

*gail*

# United States District Court

Western District of Washington

Northern Division

----- MAY ----- Term, 19 42

UNITED STATES OF AMERICA,

*Plaintiff,*

*vs.*

GORDON KIYOSHI HIRABAYASHI

No. *45738*

INDICTMENT

*Defendant*

**United States of America**  
WESTERN DISTRICT OF WASHINGTON  
Northern Division

ss:

Vio. Pub. Law #503, Curfew Act;  
Vio. Civilian Exclusion Order  
No. 57.

The grand jurors of the United States of America being duly selected, impaneled, sworn, and charged to inquire within and for the Northern Division of the Western District of Washington, upon their oaths present:

COUNT I

That GORDON KIYOSHI HIRABAYASHI, being a person of Japanese ancestry, whose true and full name is to the Grand Jury unknown, on or about the 11th day of May, 1942, and continuing until the date of the return of this indictment, at the City of Seattle, Northern Division of the Western District of Washington, and within the jurisdiction of this Court then and there residing and being within the geographical limits of Military Area No. 1, as such area is defined and described in Public Proclamations Nos. 1 and 2, issued by J. L. De Witt as Lieutenant General of the United States Army and as the Military Commander of the Western Defense Command, Fourth Army, and so designated by the Secretary of War, pursuant to the Executive Order below described, did then and there commit an act in said military area contrary to the military orders applicable to said military area, to-wit: contrary to the restrictions of Civilian Exclusion Order No. 57, dated May 10, 1942, issued by the said Military Commander pursuant to Executive Order No. 9066, issued by the President of the United States on February 19, 1942, in that during all of the times above mentioned the said GORDON KIYOSHI HIRABAYASHI, being an individual living alone within the area prescribed by said Civilian Exclusion Order No. 57, he, the said GORDON KIYOSHI HIRABAYASHI, did then and there fail and neglect to report to the Civil Control Station located at Christian Youth Center, 2203 East Madison Street, Seattle, Washington, on Monday, May 11, 1942, between the hours of 8:00 o'clock A.M. and 5:00 o'clock P.M., or at all, and did fail to report to said Civil Control Station on May 12, 1942, between the hours of 8:00 o'clock A.M. and 5:00 o'clock


1 P.M., or at all, contrary to directions of said Civilian  
2 Exclusion Order No. 57, when the said GORDON KIYOSHI  
3 HIRABAYASHI knew and should have known of the existence  
4 and extent of the said orders and order and that the said  
5 acts above set forth were in violation of said orders;  
6 contrary to the form of the statute in such case made and  
7 provided and against the peace and dignity of the United  
8 States of America.

10 COUNT II

11 That on or about May 4, 1942, GORDON KIYOSHI  
12 HIRABAYASHI, being a person of Japanese ancestry, and  
13 then and there residing and being within the geographical  
14 limits of Military Area No. 1, as such area is defined  
15 and described in Public Proclamation No. 1, duly issued  
16 by J. L. De Witt, Lieutenant General of the United States  
17 Army and designated as Military Commander of the Western  
18 Defense Command, Fourth Army, by the Secretary of War,  
19 pursuant to the Executive Order below described, did  
20 then and there commit an act within said military area  
21 and contrary to the restrictions applicable within said  
22 Military Area No. 1, which act was contrary to the re-  
23 strictions of Public Proclamation No. 3, issued March 24,  
24 1942, by the aforesaid Military Commander, pursuant to  
25 Executive Order No. 9066, issued by the President of the  
26 United States on February 19, 1942, in that the said  
27 GORDON KIYOSHI HIRABAYASHI failed to obey paragraph No. 1  
28 of said Public Proclamation No. 3, which provides as follows:

29 "1. From and after 6:00 o'clock A.M.,  
30 March 27, 1942, \* \* \* all persons of Japanese  
31 ancestry residing or being within the geo-  
32 graphical limits of Military Area Number 1 \* \* \*  
shall be within their place of residence between  
the hours of 8:00 o'clock P.M. and 6:00 o'clock  
A.M., which period is hereinafter referred to as  
the hours of curfew,"

1 in that the said GORDON KIYOSHI HIRABAYASHI was not within  
2 his place of residence at Seattle, Washington, between the  
3 hours of 8:00 o'clock P.M. and 6:00 o'clock A.M., on or  
4 about May 4, 1942, when he, the said GORDON KIYOSHI  
5 HIRABAYASHI, knew or should have known of the existence  
6 and extent of said restrictions and order and that his act  
7 was in violation thereof; contrary to the form of the  
8 statute in such case made and provided, and against the  
9 peace and dignity of the United States of America.

10  
11   
12 United States Attorney

13  
14   
15 Assistant United States Attorney