

J A C L NEWSLETTER

SEATTLE CHAPTER

JULY 1985

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DEDICATED HIRABAYASHI LEGAL TEAM PREPARES FINAL BRIEFS -- Gordon Hirabayashi finally got his day in court last month, but the case is not completed for the team of attorneys who volunteered their time for his case. Hirabayashi is petitioning the court to overturn his wartime convictions for defying the curfew and internment orders. A seven-day hearing on the case was held in a Seattle federal court last month, ending on June 27.

The legal team will file its final brief at the end of this month, and the government's reply and final brief are due September 3. Hirabayashi's legal team will file a rebuttal to the government's brief in late September. Judge Donald Voorhees' decision is expected some time this fall.

The Hirabayashi legal team was formed in the summer of 1982 for what was to be a six month project in coordination with Bay Area attorneys. When a judge separated the three cases challenging the internment orders, separate teams were formed.

The legal team has spent many weekends and evenings over the last four years working on the Hirabayashi case. They received no pay for their hard work and many long hours. Funds raised for the case were mainly used for printing and travel expenses for witnesses and attorneys.

It is estimated the legal team spent about 6,000 hours working on the case last year, and an equal amount of time since this January to prepare for the June hearing. Mike Leong and Rod Kawakami, two of the lead attorneys on the team, have worked almost full-time on the case for the past two months.

For the self-employed attorneys, working on the Hirabayashi case meant not only volunteering their free time to research and plan for the hearing, it meant spending time on the Hirabayashi case that could have been income producing time. Other members of the team squeezed work for the case in on weekends, in the evening and during lunch breaks. Several attorneys were employed by generous law firms that were supportive of their involvement with the Hirabayashi case.

The following 12 attorneys prepared and presented the landmark Hirabayashi case:

Kathryn Bannai -- has been in private practice for five years. She is one of several Asian attorneys who share offices in the International District at 671 So. Jackson. She graduated from the University of California, Hastings College of Law in 1977 and worked for the federal government before starting her own general law practice. Kathryn is one of the original members of the team from 1982 and recruited many of the other team members. Her involvement in the case was supported by the Chapter's Redress Committee and the Washington Coalition on Redress. She was Seattle JACL Chapter president in 1982.

Arthur Barnett -- was the original attorney for the Hirabayashi case in 1943. Barnett had known Hirabayashi through Quaker organizations they both belonged to. Barnett says Hirabayashi did not wage this long fight for himself or for Japanese Americans -- it was for all Americans. Barnett continues the general law practice he began in 1933. His office is located in the Seattle Tower Building. He was a 1932 graduate of the University of Washington Law School.

Camden Hall -- is a partner in the law firm of Foster, Pepper and Riviera, with offices at 1111 Third Avenue, specializing in litigation, product liability, and constitutional law cases. He graduated from the U.W. Law School in 1965 and worked as a clerk for the state Supreme Court for one year before joining the firm. Hall was one of the lead attorneys who presented the case in court. He was recruited by other team members because of his experience in litigation in federal court. Hall feels that half the case's battle was getting it to the trial stage, and said that there is victory in being able to get the information out.

Dan Ichinaga -- works for the law firm of Preston, Thorgrimson, Ellis and Holman in the area of general litigation. He is originally from the San Francisco area and graduated from U.C. Davis Law School in 1983. He became a member of the team in 1984 after he called the JACL office wanting to become involved in the organization. He was interested in the case because his parents and grandparents were interned. Ichinaga says it was a privilege to work with the team and to meet and work with Hirabayashi. His law firm was very supportive and generous of his time regarding the case and also provided word processing and printing services for the legal team.

Continued

Hirabayashi legal team, continued...

Gary Iwamoto -- is a 1978 U.W. Law School graduate and is currently a member of several boards and organizations in the International District and Asian community including the International Examiner, International District Improvement Association (Inter*Im), and the Seattle Chinatown-International District Preservation and Development Authority. He is a past Seattle Chapter JACL board member. Iwamoto originally became interested in the case when he was in the San Francisco area and when Peter Irons was doing research for his book, Justice at War. Iwamoto said the case was the first time in his work experience on legal teams where there were no disagreements.

Rodney Kawakami -- was also one of the lead attorneys for the Hirabayashi case and is one of the team's original members. He has a general law practice at 671 So. Jackson, and is a 1976 U.W. Law School graduate. Kawakami has worked long hours on pro bono cases such as the Hirabayashi case and says he was able to do so because of a supportive wife and family. He became involved because he felt it was the right thing to do and because he feels the issue is important. He thinks things went well at the hearing, and says the legal team is excited and happy that the case is almost over. He is looking forward to being able to spend time with his family.

Craig Kobayashi -- graduated from the U.C. Berkeley Law School in 1984 and has been with Foster, Pepper and Riviera for one year. He works in the area of general corporate and real estate law. Kobayashi initially got involved in the case in 1983 when he had a summer position as a clerk for the firm. He says the internment was an impetus for going to law school and thinks it was "incongruous that the government could uproot people and put them into camps for the reasons they gave." He feels it was fortunate that he was in the right place at the right time to be able to work on this case.

Michael Leong -- also practices general law at 671 So. Jackson. He was one of the lead attorneys for the case with Rod Kawakami and Camden Hall. Leong became involved in the case because he believes in the same principles as Hirabayashi, and as an attorney he felt he should address those issues. Leong, who graduated from the U.W. Law School in 1982, said he enjoyed working on the case, and feels it was a good opportunity to work with other attorneys where a feeling of camaraderie developed.

Richard Ralston -- is a Seattle attorney. He received his law degree from the University of San Francisco in 1978 and an advanced degree from the U.W. in 1979. He originally became involved with the case in 1982 through his contact with Kathryn Bannai. He enjoyed working on the case and with the other attorneys because there was a basic harmony in the group, even with the amount of time that was involved. He was impressed with the good attendance at their meetings.

Sharon Sakamoto -- graduated from the University of Puget Sound Law School this year and recently opened her general law practice at 671 So. Jackson. Prior to attending law school she taught for the Seattle School District. She became involved with the case because of her interest in community legal needs and through her contact with Kathryn Bannai. At a time when the legal team needed research and back up work done, she was able to coordinate the work with a study project for law school. She says her interest is to provide legal services in a community based practice.

Roger Shimizu -- is also in private practice at 671 So. Jackson. Before opening that practice in 1980 he was in private practice in Tokyo and Los Angeles. He graduated from Southwestern University in Los Angeles in 1974. Shimizu is mainly involved in the fundraising aspects of the team, and like the others, had to sharply curtail business from his practice to work on the Hirabayashi case. Shimizu will continue to work on fundraising to meet current and future costs. His main reason for getting involved with the case was because he felt the case had to be done, and he had made a commitment to himself to see it through.

Benson Wong -- is also one of the original legal team members from 1982 through his involvement with the Asian Law Association. He has been practicing for three years with the law firm of Keller, Rohrback, Waldo, Hiscock, Butterworth and Fardal, in the IBM Building. Wong specializes in business compensation and qualified plans. His law firm is very supportive of his time on the Hirabayashi case and the support of his wife has been crucial because of the amount of personal time the case has taken. "Enough can't be said of Gordon," Wong says. "We are all benefiting from his courage."

Tax-deductible donations can still be made to the Committee to Reverse Japanese American Wartime Cases toward the Hirabayashi case. Mail to CRJAWC, Seattle Chapter JACL, 316 Maynard Ave. So., Rm. 108, Seattle, WA 98104.

"HIROSHIMA REMEMBERED" AND "NISEI SOLDIER" ON KCTS: A special program commemorating the 40th anniversary of the bombing of Hiroshima will be shown on Channel 9, beginning at 7 p.m. on August 6. Featured will be the broadcast of a film about J. Robert Oppenheimer and the atomic bomb, and coverage of the day's events in Japan. On August 11 there will be a repeat showing of "Nisei Soldier: Standard Bearer for an Exiled People", a film about the Japanese American soldiers of World War II. "Nisei Soldier" will be broadcast at 11:30 a.m.

Special Reports

Our series of Chapter officer profiles was held this month to allow us to run profiles of the Hirabayashi legal team. The series will continue in the next issue.

INTERNMENT PHOTO EXHIBIT TO OPEN NEXT MONTH -- Documentary photographs of Japanese American internment camps will be on exhibit at the Wing Luke Memorial Museum from August 8 through October 12. The exhibit is being jointly sponsored by the Seattle Chapter and the museum. The Wing Luke Memorial Museum is located at 414 8th Ave. So. in the International District.

The touring exhibit, titled "Executive Order 9066" after President Franklin Roosevelt's 1942 directive, has never been shown in Seattle. When it opened in 1972, New York Times critic Hilton Kramer said it "reminds one of how powerful the photographic medium has been in recording the political horrors of the modern age."

Most of the 84 images in the exhibit are by distinguished photographer Dorothea Lange, taken for the War Relocation Authority. The remainder are by government photographers, newspapers such as the Seattle Post-Intelligencer, and individuals, including noted photographer Ansel Adams.

This exhibit was first suggested by Lange, and was assembled by her assistant Richard Conant and his wife Maisie. The material is mainly from the National Archives.

There will be an opening reception for the exhibit at the museum on August 8. Representatives of the Chapter's Redress Committee and the Committee to Reverse Japanese American Wartime Cases will be at the reception to discuss the work of the committees.

Admission to the museum is free. A small fee is charged for tour groups. Museum hours are 11 a.m. to 4:30 p.m. Tuesday through Friday. The museum is open until 8 p.m. the first Thursday of each month. On Saturdays and on Sundays in August the museum is open noon to 4 p.m. The museum is closed on Mondays and on Sundays in September and October. Prescheduled tours can be arranged by calling 623-5124.

A lecture series about Lange's work, the issues of civil liberties, and social documentary photography will be held during August and September. A schedule will be available by the end of July.

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Chapter Focus

HIGHLIGHTS FROM THE JUNE BOARD MEETING: Wayne Kimura and Bob Sato summarized the new Legislative Education Committee (LEC). It is a sub-organization of national JACL and is responsible for the lobbying efforts for redress. The main JACL organization will be involved only in the education efforts of redress. There are two reasons for this change: 1) lobbying expenses are expected to exceed the percentage allowed a non-profit organization such as JACL, and 2) redress has advanced to another phase where bills are now in Congress, requiring lobby efforts.

LEC is currently not funded, and a national campaign has been started to raise \$300,000-400,000 in 1985. A total of \$1 million is to be raised over the next several years. The Seattle Chapter's quota over the next three months is \$10,000. "Prime solicitors" for the chapter are Cherry Kinoshita, Bob Sato, Lloyd Hara, and Tomio Moriguchi. Because LEC is designed for lobbying efforts, donations are not tax-deductible. Donations are to be made payable to LEC and sent to JACL, 316 Maynard So., Seattle, WA 98104.

In reference to the new LEC efforts and its effect on redress pledges, the following motion was passed: The Seattle Chapter will send our second quarter redress pledge to National JACL with the condition that we receive a revised budget of their redress program now that LEC is taking over the lobbying efforts.

Dave Hoekendorf reported on the Focus International Conference, held May 16-18 in Seattle. Our Chapter was one of the sponsors. Dave has a tape recording of Federal Reserve Bank chair Paul Volcker's keynote speech; contact Dave at 634-1065 if you would like to hear it.

Ken Nakano reported on three activities of the International Relations Committee. 1) The seminar "Hiroshima/Nagasaki: The Living Lesson" held June 1, and co-sponsored by the Chapter, explored the historical and present-day aspects of the 1945 atomic bombing on its 40th anniversary. There was TV coverage by Channels 4 and 5. 2) The committee, through "Operation Meiyo", is also working to secure universal recognition of "Jpn" as the official abbreviation for "Japan" or "Japanese" in dictionaries, media and common usage. Their efforts include sensitizing others to the derogatory term/abbreviation "Jap." 3) Nakano also reported that medical examinations by Japanese physicians will again be conducted here in Seattle for American atomic bomb survivors (hibakusha) on June 29 and 30 at the Pacific Medical Center. There are approximately 25 hibakusha in this area.

Don Kazama of the Education Committee reported on three issues. 1) The Minority Executive Directors Coalition of King County recently held a press conference protesting the drastic cuts in the Seattle School District bilingual

Continued



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education program. Since then, the Seattle School Board has replaced most of these funds. 2) The Human Relations Coordinating Council of the Seattle School District, of which Don is a member representing JACL, has requested the legal counsel to consider three factors for affirmative action plans. They are: a) Seattle's labor force, b) Seattle's racial minority population, and c) Seattle's student population. By September 1985, the Council would like a more equitable goal for affirmative action evolved from these three factors. 3) There was a discussion regarding the Seattle School District's policy on riffing Asian Americans. The District considers persons of Japanese descent to be "race neutral" and says "that their numbers would be reduced the same as majority staff until parity with the labor force has been reached." A motion was passed saying this policy is very discriminatory toward Japanese American educators and staff and that a discrimination suit be filed with the Office for Civil Rights, U.S. Dept. of Education. We would seek other minority advocate groups to co-sign this complaint.

Kazzie Katayama and Jerry Shigaki will be handling the recruiting function of the Membership Committee. Their goal is to have 1,000 members and to have a contest among four teams headed by each of the vice presidents.

A motion was passed to accept the document setting up the framework for the Endowment Fund.

Dale Watanabe reported on the JAYS activities. On May 10 they had a good turnout for their potluck with David Nakayama, national JACL youth director. The final figure raised from the Bowlathon was \$1,052. On May 26, they had a dance fundraiser at the Nippon Kan, netting \$400. They also had a "school's out" party at Mt. Rainier with 15 people attending. Upcoming events include a booth at the International District Fair on July 14, as well as the Student Development Workshop on June 22. Kara Tokita announced that \$250 will be donated to Committee to Reverse Japanese American Wartime Cases from the Bowlathon proceeds.


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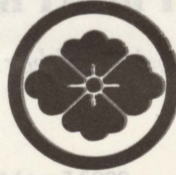
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Bob Sato announced that his brother, national JACL president Frank Sato, will be in Seattle in July. Bob is inviting the Seattle Chapter board and presidents of nearby Chapters to his home for an informal discussion of JACL issues -- in particular redress and LEC. If the general membership has comments to pass on to the National president, please contact a board member of fill out the coupon on page 7.

Help Wanted: The following committees are looking for assistance. Can you help?

Membership Committee needs additional members for recruitment as well as talent in the area of brochure production and artwork. Contact Kazzie Katayama at 325-5531 (day).

Newsletter Committee needs a typist once a month, a graphics or layout person, and writing talent. Contact Sharon Harada at 226-1881 (day).

The Chapter received the following donations in June: Mark Sakagami and M. Carolyn Kunihiro for the directory; Mr. and Mrs. Yo Maekawa in memory of Jiro Aoki; Mrs. Chizuko Nagaoka in memory of her husband Eira; Hana Masuda for the Min Masuda Memorial Fund.

The Chapter would like to thank Lee Hurd for his time and talent in installing a doorbell at the building entrance to be heard in our chapter office. This is a great help after hours when the main door is locked.

A big thank you to our typist this month, Lillian Kato.

The hard workers of the June mail out crew were: Aya and Lee Hurd, Wayne Kimura, Mako and Ben Nakagawa, Sharon Harada and Al Kurimura.

The JACL Newsletter is published each month by the Seattle Chapter of the Japanese American Citizens League. Send items for inclusion by the first of the month to JACL, 316 Maynard So. (Rm. 108), Seattle, WA 98104. To advertise send \$40 (for 12 issues) and a camera-ready ad the size of a business card -- Editor Sumi Hayashi




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Calendar of Events

SOUTH CHINA RESTAURANT'S FIFTH ANNUAL BENEFIT DINNER FOR KEIRO -- Buffet dinner July 15, between 4 p.m. and 9 p.m., 2714 Beacon Ave. So. Proceeds from the dinner are to benefit Keiro expansion project.

SEATTLE CHAPTER BOARD MEETING -- July 17, 7:30 p.m. at the JACL office. Everyone welcome.

BON ODORI -- July 20, 4 p.m. - 11 p.m.; July 21, 4 p.m. - 10 p.m.; Seattle Buddhist Church, 14th Ave. So. and So. Main, Asian food, sushi bar, exhibits, Namu-Kai Taiko Group.

HUNT HIGH REUNION -- July 26, 27, 28. Dinner/dance at Westin Hotel and picnic at Marymoor Park. For more information call 522-6982 or 722-6278, or write to Hunt High Reunion, P.O. Box 27395, Seattle, WA 98125.

"THE SAY IT WAS: NORTHWEST ISSEI AND NISEI BEFORE 1942" -- July 27, complimentary public showing of the photo exhibit at Nippon Kan Theatre from 1 p.m. - 4 p.m.

1000 CLUB'S 14TH ANNUAL GOLF TOURNAMENT -- July 28, 11 a.m., Jefferson Golf Course. Dinner and awards at House of Hong tournament with social hour beginning at 5:30. Entry fee \$9.00; dinner \$11.00.

"CELEBRATION 60" FOR HUNT HIGH CLASS OF 43 -- August 2, 6 p.m. (happy hour), 7 p.m. (dinner) at Bush Garden Restaurant. Cost of dinner \$25. Notify Kimi Akiyama Kusonose, 11329 82nd So., Seattle, WA 98178 or phone 772-4876. Bring a \$5 or under gag birthday gift.

HIROSHIMA/NAGASAKI 40TH ANNIVERSARY COMMERATIVE PROGRAM -- August 6, 7:30 p.m., Japanese Baptist Church. A memorial program and education program, along with photo display and reception following.

TOMONOKAI PICNIC -- Sunday, August 11 at Fay Bainbridge State Park on Bainbridge Island.

LW CHAPTER FAMILY DAY -- August 14 at Rainbow Lodge near Mt. Si. Country dinner served at 7 p.m. Cost is \$7 per person. Call Yo Yasuda at 747-2589 or Susie Aoyama at 885-9654 for reservations.

LW CHAPTER WHITE ELEPHANT AND BAKE SALE -- August 14-17 at Bellevue Uwajimaya featuring Asian merchandise and artifacts and all types of goodies. For contributions or more information contact a Lake Washington Chapter board member.

-- Compiled by Ed Suguro

WE'RE LOOKING FOR YOUR INPUT. . .

Will you take a few minutes to jot down some ideas for our newsletter or chapter activities?

- () Upcoming events -- please include this event in the JACL calender/newsletter:
(Event, sponsoring organization, date/time, contact person)
- () Please send a newsletter and membership application to:
(Name, address, zip code)
- () I would like to do more for JACL or volunteer for a committee. Please contact me.
(Name, day/evening phone, committees or areas of interest)
- () I would like to see more information in the newsletter on:

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(Ordinance Title: Grants and Contracts Specialist) Begins at \$2,027 per month, increases after six months to \$2,108, then in yearly increments to \$2,188 - \$2,270 - \$2,364.

POSITION DESCRIPTION

This position is in the Community Services Division. Under the supervision of the Energy Services Supervisor, the employee in this position will be responsible for managing the Neighborhood Clean-Up Program and the development of the Seattle Conservation Corps, a program designed to provide employment opportunities for hard-to-place young adults. Duties include: develop program budgets; write and negotiate contracts; monitor contracts for fiscal and program compliance; prepare written program reports; provide guidance to contractors on program requirements; interview and hire Conservation Corps members; develop clean-up projects with community-based organizations, neighborhood groups, and City departments; supervise projects and employees of the programs; perform some physical work, such as lifting and loading of rubbish during clean-up activities; arrange publicity for the programs; respond to citizen inquiries about the programs; attend meetings; write grant requests; undertake special program studies; and perform other related duties as required.

WHO MAY APPLY

Applications will be accepted from anyone who meets the following minimum qualifications:

MINIMUM QUALIFICATIONS

Education: A baccalaureate degree in public administration, one of the social sciences, or a related field.

Experience: Two years of experience in program/project planning, development, monitoring, and budgeting; grant preparation or administration; maintenance crew supervision; youth employment; or environmental clean-up programs.

License or Other Requirements: A valid State of Washington Driver's License and a City of Seattle physical examination will be required before employment. Willingness to work evenings and weekends as needed is required. The ability to drive a truck and lift 50 lbs. is preferable.

SELECTION PROCESS

This is a competitive selection process. Applicants must submit the following application materials:

1. Standard Application Forms;
2. a personal resume outlining your experience and educational background; and
3. a special "structured" resume consisting of a separately identified response to each of the four areas listed below.

All complete application packages that show the minimum qualifications will be rated by a review panel. The examination will consist of an evaluation of your background in each of the four areas below. It is therefore to your advantage to clearly show how and where you gained experience in each area. For each job that you reference, be sure to include the name of the company/agency you worked for, the dates of employment, the number of hours worked per week, and the major duties performed.

1. Describe your experience in planning, administering, and monitoring programs and projects. Specify the number, type, size, and complexity of the programs and projects assigned to you, and include your role and level of responsibility for overall program operation. Also tell us about your experience in budget development, management, and monitoring.
2. Tell us about your experience in working with ethnically diverse youth and young adults, especially in the areas of employment and vocational counseling.
3. Describe your oral and written communication skills. Tell us about your experience in negotiating with and gaining the cooperation of representatives of other agencies and organizations, including community representatives. Also tell us about the variety and complexity of the written materials you have prepared.
4. Tell us about your lead or supervisory experience, or your experience in coordinating the work of others. Tell us the number of employees you supervised or led, and the supervisory functions you performed (i.e., employee selection, training, work scheduling, performance evaluation, and discipline).

HOW TO APPLY

Submit your complete application package to the address below no later than December 4, 1985. All application materials are available at the Personnel Department.

FILING OPENS: November 19, 1985

FILING CLOSES: December 4, 1985

#203-85X CONSERVATION CORPS and NEIGHBORHOOD CLEAN-UP COORDINATOR

DHR:CLE(1)

Application Instructions

- 1. Obtain Application Form.** Applications are available from Personnel Department Room 446, Dexter Horton Building, between 8:00 a.m. and 5:00 p.m. on business days.
- 2. Note Closing Date.** Applications may be filed in person or by mail. If mailed, they must be postmarked by the closing date shown on the announcement bulletin. If returned in person, the application must be delivered to Room 446, Dexter Horton Building (unless otherwise specified on the announcement bulletin) by 5:00 p.m. on the closing date.
- 3. Read Announcement Bulletin Carefully.** (See reverse side of this page.) Note the minimum qualifications and/or other requirements (e.g. cover letter, resume) for application. These are officially established requirements which must be met by all applicants and exceptions cannot be made.
- 4. Complete the Application.** Follow completely all instructions on the application form. Fill in all blanks, check boxes, and provide complete information where required.
- 5. Note Minimum Qualifications.** Some candidates may possess qualifications far in excess of the minimum required for application. It is therefore to your advantage to

show **all** your relevant education and experience. You **must** show specifically that you meet the minimum qualifications.

In order to clearly show that you meet the minimum qualifications, you must list your education and experience in exact amounts (i.e. total period of employment or credit hours earned. For each job that you list, include: the month and year that you started work, the number of hours worked per week, and the month and year that your employment ended. If the number of hours worked per week varied, you must show an average number of hours per week. If you are combining a number of jobs to meet the minimum qualifications all work experience (whether full time, part-time or volunteer) will be counted on the basis that:

40 hrs. actual work = one week full-time experience

1900 hrs. actual work = one year full-time experience

Education will be counted on the basis that:

One year of college = 45 credit hours, or 30 semester hours

In describing your experience, include your job title and information about the work you actually performed. Job titles alone do not give enough information to evaluate qualifying experience.

AFFIRMATIVE ACTION - EQUAL EMPLOYMENT OPPORTUNITY (Reference: Civil Rights Act of 1964 as amended by Equal Employment Opportunity Act of 1972; Rehabilitation Act of 1973; Vietnam Era Veterans Readjustment Act of 1974; Mayors Policy Statement of Affirmative Action dated June 16, 1976; CFR 60-250, Section 402; Washington State Law Against Discrimination R.C.W. 49.60 et seq.)



Your
Seattle
Personnel Department

4th Floor Dexter Horton Building
710-2nd Ave., Seattle, Washington 98104

June 20, 1985

This is a preliminary up-date on the Hirabayashi evidentiary hearing in Judge Voorhees' court on this the 3rd day of the proceedings. We shall not attempt to give you a verbatim account of some of the highlights of the case to this point, but rather a layman's summary of comments made by counsel of both sides. First, some of the arguments made by counsel on behalf of the plaintiff, Gordon Hirabayashi, an American citizen. In making the case against the U.S. government in the matter of Mr. Hirabayashi's conviction for war-time curfew violations his counsel claims:

- 1) There was no "military necessity" at the time requiring either a curfew or internment.
- 2) Some documents made available through The Freedom of Information Act and other documents, available in the weeks and months after Dec. 7, 1941, corroborate that there was no "military necessity" requiring the extraordinary measures taken against American citizens of Japanese origin.
- 3) Justice Dept. lawyers felt that there was no "military necessity", departing from the position of the War Dept. which agreed with General DeWitt. Both departments, of course, were a part of the Executive Branch of Gov't.
- 4) The U.S. government, in making its case for curfew and internment, urged the courts to take notice of Asian "characteristics" that might indicate tendencies towards disloyalty and further stated that immediate evacuation was necessary.
- 5) The FCC said there was no evidence regarding American residents of Japanese origin living in West Coast cities trying to signal enemy submarines, either by radio signals or lights (flashlights, etc), nor was there evidence of attempts to signal any enemies of the United States. It was mentioned that internees often used flashlights when going to outdoor toilets at night.
- 6) Under our Constitution an American citizen's ancestry is not proof of criminal intent and cannot deprive him/her of guaranteed rights and of due process.
- 7) President Ford, years after the fact, said the treatment of Japanese Americans was a tragic mistake.

Counsel for the government, in presenting its case, stated:

- 1) The U.S. government had to resort to mass evacuations and to curfew because there was not time to establish the loyalty of individual Japanese, to ascertain that they were, in fact, loyal to the United States. Hence, the Western Defense Command concluded that it was impractical to consider individual, case by case, evacuations.
- 2) Any post-Dec. 7, 1941 prosecutorial misconduct on the U.S. government's part had and has "nothing to do with the judicial branch of gov't" but with the executive branch of gov't.
- 3) The U.S. gov't in those WW II years did the best it could, given the circumstances.
- 4) Since these events happened over forty years ago, it is very difficult to recall details. Most of the principals involved in this case are dead.
- 5) The Supreme Court initially accepted Mr. Hirabayashi's case only in the matter of curfew violation, not with the violation of the exclusion order.
- 6) The U.S. government's counsel asked this rhetorical question: Is there anything wrong with calling into question the loyalty of those residents of the U.S. who rec'd education in Japan or rec'd military training in Japan or religious training and who then returned to homes in the U.S. ? Would not other countries be suspicious of Americans in a comparable situation?

The first witness called by plaintiff's counsel was Edward Ennis, a former member of FDR's Justice Dept. After Mr. Ennis plaintiff's witnesses will be Prof. Peter Irons of the Univ. of California, Berkeley and author of "Justice at War" and then the plaintiff himself, Gordon Hirabayashi. The government's witnesses will be ~~Dr. Kahn~~, David Lowman, and Hannah Zeidlik.

For the Committee to Reverse the
Japanese-American Wartime Cases,
Seattle Branch