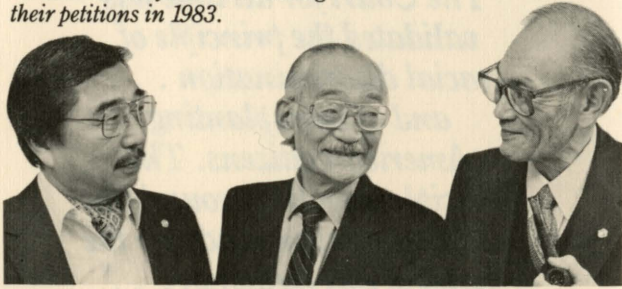


Fred Korematsu, Minoru Yasui and Gordon Hirabayashi announcing their petitions in 1983.



What Has Happened With the Petitions?

In November of 1983, Judge Marilyn Patel of the U.S. District Court in San Francisco granted Fred Korematsu's petition and vacated his conviction, saying that the government's suppression of evidence did not allow for a fair trial in 1943.

In January of 1984, Judge Robert Belloni of the U.S. District Court in Portland vacated the Minoru Yasui conviction but refrained from conducting a fact-finding process to address the allegations of government misconduct.

In Seattle, Judge Donald Voorhees of United States District Court for Western Washington in May of 1984 stated that Gordon Hirabayashi is entitled to a full consideration of his petition in court. Hirabayashi's case is different from Korematsu's and Yasui's in that it will go to a full evidentiary hearing, or trial. The trial could be held as soon as June, 1985.

Thus, in this historic trial, Gordon Hirabayashi, and symbolically, all Americans of Japanese ancestry, will finally have their long-awaited day in court.

The Committee to Reverse the Japanese American Wartime Cases

The Committee to Reverse the Japanese American Wartime Cases has been formed to conduct public education and to raise funds to support Gordon Hirabayashi's petition.

The Committee includes representatives from Seattle, San Francisco and Los Angeles with the Seattle office coordinating the present national fundraising effort. Participation in the committee includes civil liberties, religious, peace and racial justice groups, as well as Asian American activists.

In the next few months, at least \$50,000 needs to be raised to cover witness-related costs, archival research, photocopying documents, telephone charges and other needs incurred by the national all-volunteer legal team.

Contributions and volunteers are urgently needed and greatly appreciated. Please consider making a tax deductible contribution now and sending it to:

Committee to Reverse the Japanese - American Wartime Cases

c/o 316 Maynard Avenue South (Suite 108)
Seattle, Washington 98104

Your questions may be addressed to:

Roger Shimizu, Seattle Cochair, (206) 682-9932
Diane Narasaki, Seattle Cochair, (206) 632-0500
or Don Tamaki, Bay Area committee,
(415) 788- 9000

The Committee to Reverse the Japanese American Wartime Cases in Seattle has been endorsed by:

American Friends Service Committee, Pacific Northwest Region

American Civil Liberties Union of Washington
Church Council of Greater Seattle
Seattle Urban League

Community Relations Council of the Jewish Federation of Greater Seattle

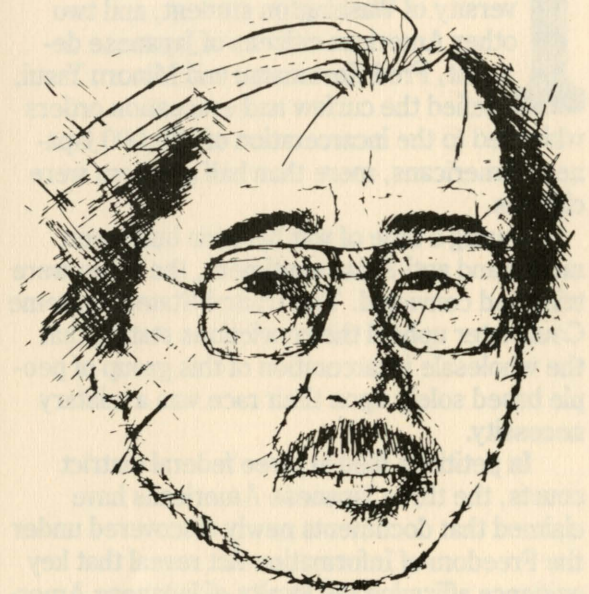
Women's International League for Peace & Freedom

American Jewish Committee, Greater Seattle Chapter



cover: *Michelle Kumata/International Examiner*

COMMITTEE TO REVERSE THE JAPANESE AMERICAN WARTIME CASES



"When confronted with the option of obeying the government orders or to violate them, I had no choice but to disobey. My whole philosophy of life and motive to maintain good citizenship demanded that I uphold the Constitutional guarantees. . ."

Gordon Hirabayashi testimony before Judge Donald Voorhees, 5/18/84

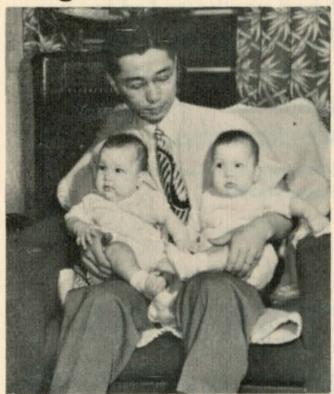
THE PETITION OF GORDON HIRABAYASHI: CIVIL LIBERTIES CASE OF THE CENTURY

A Story of Courage

In 1942, Gordon Hirabayashi, a University of Washington student, and two other American citizens of Japanese descent, Fred Korematsu and Minoru Yasui, defied the curfew and evacuation orders which led to the incarceration of 120,000 Japanese Americans, more than half of whom were citizens.

During a time of war hysteria built upon racism and anti-Asian sentiment, the three were tried and convicted. The United States Supreme Court later upheld the convictions stating that the wholesale incarceration of this group of people based solely upon their race was a military necessity.

In petitions filed in three federal district courts, the three Japanese Americans have claimed that documents newly discovered under the Freedom of Information Act reveal that key evidence affirming the loyalty of Japanese Americans was deliberately withheld from the Supreme Court by the government. The three say this government misconduct denied them not



Gordon Hirabayashi as a student

of Japanese Americans was a tragic mistake and a miscarriage of justice for 120,000 innocent people.

only equal protection under the law, but the right to a fair trial and so their convictions should be vacated.

Favorable decisions in these petitions would remove any shadow of doubt that the World War II incarceration

Fighting for Constitutional Rights

Gordon K. Hirabayashi had been raised in a pacifist Christian household. When the United States government, through the military, imposed the curfew, then evacuated Japanese American citizens purely based upon their race, he felt it was his duty to stand by his belief in the meaning of the Constitution and defy the military orders. He was convicted of two misdemeanors.

Now, more than 40 years later, Hirabayashi is still seeking to affirm the principles which he sought to defend in 1943. In what has been called the "civil liberties case of the century," Hirabayashi seeks to vacate his convictions. The 1943 Hirabayashi decision still stands as a legal precedent for the gross violation of Constitutional rights and the incarceration of citizens without trial, solely because of their ancestry.

"The broad historical causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership. Widespread ignorance of Japanese Americans contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. . ."

1982 Report of the Commission on Wartime Relocation and Internment of Civilians

Recent Discoveries Reveal Startling Documents

In recent research, key government documents have recently been discovered revealing that high government officials responsible for

"The Court for all time has validated the principle of racial discrimination . . . and of transplanting American citizens. The principle then lies around like a loaded weapon ready for the hand of any authority . . ."

Dissent by Justice Jackson in Korematsu v. United States, 1944

carrying out the military curfew and exclusion orders made false allegations to support those military orders. In fact, the documents reveal that intelligence agencies had concluded that there was no basis for justification of the "military necessity" argument underlying the incarceration.

The Hirabayashi petition now asserts that not only had the U.S. government, through its Justice Department, failed to reveal these documents, but that government officials also actively withheld, suppressed and altered the evidence presented before the Supreme Court.

The current petition filed in federal court in Seattle, making use of a rarely used legal tool called the Writ of Error Coram Nobis, requests the court to:

- Review these newly discovered documents,
- Vacate the Hirabayashi criminal convictions, and
- Most importantly, to enter findings as to why the criminal convictions are being vacated, thus revealing government misconduct overturning the legality of the incarceration of Japanese Americans during World War II.

The petition of Gordon Hirabayashi is not a request for an apology or monetary compensation, it is an attempt to set the record straight.