

Sentence Too Short, Convicted Jap Tells Court

The high light of an unusual jury trial was reached late yesterday when Gordon Kyoshi Hirabayashi, convicted Tuesday of disobeying both Japanese evacuation and curfew laws last spring, was dissatisfied with United States District Judge Lloyd L. Black's sentence because the sentence was too short!

Judge Black first sentenced the 24-year-old University of Washington senior to 30 days on each of two counts, to be served consecutively, with the King County jail recommended. The sentence was changed, on appeal from the defendant, to three months on each count, to be

served concurrently, with the federal prison-camp at Dupont recommended.

This changed the term from 60 to 90 days.

The change to a longer sentence was asked because Hirabayashi and his counsel, Frank Walters, hope to appeal the case to the United States Circuit Court of Appeals and the shorter sentence gives them little or no opportunity.

Until the appeal is made and a decision is handed down, Hirabayashi, in either case, will have to stay in jail where he has spent the past five months. With the shorter

sentence, the 60 days probably would expire before the appeal could be made and a decision handed down, and then the appellate court might feel the defendant had nothing from which to appeal.

"I can't help thinking of the men who have gone into the service willingly because it is the law of the land," J. Charles Dennis, United States attorney, told the court. "We are not asking Hirabayashi to enter the armed forces but to leave a certain jurisdiction. This is the only instance a Japanese in Seattle has endeavored in any way to block evacuation."