

Gordon Hirabayashi is a patient man. He's waited 40-years to reopen a case he lost before the U.S. Supreme Court, and he's never once given up.

CART: INTRO Q"give them up" :05

His patience has been rewarded.

I'm Frank Abe with Other Voices.

Hirabayashi challenged the constitutionality of the World War II incarceration of Japanese Americans. U.S. District Judge Donald Voorhes has ordered a new trial on Hirabayashi's conviction for violating a military curfew. Hirabayashi's lawyers presented declassified documents which show the Justice Department hid key evidence from the eyes of Supreme Court justices. Outside the Federal Courthouse in Seattle, Hirabayashi was optimistic he'll get an honest rehearing of his case.

CART: Q"very promising" :13

Very promising because the motion Voorhes denied came from a Justice Department attorney who sought to dismiss Hirabayashi's conviction, without holding a new hearing. Attorney Victor Stone acknowledged in court the government no longer defends it's decision to

incarcerate 120-thousand Japanese Americans solely because they were descendants of an enemy race.

CART: H NAME CLEARED LONG AGO Q"initial pleading" :30

Stone complains the government does not want to reconstruct events of 40-years ago, and reopen the deep wounds of that time.

CART: NOT CLEAR HOW RULING WOULD CHANGE HISTORY  
Q"terribly unfortunate" ;21

But Judge Voorhees told Stone there is enough evidence to warrant a new hearing, and he said Hirabayashi deserves legal redress in the courts.

So Gordon Hirabayashi, and Japanese Americans as a whole, won an important victory--the chance to test in court the government's 1942 claim of military necessity in the evacuation and incarceration.

The trial is scheduled for June of 1985 in Federal Court. Hirabayashi's brief is essentially ready. It'll be the government's turn to be put on trial.

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