

= Kawakita v. United States =

Kawakita v. United States , 343 U.S. 717 (1952) , [1] is a United States Supreme Court case in which the Court ruled that a dual U.S. / Japanese citizen could be convicted of treason against the United States for acts performed in Japan during World War II . Tomoya Kawakita , born in California to Japanese parents , was in Japan when the war broke out and stayed in Japan until the war was over . After returning to the United States , he was arrested and charged with treason for having mistreated American prisoners of war . Kawakita claimed he could not be found guilty of treason because he had lost his U.S. citizenship while in Japan , but this argument was rejected by the courts (including the Supreme Court) , which ruled that he had in fact retained his U.S. citizenship during the war . Originally sentenced to death , Kawakita 's sentence was commuted to life imprisonment , and he was eventually released from prison , deported to Japan , and barred from ever returning to the United States .

= = Background = =

Tomoya Kawakita (?? ?? , Kawakita Tomoya) was born in Calexico , California , on September 26 , 1921 , of Japanese @-@ born parents . He was born with U.S. citizenship due to his place of birth , and also Japanese nationality via his parents . After finishing high school in Calexico in 1939 , Kawakita traveled to Japan with his father (a grocer and merchant) . He remained in Japan and enrolled in Meiji University in 1941 . In 1943 , he registered officially as a Japanese national .

Kawakita was in Japan when the attack on Pearl Harbor drew the United States and Japan into World War II . In 1943 , he took a job as an interpreter at a mining and metal processing plant which used Allied prisoners of war (POWs) as laborers . By early 1945 , the population of the POW camp included about four hundred captured American troops . After the end of the war , Kawakita renewed his U.S. passport , explaining away his having registered as a Japanese national by claiming he had acted under duress . He returned to the U.S. in 1946 and enrolled at the University of Southern California .

In October 1946 , a former POW saw Kawakita in a Los Angeles department store and recognized him from the war . He reported this encounter to the FBI , and in June 1947 , Kawakita was arrested and charged with multiple counts of treason arising from alleged abuse of American POWs .

= = Trial and appeal = =

At Kawakita 's trial , presided over by U.S. District Judge William C. Mathes , the defense conceded that Kawakita had acted abusively toward American POWs , but argued that his actions were relatively minor , and that in any event , they could not constitute treason against the United States because Kawakita was not a U.S. citizen at the time , having lost his U.S. citizenship when he confirmed his Japanese nationality in 1943 . The prosecution argued that Kawakita had known he was still a U.S. citizen and still owed allegiance to the country of his birth ? citing the statements he had made to consular officials when applying for a new passport as evidence that he had never intended to give up his U.S. citizenship .

Judge Mathes 's instructed the jury that if they found that Kawakita had genuinely believed he was no longer a U.S. citizen , then he must be found not guilty of treason . During the course of their deliberations , the jury reported several times that they were hopelessly deadlocked , but the judge insisted each time that they continue trying to reach a unanimous verdict . In the end ? on September 2 , 1948 ? the jury found Kawakita guilty of eight of the thirteen counts of treason against him , and he was sentenced to death . As a consequence of his conviction for treason , Kawakita 's U.S. citizenship was also revoked . In passing sentence , Mathes said : " Reflection leads to the conclusion that the only worthwhile use for the life of a traitor , such as this defendant has proved to be , is to serve as an example to those of weak moral fiber who may hereafter be tempted to commit treason against the United States . "

Kawakita appealed to a three @-@ judge panel of the Ninth Circuit Court of Appeals , which

unanimously upheld the verdict and death sentence . Certiorari was granted by the United States Supreme Court , and oral arguments before the Supreme Court were heard on April 3 , 1952 .

= = Opinion of the Court = =

In a 4 ? 3 decision issued on June 2 , 1952 , the Supreme Court upheld Kawakita 's treason conviction and death sentence . The Court 's opinion was written by Associate Justice William O. Douglas , joined by Associate Justices Stanley F. Reed , Robert H. Jackson , and Sherman Minton .

The Court 's majority held that the jury in Kawakita 's trial had been justified in concluding that he had not lost or given up his U.S. citizenship while he was in Japan during the war . The Court added that an American citizen owed allegiance to the United States , and could be found guilty of treason , no matter where he lived ? even for actions committed in another country that also claimed him as a citizen . Further , given the flagrant nature of Kawakita 's actions , the majority found that the trial judge had not acted arbitrarily in imposing a death sentence .

= = = Dissent = = =

Chief Justice Fred M. Vinson authored a dissenting opinion , which was joined by Associate Justices Hugo Black and Harold H. Burton . The dissent concluded that " for over two years , [Kawakita] was consistently demonstrating his allegiance to Japan , not the United States . As a matter of law , he expatriated himself as well as that can be done . " On this basis , the dissenting justices would have reversed Kawakita 's treason conviction .

= = Subsequent developments = =

On October 29 , 1953 , President Dwight D. Eisenhower commuted Kawakita 's sentence to life imprisonment plus a \$ 10 @,@ 000 fine . After the commutation of his sentence , Kawakita was transferred to the Alcatraz Federal Penitentiary . Ten years later , on October 24 , 1963 , President John F. Kennedy ? in what would be one of his last official acts before his assassination ? ordered Kawakita released from prison on the condition that he leave the United States and be banned from ever returning . Kawakita flew to Japan on December 13 , 1963 and reacquired Japanese citizenship upon his arrival . In 1978 , Kawakita sought permission to travel to the United States to visit his parents ' grave , but his efforts were unsuccessful . As of late 1993 , he was living quietly with relatives in Japan .