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thirty-one

JRF:djw
Claim No.

202-739-3522

Oliver Ellis Stone, Esq.
821 - 15th Street, N. W., Suite 1100
Washington, D. C. 20005

Dear Mr. Stone:

Pursuant to your telephonic request of today, I enclose a copy of the Hearing Examiner's recommended decision in Title Claim No. 36891 of Lawrence Fumio Miwa, etc.

Yours very truly,

(Signed)

JOHN R. FRANKLIN
Chief, Alien Property Unit
Civil Division

Enclosure

Reproduced from the Unclassified / Declassified Holdings of the National Archives

SEP 1 8 1973

JRF:djw
Claim No. 36891

Telephone:
202-739-3522

Oliver Ellis Stone, Esq.
821 - 15th Street, N. W., Suite 1100
Washington, D. C. 20005

Dear Mr. Stone:

Pursuant to your telephonic request of today, I enclose a copy of the Hearing Examiner's recommended decision in Title Claim No. 36891 of Lawrence Fumio Miwa, etc.

Yours very truly,

(Signed)

JOHN R. FRANKLIN
Chief, Alien Property Unit
Civil Division

Enclosure

Reproduced from the Unclassified / Declassified Holdings of the National Archives

RECEIVED DEC 12 1973

LAW OFFICES
OLIVER ELLIS STONE
1100 BOWEN BUILDING
821 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE 628-2765

December 10, 1973

The Honorable Spark Matsumaga
Room 442
Cannon Office Building
Washington, D. C. 20515

Dear Congressman Matsumaga:

In August of 1972, my client, Lawrence Fumio Miwa, discussed with you the introduction of a private bill to secure the return to him of the amount derived by the Office of Alien Property from the sale of the vested property of his father, the late Seigo Miwa. You will probably remember the Miwa stores in pre-World War II Hawaii. As attorney for Mr. Lawrence Fumio Miwa, Seigo Miwa's son, I was subsequently asked to submit a memorandum to you concerning the background facts of this case.

The delay in submitting this memorandum has been occasioned by the fact that I could not locate the several voluminous files and records of my briefs and correspondence through the 1950's in connection with my handling of Larry Miwa's claim in various proceedings before the Office of Alien Property of the Department of Justice. As indicated in the enclosure, I secured a copy of the 8 April "Recommended Decision of William C. Levy, Hearing Examiner," which was adopted by the decision of Deputy Director, dated August 21, 1958. The fact that all of the information in the enclosed memorandum is derived from the "Recommended Decision" should make it the stronger. The only exception is the last paragraph which brings the facts up to date.

As may be inferred from a close reading of the "Recommended Decision," the disallowal of the claim of Lawrence Fumio Miwa was based upon narrow technical grounds. In my opinion, having guided the matter to the exhaustion of the administrative remedies before the Office of Alien Property Unit of the Civil Division of the Department of Justice, I concluded that the decision was a close one; you will note that both the Government and I cited the same case, Matter of Ludwig Gross. However, Larry Miwa, who was supporting himself as a student during that period, did not have the resources to take the matter to court.

Your office suggested that my memorandum be brief. If you wish, I can expand upon the enclosed information, inasmuch as the Chief of the Alien Property Unit of the Civil Division of the Department of Justice has kindly consented to make available for my perusal any appropriate portion of the full file that is in his custody.

Reproduced from the Undisclosed Declassified Holdings of the National Archives

On behalf of my client, Lawrence F. Miwa, who is presently in the banking business in Hawaii, I appreciate your interest, and would welcome an opportunity to cooperate with your staff in further pursuing this matter.

Sincerely,

Oliver Ellis Stone

OES/ldg

Copy to Lawrence F. Miwa

December 10, 1973

The Honorable Spark Matsunaga
Room 442
Cannon Office Building
Washington, D. C. 20515

Dear Congressman Matsumaga:

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Sincerely,

Oliver Ellis Stone

OES/ldg

Copy to Lawrence F. Miwa

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MEMORANDUM

RE: RETURN BY THE U. S. GOVERNMENT OF THE PATRIMONY OF LAWRENCE FUMIO MIWA, A HAWAII-BORN U. S. CITIZEN

(Note: All the following facts are as stated in the opinion of August 21, 1958, adopted by the Deputy Director of the Office of Alien Property of the U. S. Department of Justice, whereby $150,412.95 proceeds from the sale of the property of this citizen's father were taken and vested by the U. S. Government. Because technically Lawrence Miwa,s right is derivative through his father, the latter's background is here summarized.)

1) During and after World War II, the United States confiscated vast amounts of money and property that had been illegally seized by our enemies from their own citizens and others for political reasons. After winning the war, we wanted to use this sequestered property to return to the victims and to the heirs of the victims of totalitarianism. The first specific step 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, etc. 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), 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 wholesale and retail food business that had been established by his Japanese grandfather, 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" (quotes are in the decision of the Alien Property Office). In November, 1942, while interned in New Mexico, he was subjected to deportation proceedings and held on a warrant for deportation. While interned, he had learned by letter that his mother was hopelessly ill, and wanted to see him. Being worried also about his wife and three minor children in Japan, in December, 1942, he executed a "Petition for Reuniting Family in Family Internment Center."

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Another reason for filing this petition, he stated, was that 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 left, arriving in Japan in November 1943.

4) There he was interrogated by the police, and from time to time 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 applied for permission to return to the U. S., but 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 an American Citizen, born in Hawaii. 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, the father had been a resident of Japan during war time, and therefore was an '"enemy"' (quote 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 held against him because it was under legal duress--as a deportee he could not legally return to the United States. Claimant cited the 15 August 1957 Decision of the Deputy Director of the Office of Alien Property. Matter of Ludwig Gross.

8) 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...."

"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 duress upon him to leave the United States for Japan during war conditions....(Claimant's brief, p. 9, as cited in the Deputy Director's Decision.)

9) The Deputy Director's Decision denied the return, citing Matter of Ludwig Gross (ibid)

10) The following occurred subsequent to the Decision of the Office of Alien Property. 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, he has graduated from college, worked in the securities business, and now is employed in the International Banking Division of the Bank of Hawaii. He and his wife and his four children reside in Honolulu.

V.O. ~~2X86X~~
2783 - J. S. Miwa & Company, Ltd. D-39-81
Main Office: 1130-1140 North King Street
Honolulu, Hawaii
Branch Store: 2550 South Beretania Street
Honolulu, T.H.

A/C 39-10773 - Seigo Miwa a/k/a J. Sm Miwa

- - -

V.O. 3567 - J. W. Miwa & Company, Ltd. D-39-81
1130 North King Street
Honolulu, Hawaii

A/C 39-10773 - J. S. Miwa (repatriated to Japan 9/2/43)

- - -

V.O. 5183 - J. W. Miwa & Company, Ltd. D-39-81
1154-1160 North King Street
Honolulu, T. H.

A/C 39-10773 - J. W. Miwa

24 shares stock reg. n/o Shigeru Nakata and an account payable in the amount of $1,038.81

- - -

V.O. 7497 - Debt owing to F-39-1242

A/C 39-10773 - J. W. Miwa

V.O. 10305 - Debt owing to F-39-1799-E-1

A/C j39-10773 - Seigo Miwa a/k/a J. S. Miwa

- - - -

V.O. 11596 - Bank account, bonds, household furniture and furnishings and certificate of deposit F-39-1242
F-39-1242-A-1
F-39-1242-A-2
F-39-1242-C-1
F-39-1242-C-2

- - - k

V.O. 13491 - Rights under insurance contract F-39-1242-H-1

A/C 39-10773 - Seigo Miwa

Cl 4700 Seigo Miwa

Claim No. 36891 - Larence Fumio Miwa, as successor in interest to Seigo Miwa

See Cl. 4700 - Shigeru Nakata withdrawn

SPARK M. MATSUNAGA
1ST DISTRICT, HAWAII

WASHINGTON OFFICE:
442 CANNON BUILDING
20515

HONOLULU OFFICE:
218 FEDERAL BUILDING
96813

Congress of the United States
House of Representatives
Washington, D.C. 20515

DEPUTY MAJORITY WHIP

MEMBER:
COMMITTEE ON RULES
COMMITTEE ON AGRICULTURE
STEERING COMMITTEE

July 26, 1974

Mr. Oliver Ellis Stone
Attorney at Law
1100 Bowen Building
821 Fifteenth Street, N.W.
Washington, D.C. 20005

Dear Mr. Stone:

In connection with proposed private legislation that I plan to introduce which would provide for the return of certain vested property to their original owners, or to their legal representatives or successors in interest, I would like to have the following additional information concerning your client, Mr. Lawrence Fumio Miwa, of Honolulu, Hawaii, and his father, the late Seigo Miwa, whose vested property he now claims:

1. Date and place of death of Seigo Miwa;

2. Full name, birthdate and birthplace, and current addresses of each of Seigo Miwa's heirs. If any of his heirs has since died, please furnish date and place of death of the deceased heir.

3. Whether Seigo Miwa died testate or intestate. If he died testate, please indicate whether the will was admitted to probate, and, if so, the name of the probate court.

Your assistance in obtaining the requested information is appreciated.

Aloha and best wishes.

Sincerely,

Spark Matsunaga
Member of Congress

Dear Larry,
This letter, which I have just received, probably ought to be answered as soon as possible.
Best regards,

SPARK M. MATSUNAGA
1ST DISTRICT, HAWAII

WASHINGTON OFFICE:
442 CANNON BUILDING
20515

HONOLULU OFFICE:
218 FEDERAL BUILDING
96813

10/18/76

DEPUTY MAJORITY WHIP

MEMBER:
COMMITTEE ON RULES
STEERING
AND POLICY COMMITTEE

CHAIRMAN, SUBCOMMITTEE
OF SELECT
COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, D.C. 20515

October 12, 1976

Mr. Lawrence Fumio Miwa
5907 Haleola Street
Honolulu, Hawaii 96821

Dear Mr. Miwa:

Because a number of persons during the 94th Congress (which ended on the night of October 1, 1976) had asked that I introduce private legislation in their behalf which would allow consideration of their claims against any vested funds still remaining in the custody of the Department of Justice, I decided to prepare one bill which would consolidate all of these claims. Some of these prospective claimants did not have all of the necessary information readily available; consequently, it has taken somewhat longer to collect the data for this private bill than it would have if you were the sole beneficiary of the proposed legislation.

Should I be elected to the U. S. Senate, I would be most happy to introduce the proposed private claim bill in that body. I regret that greater progress on this private legislation was not possible before the end of the 94th Congress. However, you are assured that I will continue to support your efforts in the 95th Congress to obtain some measure of reimbursement from the Federal Government on your claim.

Aloha and best wishes.

Sincerely,

Spark Matsunaga

Spark Matsunaga
Member of Congress

cc: Mr. Oliver Ellis Stone
Attorney at Law
1100 Bowen Building
821 Fifteenth Street, N.W.
Washington, D.C. 20005

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Form No. CIV-168
(Rev. 6-21-74)

Formerly AP 12b

UNITED STATES DEPARTMENT OF JUSTICE
Office of Alien Property
Washington, D. C. 20530

ACCOUNT NO. 39-10773

V. O. NOS. 2783, 3567, 5183, 7497, 10305, 11596 and 13491

ACCOUNT NAME: SEIGO MIWA also known as J. S. MIWA

CLAIM NO. D-39-81

FILE NO. F-39-1242; A-1; A-2, C-1 & C-2
F-39-1799-E-1
F-39-1242-H-1

CASH RECEIPTS AS OF MARCH 31, 1977

Date of Entry	VESTED:
	Vesting Order No. 2783 (12/15/43)
	1. 789 shares of J. W. Miwa & Company, Limited $100.00 PV cap.
	Vesting Order No. 3567 (5/3/44)
	2. 3 shares J. S. Miwa & Co. Ltd. $100.00 PV cap.
	Vesting Order No. 5183 (8/21/45)
	3. Account receivable representing claim vs. J. S. Miwa & Co. Ltd. as of 12/31/44, subject to accruals etc. ($1,048.81)
	4. 24 shares J. S. Miwa & Co. Ltd. $100.00 PV cap.
	Vesting Order No. 7497 (9/4/46)
	5. Account receivable due from J. S. Miwa & Co. Ltd., Honolulu, Hawaii, as of 7/31/46 ($4,000.00).
	Vesting Order No. 10305 (12/9/47)
	6. Account due from Superintendent of Banks, State of California, as Liquidator of Yokohama Specie Bank, Ltd., San Francisco, at 12/31/45 ($125.40).
	Vesting Order No. 11596 (7/2/48)
	7. Liberty Bank of Honolulu, Hawaii - Savings Account No. 13969 at 12/31/45 ($495.13).
	8. [$5000.00 Imperial Japanese Government Ext. Loan of 1930 35-year SF 5 1/2% Gold Bonds of 5/1/30 due 5/1/65 and SCA.]
	$1,000.00 Imperial Japanese Government Ext. Loan of 1930 35-year SF 5 1/2% due 5/1/65 Extended to 5/1/75 with 5/1/53 to 5/1/65 coupons attached stamped.
	19 Coupons detached from Imperial Japanese Government Ext. Loan of 1930 35-year SF 5 1/2% due 5/1/65 - coupons at $27.50 each due 5/1/43 to 5/1/52 stamped extended 5/1/53 to 5/1/62.
	$4,000.00 Imperial Japanese Government Ext. Loan of 1930 35-year SFGB 5 1/2% due 5/1/65 extended to 5/1/75 with 11/1/53 to 5/1/75 coupons attached stamped.
	72 Coupons detached from Imperial Japanese Government Ext. Loan of 1930 35-year 5 1/2% due 5/1/65 - coupons at $27.50 each due 11/1/43 to 5/1/52 stamped extended 11/1/53 to 5/1/62.

Form No. CIV-168
(Rev. 6-21-74)

Formerly AP.12b

UNITED STATES DEPARTMENT OF JUSTICE
Office of Alien Property
Washington, D. C. 20530

ACCOUNT NO. 39-10773

V. O. NOS 2783, 3567, 5183, 7497, 10305, 11596 and 13491

ACCOUNT NAME: SEIGO MIWA also known as J. S. MIWA

CLAIM NO. D-39-61

FILE NO. F-39-1242; A-1; A-2, C-1 & C-2
F-39-1799-E-1
F-39-1242-H-1

CASH RECEIPTS AS OF MARCH 31, 1977

Date of Entry		
	VESTED: (cont'd)	
	Vesting Order No. 11596 (7/2/48) cont'd)	
	9. Interest in Deposit Certificate No. 25902 Sumitomo Bank, Ltd., Hiroshima, Japan, Yen 37,799.10 ($7,559.82).	
	10. 13 pieces of miscellaneous household furniture and furnishings described in Exhibit A to Vesting Order No. 11596.	
	11. $250.00 U. S. Defense Savings, Series E, bonds dated 12/1/41 due 12/1/51.	
	Vesting Order No. 13491 (7/6/49)	
	12. Manufacturers Life Insurance Co. - 25 year Endowment Policy No. 307189 issued to Seigo Miwa, matured 3/31/49.	
	RECEIPTS:	
1-15-46	Received proceeds of Claim vs. J. S. Miwa & Co., Ltd. ($1,048.81)	$ 1,038.81
10-23-46	Received account receivable from J. S. Miwa & Co., Ltd.	4,000.00
3-17-48	Proceeds of sale - 789 shares J. S. Miwa Ltd. $100.00 PV cap.	125,698.53
3-17-48	" " " - 3 " J. S. Miwa Ltd. $100.00 PV cap.	477.94
3-17-48	" " " - 24 " J. S. Miwa Ltd. $100.00 PV cap.	3,823.53
8-20-48	Received balance of Liberty Bank of Honolulu, Savings Account No. 13969 at 12/31/45 $495.13 Plus accruals 25.33	520.46
8-4-49	Received payment of proceeds of Manufacturers Life Insurance Co. Policy No. 307189	4,075.00
12-20-49	Received payment of 80% of account due from Superintendent of Banks of Calif. as Liquidator of Yokohama Specie Bank, Ltd., San Francisco, Calif.	100.32
* 8-22-52	Received payment of liquidating dividend of 20% of accounh due from Supt. of Banks of Calif. etc.	25.08
2-19-59	Proceeds of sale - $5000.00 Imperial Japanese Government 5 1/2% Ext. Loan of 1930 35-year SFGB due 5/1/75	4,900.00
* 12-20-51	Proceeds of redemption - $250.00 U. S. Treasury, Ser. E, bonds dtd 12/1/41 due 12/1/51	250.00

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(Rev. 6-21-74)

Formerly AP 12b

UNITED STATES DEPARTMENT OF JUSTICE
Office of Alien Property
Washington, D. C. 20530

ACCOUNT NO. 39-10773

V. O. NOS. 2783, 3567, 5183, 7497, 10305, 11596 and 13491

ACCOUNT NAME: SEIGO MIWA also known as J. S. MIWA

CLAIM NO. D-39-81

FILE NO. F-39-1242; A-1; A-2, C-1 & C-2
F-39-1799-E-1
F-39-1242-H-1

CASH RECEIPTS AS OF MARCH 31, 1977

Date of Entry	RECEIPTS: (cont'd)	
10-20-53	Proceeds of sale - 13 pieces of personal property at 2556-A So. Beretania St., Honolulu	$ 49.00
1-23-57	Received from Yokohama Specie Bank, San Francisco, Interest Dividend No. 2 and No. 3 re Claim No. 525	6.42 6.38
Various	Received payment of interest on Imperial Japanese Government Ext. Loan of 1930 35-year SFGB 5 1/2% due 5/1/75	2,648.26
Various	Received payment on coupons detached from $5000.00 Imperial Japanese Government Ext. Loan of 1930 35-year 5 1/2% due 5/1/75	2,112.00
10-29-45	Dividends received on 816 shares of J. S. Miea and Co.,Ltd.	12,240.00
	Total receipts - March 31, 1977	$161,971.73

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UNITED STATES DEPARTMENT OF JUSTICE
Office of Alien Property
Washington, D. C. 20530

ACCOUNT NO. 39-10773

V. O. NOS. 2783, 3567, 5183, 7497, 10305, 11596 and 13491

ACCOUNT NAME: SEIGO MIWA also known as J. S. MIWA

CLAIM NO. D-39-81

FILE NO. F-39-1242; A-1; A-2, C-1 & C-2
F-39-1799-E-1
F-39-1242-E-1

CASH RECEIPTS AS OF MARCH 31, 1977

Date of Entry	DISBURSEMENTS:		
6-11-47	Paid Hawaii Herald, Honolulu, fee for advertising re sale of 816 shares J. S. Miwa & Co., Ltd. cap.	$	13.50
6-16-47	Paid Hawaii Times, Ltd., Honolulu, for advertising re sale of stock		18.93
6-16-47	Paid Hawaii Times, Ltd., Honolulu, for advertising re sale of stock		.57
6-16-47	Paid Honolulu Star Bulletin for advertising re sale of stock		29.12
6-17-47	Paid Honolulu Star Bulletin for advertising re sale of stock		.88
7-18-47	Paid Honolulu Advertiser for advertising re sale of stock		29.12
7-18-47	Paid Honolulu Advertiser for advertising re sale of J. W. Miwa and Co. Ltd. stock		.88
7-25-47	Paid The United Chinese News, Honolulu, for ad re sale of 816 shares J. W. Miwa & Co., Ltd.		9.00
8-25-47	Paid Naval Communication Service, Navy Dept., Wash.,D.C. tolls on messages		.30
6-28-48	Paid J. D. and A. F. Marques, Honolulu, feecfor appraisal of property at 1154-60 No. King St., Honolulu		250.00
9-9-48	Paid Kodak Hawaii, Ltd., Honolulu, pro rata share for microfilming Japanese bonds		.43
10-27-48	Paid Air Flo Express for hauling household furnishings to Yokohama Specie Bank Bldg., Honolulu		15.00
10-28-48	Paid Riheida Hasegawa for appraising miscellaneous household furniture and furnishings		3.50
12-15-52	Paid Yokohama Specie Bank Bldg., Honolulu, for storage of records from 1/1/48 to 10/31/52		202.45
12-15-52	Paid OAP, Washington, D. C., reimbursement of storage charges for records from 1/1/48 to 12/31/51		62.99
1-14-53	Paid Yokohama Specie Bank Bldg., Honolulu, for storage charges of records from 11/1/52 to 12/31/52		9.16
3-25-53	Paid Yokohama Specie Bank Bldg., Honolulu, for storage of records from 1/1/53 to 3/31/53		13.74
6-5-53	Paid Yokohama Specie Bank Bldg., Honolulu, for storage charges from 4/1/53 through 6/30/53 on records		13.74
9-21-53	Paid Yokohama Specie Bank Bldg., Honolulu, for storage charges from 7/1/53 through 8/31/53		9.16

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Formerly AP 12b

UNITED STATES DEPARTMENT OF JUSTICE
Office of Alien Property
Washington, D. C. 20530

ACCOUNT NO. 39-10773

V. O. NOS. 2783, 3567, 5183, 7497, 10305, 11596 and 13491

ACCOUNT NAME: SEIGO MIWA also known as J. S. MIWA

CLAIM NO. D-39-81

FILE NO. F-39-1242; A-1; A-2, C-1 & C-2
F-39-1799-E-1
F-39-1242-H-1

CASH RECEIPTS AS OF MARCH 31, 1977

Date of Entry	DISBURSEMENTS: (cont'd)	
1-19-53	Paid Federal income tax for 1945	$ 3,672.00
2-25-59	Paid Federal estate tax	36,866.39
12-1-59	Payment of Claim No. 4684 to Kazuichi Kodama -- by Payment Order No. 755	537.85
12-18-59		
	Total disbursements - March 31, 1977	$41,758.71
	Balance - March 31, 1977	$20,213.02

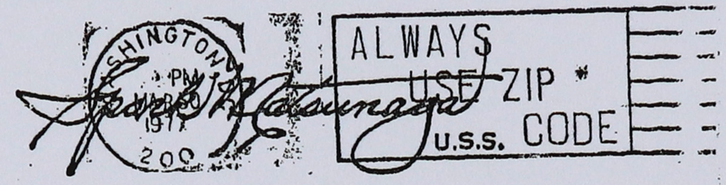
Note: No payment made on coupon detached from Imperial Japanese Government Ext. Loan of 1930 for 5/1/53.

No payment received on Deposit Certificate No. 25902 Sumitomo Bank, Ltd., Hiroshima, Japan, Yen 37,799.10 ($7,559.82).

United States Senate

WASHINGTON, D.C. 20510

OFFICIAL BUSINESS



The Honorable Patricia M. Wald
Assistant Attorney General
Office of Legislative Affairs
Department of Justice
10th and Constitution, N.W.
Washington, D.C. 20530

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F1

ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION

Mr. Franklin
OAP

DATE 4-6-77

☐ Receipt of this letter has been acknowledged. Please furnish complete response within ten to fourteen days.

☒ Please acknowledge receipt of this letter within two days and furnish complete response within ten to fourteen days.

PLEASE PREPARE A REPLY FOR MY SIGNATURE AND MARK A COPY FOR Mr. Durham, Room 1139; and Mr. Wrzesinski, Room 3135.

REF: Sen Matsunaga's ltr dtd 3-24-77

RE: Ltr re Seigo Miwa

FILE: OAP

Reproduced from the Unclassified / Declassified Holdings of the National Archives

SPARK M. MATSUNAGA
HAWAII

United States Senate

WASHINGTON, D.C. 20510

March 24, 1977

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DEPT. OF JUSTICE
MAIL ROOM
ORGM

RECEIVED
APR 1 1977
O.L.A.

The Honorable Patricia M. Wald
Assistant Attorney General
Office of Legislative Affairs
Department of Justice
Washington, D.C. 20530

Dear Ms. Wald:

This is in reference to Mr. Seigo Miwa, now deceased, who operated a wholesale and retail food business in Hawaii prior to World War II. His property subsequently became vested in the United States. It was later sold, and the proceeds of $150,412.95 were vested by the U.S. government, under claim number 36891.

I plan to introduce private legislation which would provide for the return of this property to Mr. Miwa's heirs, and I would appreciate the following information:

1) Number and date of Vesting Order

2) Account number

3) Total receipts, disbursements, and net proceeds received under Vesting Order

D-39-81 et al
Vol. 36891
DEPARTMENT OF JUSTICE
19 APR 7 1977
CIVIL DIV. - O.A.P.

I am enclosing additional information which I trust will assist you in your search for this documentation.

Aloha and best wishes.

Sincerely,

Spark Matsunaga

Spark Matsunaga
U.S. Senator

OFFICE OF LEGISLATIVE AFFAIRS
CIVIL DIVISION
Office of Alien Property
DEPARTMENT OF JUSTICE
MAR 31 1977
R.A.O.
OFFICE OF LEGISLATIVE AFFAIRS

CIVIL DIVISION
Office of Alien Property

Enclosure

D-39-81 Vol. 36891
41,000 - 4/e39-725 V0162 et al
Sumitomo Bank, LTD.
Ak-39-10773
See V0i-2783 see V03567; 5158; 7497; 10305; 11592; 13491
39-27833-39-10773

File

BAB:JRF:erb
D-39-81 et al.
Claim No. 36891

14 APR 1977

Honorable Spark Matsunaga
United States Senate
Washington, D. C. 20510

Dear Senator Matsunaga:

Your reference of March 24, 1977, with enclosure from Oliver Ellis Stone, Esq., regarding the property of Mr. Seigo Miwa, now deceased, which was vested under the Trading with the Enemy Act in World War II, has been received in the Office of the Assistant Attorney General for Legislative Affairs who asked me to reply thereto. This matter is receiving our attention and we shall furnish a report thereon as soon as possible.

Sincerely,

BARBARA ALLEN BABCOCK
Assistant Attorney General

Reproduced from the Unclassified / Declassified Holdings of the National Archives

File

BAB:JRF:erb
D-39-81 et al.
Claim No. 36891

14 APR 1977

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United States Senate
Washington, D. C. 20510

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BARBARA ALLEN BABCOCK
Assistant Attorney General

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BAB:JEF:erb
✓ Claim No. 36891
D-39-81
F-39-1799-E-1
F-39-1242
F-39-1242-A-1/2
F-39-1242-C-1/2
F-39-1242-H-1

APR 29 1977

Honorable Spark Matsunaga
United States Senate
Washington, D. C. 20510

Dear Senator Matsunaga:

This will reply to your letter of March 24, 1977, with enclosures, regarding the property of Mr. Seigo Miwa, now deceased, which was vested under the trading with the Enemy Act (50 U.S.C. App. 1 et seq.) pursuant to Vesting Order Nos. 2783, 3567, 5163, 7497, 10395, 11556, and 13491. The enclosed Statement of Account No. 39-19773 gives the number and date of each vesting order, with a description of the property vested thereunder, reflects total receipts and disbursements, and shows that the net proceeds of vesting were $20,213.02. After the deduction therefrom of the administrative expenses of the Office of Alien Property in the amount of $4,112.96, the balance of said net proceeds were transferred pursuant to Section 39 of the Act to the War Claims Fund at the Treasury Department, where they have been available for the payment of awards made by the Foreign Claims Settlement Commission to American nationals for damages incurred as a result of military operations in World War II.

In addition to the above details which you have requested concerning this property, you may be interested to know that Claim No. 36891 was filed by the late Seigo Miwa (also known as J. S. Miwa) for the return of his property on June 28, 1948, and was later maintained by his son, Lawrence Yukio Miwa as successor-in-interest. After holding hearings, in the course of which Mr. Seigo Miwa appeared in person and by his attorney and testified, the Hearing Examiner on April 8, 1958 proposed findings of fact and conclusions of law, with a recommended decision that the claim be disallowed. Following the submission of an additional brief by claimant's attorney, the Deputy Director of the Office of Alien Property in a decision of August 21, 1958 adopted the

Hearing Examiner's recommendation and disallowed the claim. Thereafter the Attorney General granted a review of the claim, and additional briefs were filed. Under date of December 12, 1958 the Attorney General in a decision on review of this matter affirmed the decision disallowing the claim. Copies of the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommended Decision, and of the Attorney General's decision on review, are also enclosed.

If we may be of further assistance, please let us know.

Sincerely,

BARBARA ALICE MIKKOK
Assistant Attorney General

Enclosures