

A government attorney and a witness wrangled over the significance of 40 year old government documents in a case alleging government misconduct in the wartime incarceration of Japanese Americans.

Justice Department attorney Victor Stone grilled Aiko Herzig-Yoshinaga on her search for documents in the National Archives. Herzig-Yoshinaga said that in her research for a congressional commission she uncovered the first draft of a War Department report on the Japanese American incarceration.

Attorneys for Gordon Hirabayashi contend that that first draft, if it had been shown to the Supreme Court in 1943, would have revealed the motive for the forced expulsion was racial prejudice, and not the fear of invasion.

Hirabayashi himself is expected to take the stand shortly.

HIRABAYASHI 806/24/85 16:38-th

Gordon Hirabayashi took the stand in federal court today 43-years after he first challenged the wartime orders that excluded him and 120-thousand other Japanese Americans from the west coast.

KIRO NEWSRADIO 71'S FRANK ABE REPORTS FROM THE FEDERAL COURTHOUSE IN DOWNTOWN SEATTLE

Hirabayashi said the government's curfew and exclusion orders -- which were applied only to Japanese Americans -- made him feel as if he weren't a full U.S. citizen, even though he was born in Auburn.

He testified that his court challenge has drawn hate mail holding him responsible for Pearl Harbor as if he were an imperial subject and not an American citizen.

He said he fears his case could be used as a precedent for a similar internment of Cuban-, Iranian-, or Arab-Americans.

His attorneys contend key evidence in his favor was withheld when the Supreme Court upheld his conviction in 1943.