

# FAHY DEFENDS CURFEW ON JAPS

go  
th  
an  
fo

WASHINGTON, May 11.—(AP)—

Defending military regulations imposing a West Coast curfew on all persons of Japanese ancestry and excluding them from designated areas, Solicitor-General Charles Fahy told the Supreme Court today that the Pearl Harbor disaster had "left the West Coast exposed to destructive enemy attack" and it was "imperative that those charged with the defense of our shores take adequate protective measures against a possible invasion."

Fahy urged the court to sustain the conviction of two persons of Japanese ancestry who contended they were born in the United States and hence were American citizens against whom the regulations could not constitutionally be applied.

## Many Held Dangerous

Gordon Kiyoshi Hirabayashi of Seattle was sentenced to three months' imprisonment for violating the curfew regulation and for failing to report to an evacuation center. Minoru Yasui of Portland, Or., was sentenced to one year's imprisonment and fined \$5,000 for violating the curfew regulation.

Approximately 70,000 American citizens of Japanese ancestry were said to have been evacuated from their homes.

"The great majority of persons of Japanese ancestry in this country," Fahy said, "were concentrated on the West Coast. About one-third of them were aliens, and the majority of the American-born were in the younger-age groups. A significant number of the American-born had been sent to Japan for their education, and many of them were regarded, by reason of their training abroad, as highly dangerous.

"The fact that the so-called fifth-column type of warfare had been so apparently successful in recent years, and the fact that there had been evidence of extensive espionage at Pearl Harbor, made it imperative to take adequate precautionary steps.

## 'Disgraceful' Situation

"Although it may be assumed that the majority of the Japanese residents on the West Coast were loyal to the United States, the very presence of the entire group presented grave danger because that group comprehended an unknown number of unidentified persons who constituted a serious threat.

"The exigencies of war may demand the imposition of restraints that would be unwarranted in times of peace. Indeed, an individual may be required to give up his freedom and lay down his life. The curfew and exclusion measures are certainly less drastic than compulsory military service."

Fahy spoke after E. F. Bernard of Portland, counsel for Yasui, had asserted that "the curfew law was the first assault on the constitutional rights of American citizens of Japanese ancestry, but it was the initial one which led to the disgraceful situation where American citizens are staring through barbed wire barricades on this land of freedom."

"Recent European history," Bernard added, "should make plain to us the danger of wholesale proscription.