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Claim 36891  
ARS:AJG:RPL:ESC

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

SEP 25 1956

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

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 8, 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.



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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,

/s/ Arthur R. Schor

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

Encl.