. Miwa

Careful consideration has been given to the claim originally filed by Seigo Miwa, also known as J. S. Miwa, which claim since the death of J. S. Miwa on May 23, 1954 has been prosecuted by his son, Lawrence Fumio Miwa, as his successor in interest.

With respect to J. S. Miwa, available information establishes that he was a Japanese citizen present in Japan between December 7, 1941 and March 2, 1946. He, therefore, would have been ineligible for return under Section 32(a) of the Trading with the Enemy Act, as amended (50 U.S.C. App. 32(a)). It appears also that J. S. Miwa was resident in and doing business within Japan and therefore an enemy as defined by Section 2 of the Act, and would have been ineligible for return under Section 9(a) of the Act.

It is noted that Lawrence Miwa is an American citizen and would be eligible in his own right for a return of vested property under Section 32(a) of the Act if he had been the owner of the property at the time of vesting. However, as successor-in-interest to his father his eligibility for a return of the property in the instant claim requires that his father also as his predecessor-in-interest would have been eligible under Section 32(a) of the Act.

Accordingly, I have concluded that the captioned claim cannot be allowed. The claimant, however, is entitled to a hearing before a Hearing Examiner of this Office. The claim, accordingly, is being docketed for such a hearing and you will be advised by the Chief Hearing Examiner of the date fixed for the hearing. The hearing will be conducted in accordance with the Rules of Procedure for Claims of this Office, a copy of which is enclosed for your convenience.

You have previously indicated that Lawrence Miwa wishes to appear as a witness at any such hearing. Will you please verify if he will be present at the hearing to testify.

RL
9/24/56
[Signature]
[Signature]

Claim 36891

In this connection, the Chief Hearing Examiner is being requested to docket the hearing on Claim 4700 of Shigeru Nakata at the same time as the hearing on the Miwa claim in the expectation that Lawrence Miwa will be available as a witness in opposition to the Nakata claim which, to the extent of the proceeds of the 24 shares claimed therein, conflicts with this Miwa claim.

Very truly yours,

(Signed) Arthur R. Schor

Arthur R. Schor
Chief, Claims Section
Office of Alien Property

Encl.

RECEIVED

File RL

REGISTERED

October 27, 1956

Oliver Ellis Stone, Esquire
Arlington Building
1025 Vermont Avenue, N.W.
Washington, D. C.

Re: Lawrence Louis Hiss, as successor-in-interest
of Selro Hiss, a/k/a/ J. S. Hiss
File No. 3891 - Docket No. 57 2 11

Dear Sir:

Enclosed is a copy of an order setting the above-entitled claim for hearing on the merits and designating the Hearing Examiner.

Kindly inform the Hearing Examiner, within ten days, of the number of witnesses you will call, the approximate number of documents you will offer in evidence, and your estimate of the time your presentation of the case will take. This information is required to enable this Office to prepare the space and reporting service for the hearing.

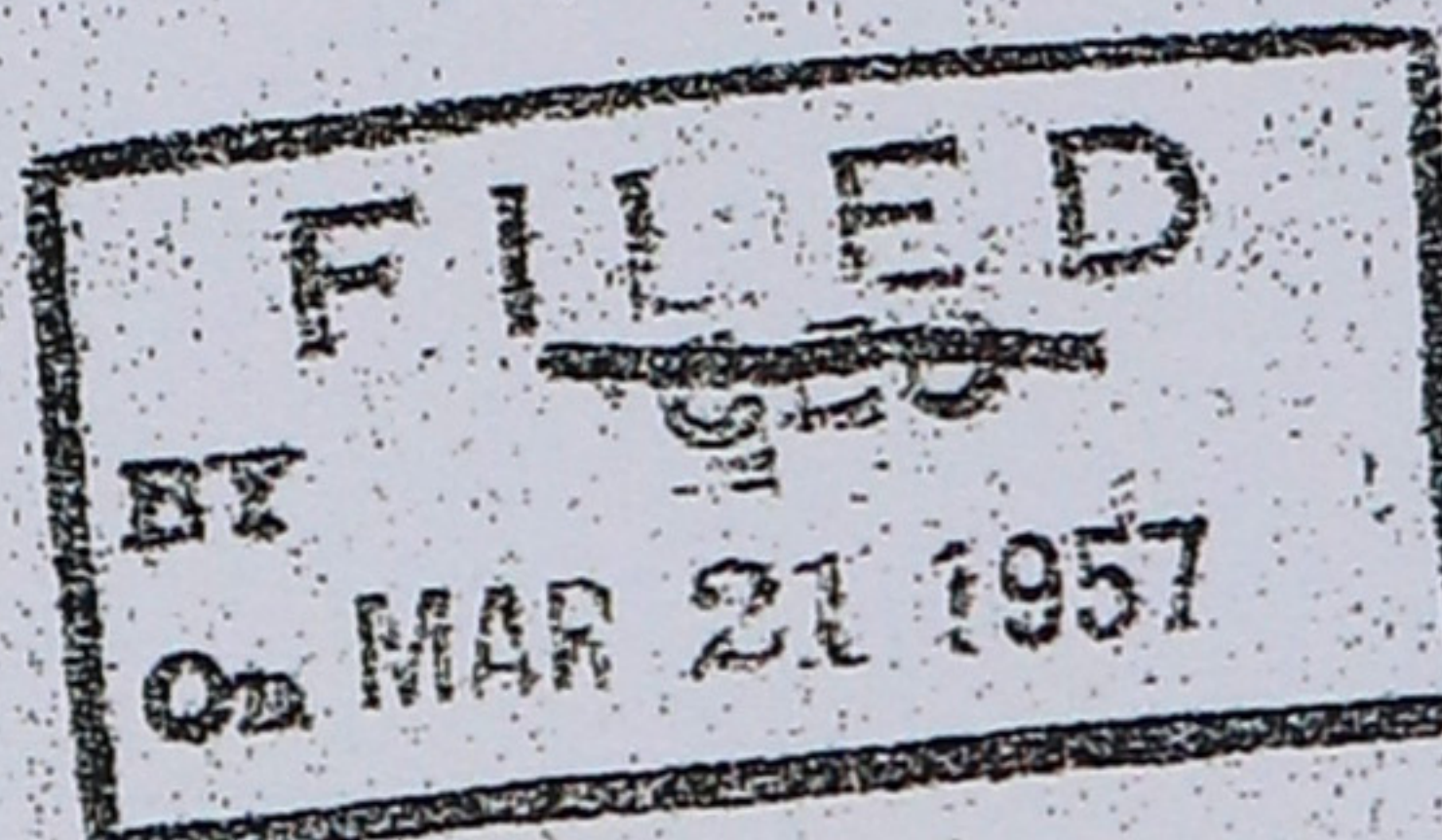
Procedure before the Hearing Examiners is governed by the Rules of Procedure for Claims of this Office, 20 Federal Register 7529, October 8, 1955.

The attorney who will represent the Chief of the Claims Section at the hearing is Richard P. Lott.

Very truly yours,

Harry LeRoy Jones
Harry LeRoy Jones
Chief Hearing Examiner

Enclosure



UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY

In the Matters of:

**LAWRENCE FORD HILL, as executor-in-
interest of Selig Hill, a/k/a J. S. Hill**

State Claim No. 1691

Packet No. 57 2 41

CURTIS HAZEL

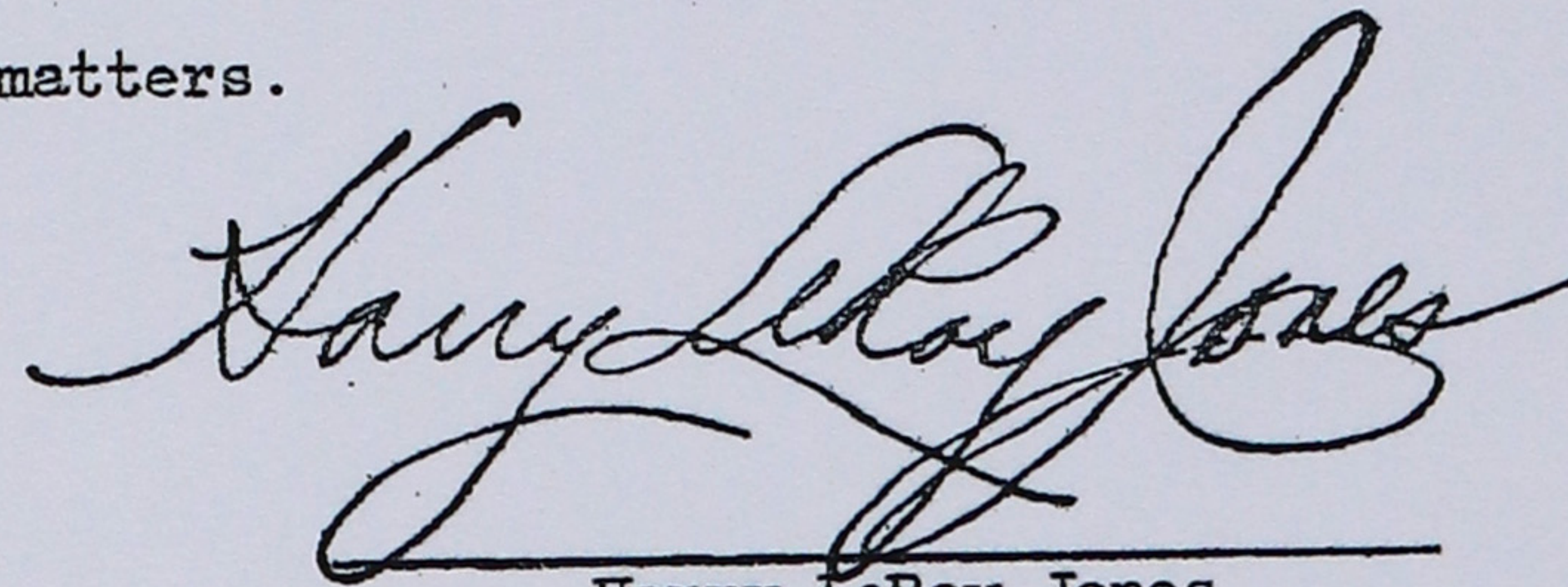
State Claim No. 1750

Packet No. 57 2 42

ORDER FOR HEARING AND DESIGNATION OF HEARING EXAMINER

The Chief of the Claims Section having notified the undersigned in writing that the above-entitled claims are ready for hearing, and pursuant to the provisions of the Trading with the Enemy Act, as amended, and the Rules of Procedure for Claims of this Office,

IT IS ORDERED that the hearing on these claims be held on **November 8, 1956** at **10:00 a.m.** in **Room 367,** Federal Home Loan Bank Board Building, 101 Indiana Avenue, N.W., Washington, D. C. before **William C. Levy,** who is hereby designated the Hearing Examiner in the above-entitled matters.



Harry LeRoy Jones
Chief Hearing Examiner

October 27, 1956

LAW OFFICES
OLIVER ELLIS STONE
1025 VERMONT AVENUE, N. W.
WASHINGTON, D. C.

SUITE 510-512

STERLING 3-5764

22 October 1956

Mr. Richard P. Lott
Room 316
Federal Home Loan Bank Building
101 Indiana Avenue, N. W.
Washington 25, D. C.

RECEIVED
OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE
OCT 24 1956
ANS'D _____ DATE _____
NO. ANS. RL DATE 1/25

Re: Miwa Claim

Dear Mr. Lott:

Cl. 36891

In accordance with our informal conversation last week, I believe that we should be able to agree to two stipulations along the following lines:

1. "Section 1(b) of the Act of March 4, 1929, which was in effect at the time of the respondent's departure while the order of deportation was outstanding, provided in pertinent part that: '*** any alien ordered deported *** who has left the United States shall be considered to have been deported in pursuance of law ***'".
2. The late Seigo Miwa first came to this country at the age of sixteen, moving from Japan to Hawaii on April 15, 1914 to become a part of his father's well-established business enterprises there. Since that time of arrival and September 1, 1943, when he last left for Japan while under a deportation order, Seigo Miwa made five trips to Japan spending an aggregate of less than four years in Japan and more than twenty-five years in the United States, both in Hawaii and in California where he had set up an affiliated trading firm. These business trips were as follows: left for Japan April 21, 1926, arrived Honolulu June 22, 1926; left for Japan August 18, 1933, arrived Honolulu October 24, 1933; left for Japan July 17, 1935, arrived Honolulu May 21, 1936; left for Japan July 6, 1936, arrived Honolulu

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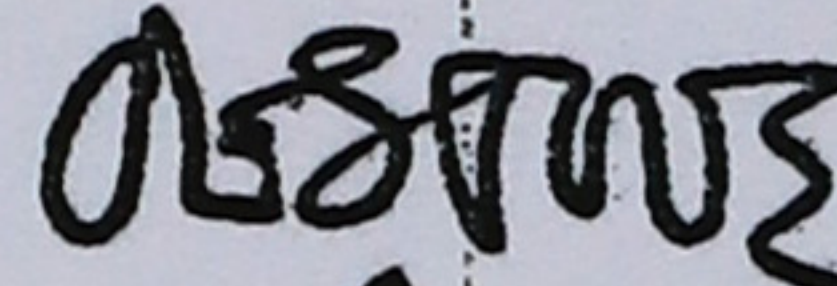
(45 OCT. 1956)

- 2 -

November 22, 1938; left for Japan April 1,
1941, arrived in Honolulu October 21, 1941.

When we have agreed on this matter I am prepared
for the pre-hearing conference, which I hope may take place
before the end of this week.

Very truly yours,



O. E. Stone

OES:rk

cc: Mr. Lawrence F. Miwa
362 Riverside Drive
Apartment 7C
New York 25, New York

Office Memorandum • UNITED STATES GOVERNMENT

56353/760
INFTO : Office of Alien Property
HOLC Building, 1st Street and Indiana Avenue, -N.W. DATE: October 24, 1956FROM : *LMC* E. A. Loughran, Assistant Commissioner
Administrative Division

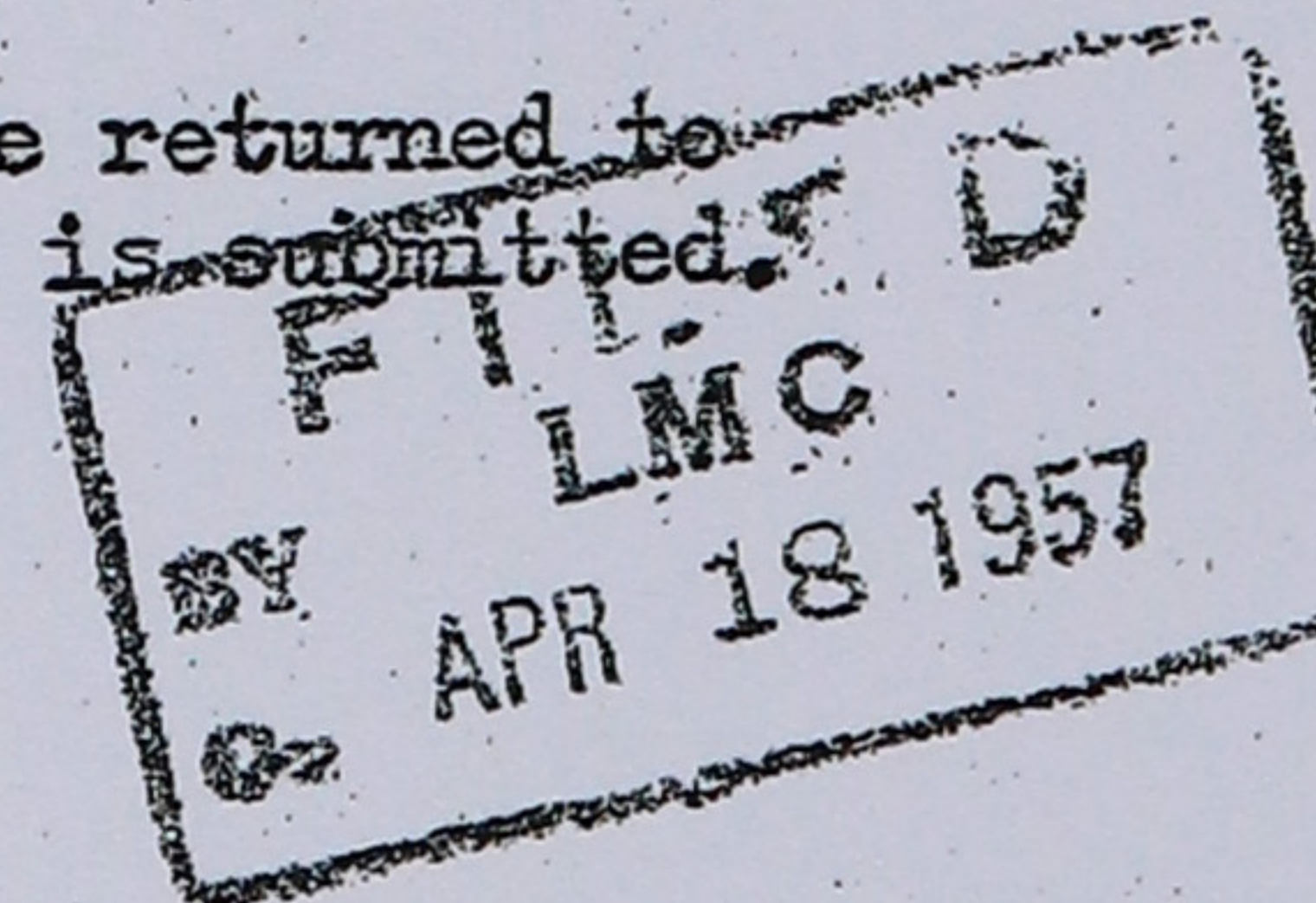
SUBJECT: Claim 36891; SEIGO MIWA.

Attention Mr. Richard P. Lott, Trial Attorney

There are attached a certified copy of the report of investigation conducted on November 16, 1942, at Lordsburg, New Mexico, relative to the right of Seigo Miwa to remain in the United States; a certified copy of the subject's application for permission to depart from the United States at his own expense in lieu of deportation, executed on March 4, 1943, and pages 11 and 20 of the general information form which supported such application; a certified copy of the warrant of deportation issued in the subject's case on July 23, 1943; certified copy of a letter which the subject addressed to the Attorney General on February 11, 1950, together with copy of a letter the subject received from the American Consulate at Tokyo, Japan; and certified copy of a letter written by the subject on April 16, 1952, to the Immigration and Naturalization Service.

File A-2 102 718 is enclosed with the request that it be returned to this office when it has served the purpose for which it is submitted.

Enclosures



Office of Alien Property
HOLC Building, 1st Street and Indiana Avenue, N.W.

56353/760
RFF
October 24, 1956

E. A. Loughran, Assistant Commissioner
Administrative Division

Claim 36891; SEIGO NIWA.

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File A-2 102 718 is enclosed with the request that it be returned to this office when it has served the purpose for which it is submitted.

Enclosures

Office Memorandum • UNITED STATES GOVERNMENT

TO : Arthur J. Gang
Chief, Trial Unit

DATE: November 1, 1956
RPL:ESC

FROM : Richard P. Lott
Trial Attorney

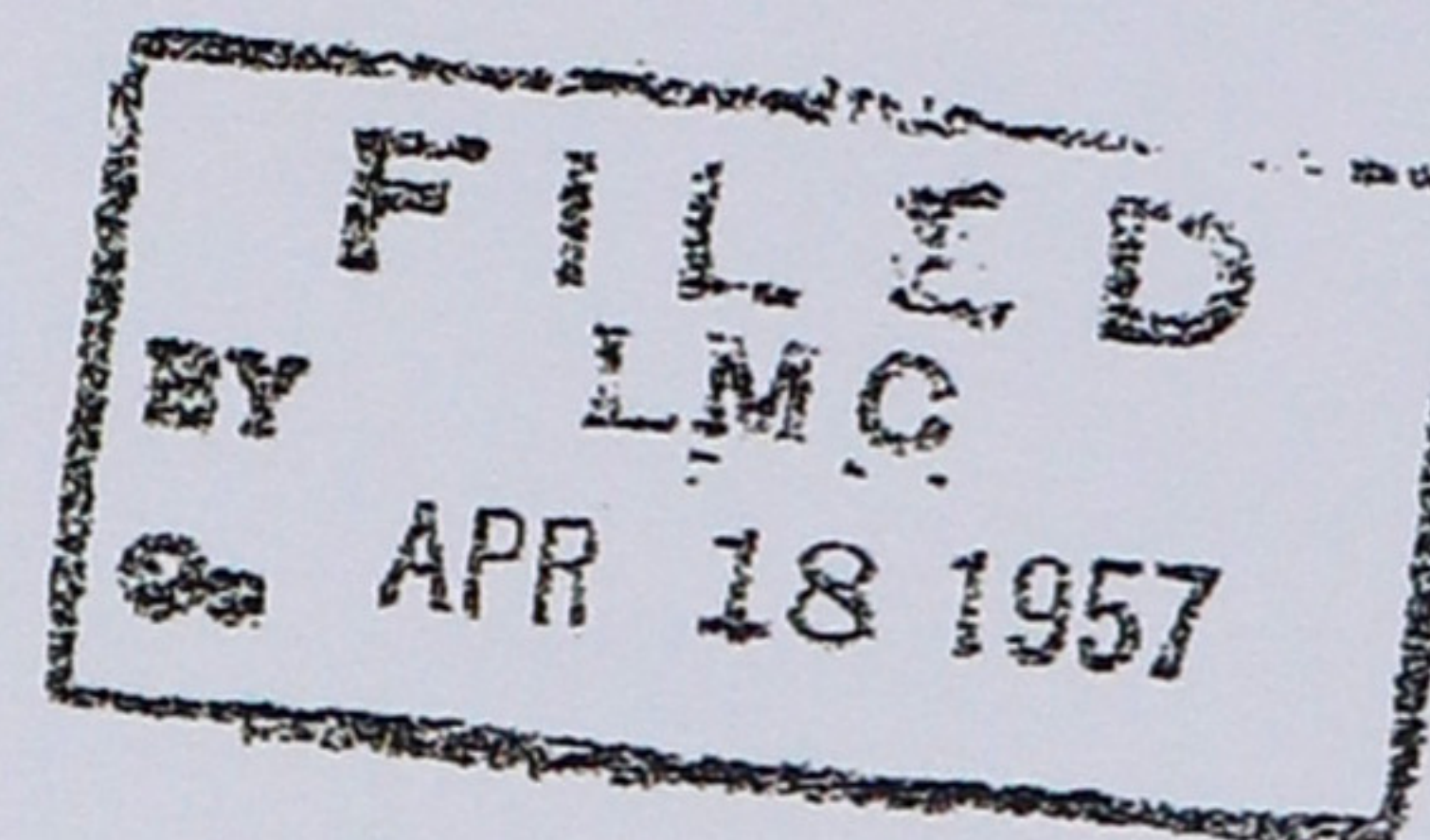
SUBJECT: Claim 36891
Lawrence Fumio Miwa, as successor-in-interest
of Seigo Miwa, a/k/a J. S. Miwa
Docket No. 57 T 41

I recommend that the attached draft of Stipulation be executed by Mr. Schor as Chief of the Claims Section. It is based on a redraft of a Proposed Stipulation prepared by the claimant's attorney, Mr. Oliver Ellis Stone, after discussions which I had with him. Attached is my copy of Mr. Stone's draft of the Proposed Stipulation.

The purpose of the Stipulation would be to eliminate the necessity of proving from the records of the Immigration and Naturalization Service the various arrivals and departures of Miwa from Hawaii and his respective stays in Japan, particularly after 1936. Additional facts with respect to the late Miwa's family situation and business interests with respect to his presence in Japan and Hawaii are included in the Stipulation and are factually accurate although in summarized form. I believe that the Stipulation will serve to summarize for the benefit of the Examiner the essential facts of the case but will not preclude us from introducing evidence which will elaborate upon the nature of his stay in 1936 and thereafter in both Hawaii and Japan.

I am confident that if my draft of the Stipulation has the approval of and is executed by the Chief of the Claims Section, the attorney for the claimant will in turn agree to it.

*Noted
It is our practice
to have attorney
sign
first*



Arthur J. Gang
Chief, Trial Unit

November 1, 1956
REL:ESC

Richard F. Lott
Trial Attorney

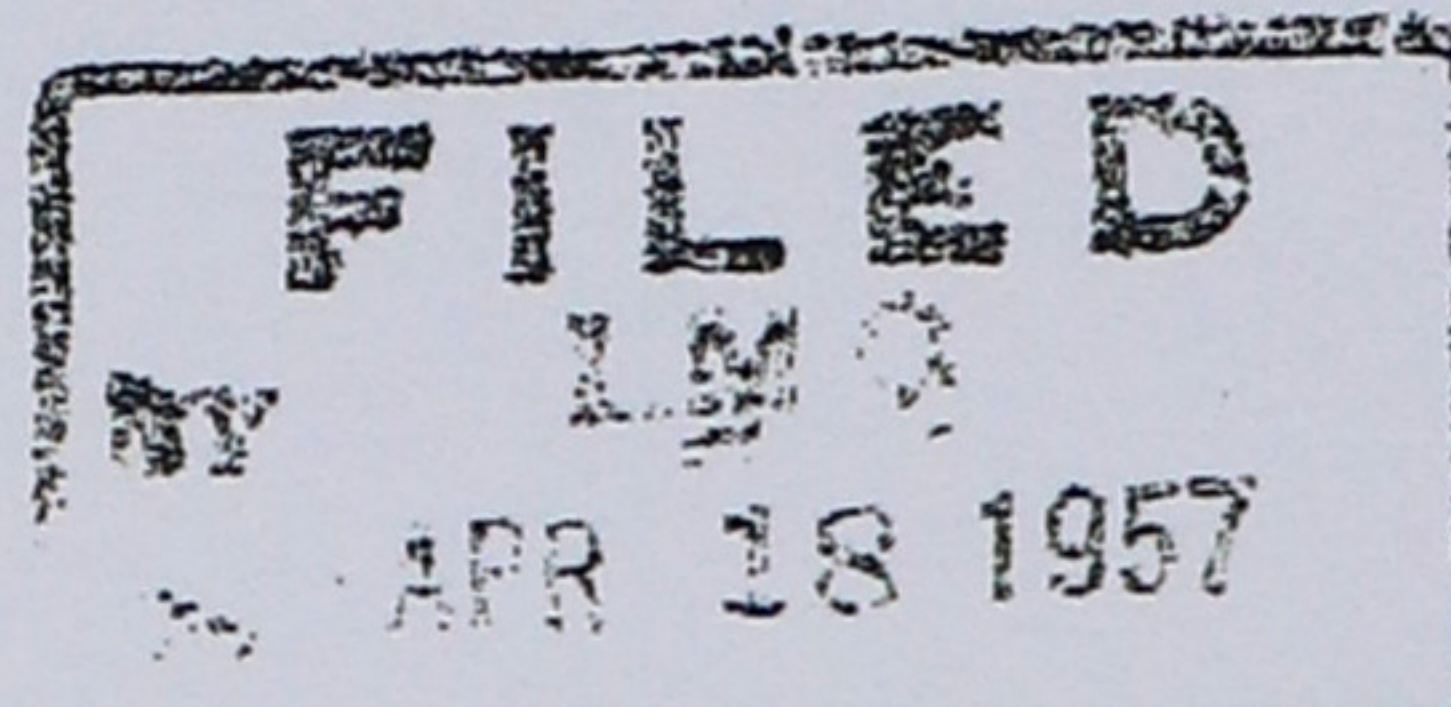
Claim 36891
Lawrence Fumio Miwa, as successor-in-interest
of Seigo Miwa, a/k/a J. S. Miwa
Docket No. 57 T 41

RL
11/1/56

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WCL:alp

November 8, 1956

Mr. Lath
314

File
RL

Oliver Ellis Stone, Esquire
Arlington Building
1025 Vermont Avenue, N. W.
Washington, D. C.

Re: Lawrence Junio Misa, as successor-in-
interest of Seigo Misa, a/k/a J. S. Misa
Title Claim No. 36891, Docket No. 57 P 41

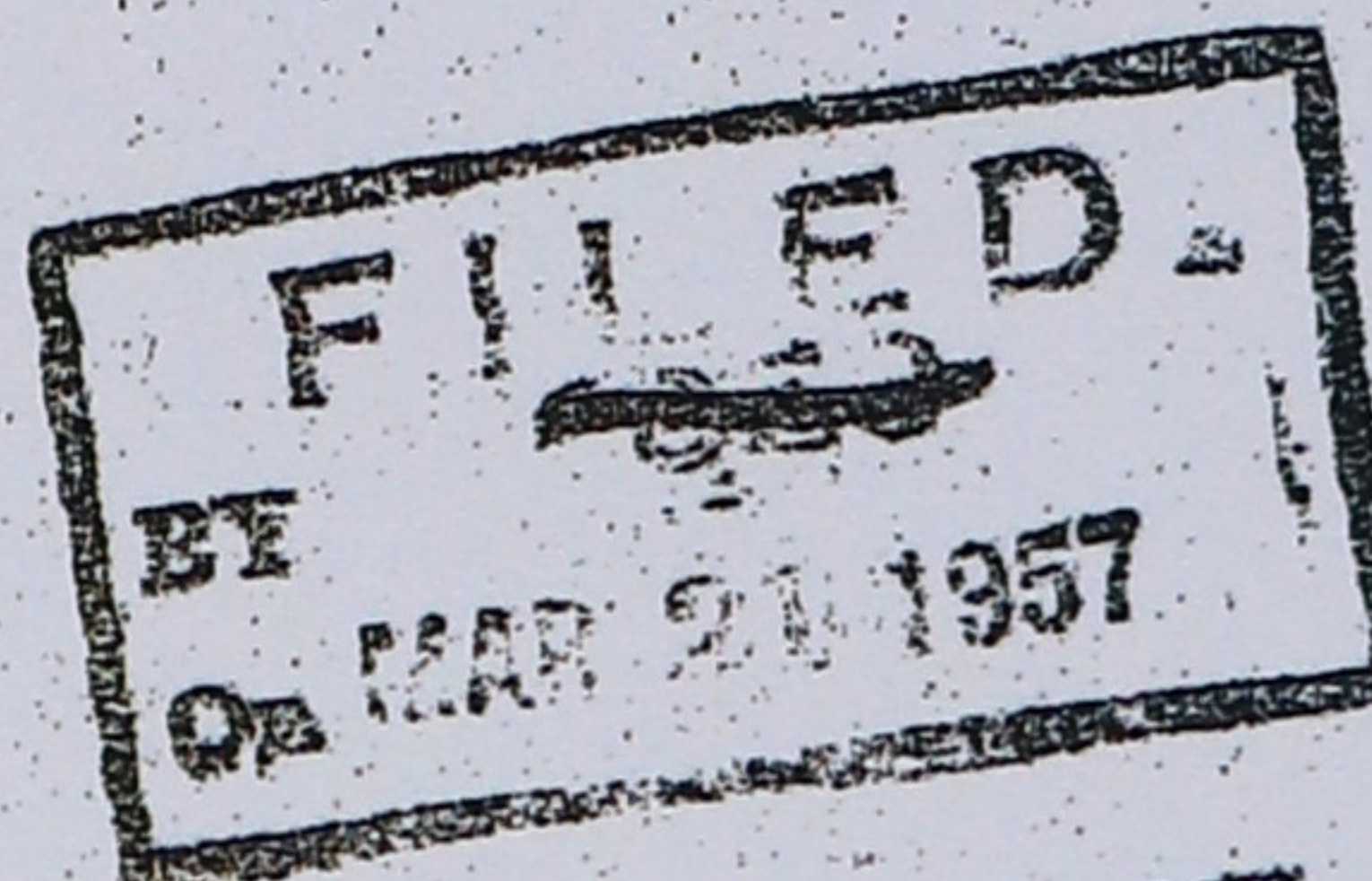
Dear Mr. Stone:

Reference is made to the hearing held before me today
in the above-entitled proceeding.

This will confirm the fact that your brief, including
proposed findings of fact and conclusions of law, is due within
30 days of the receipt of the reporter's transcript of the
hearing. The Claims Section has 30 days after the receipt of
your brief within which to file their reply.

Very truly yours,

William C. Levy
Hearing Examiner



File

~~104-5011~~
File
RL

November 28, 1956

Oliver Ellis Stone, Esquire
Arlington Building
1025 Vermont Avenue, N. W.
Washington, D. C.

Re: Laurence Fazio Mine, as successor-in-
interest of Seigo Mine, a/s/a J. S. Mine
Title Claim No. 36891, District No. 51 T 41

Dear Mr. Stone:

Please be advised that the transcript of the hearing in the above-entitled matter was received in this office on November 28, 1956. The transcript indicates that your brief will be due in 30 days.

Very truly yours,

Francis R. McLean
Clerk, Hearing Examiner

FILED
NOV 29 1956