

June 4, 1985

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**JUNE 17 TRIAL SET FOR LANDMARK CIVIL LIBERTIES CASE**

Seattle—A June 17 trial date has been set for the petition of Gordon K. Hirabayashi, called the "civil liberties case of the century." Hirabayashi was one of three Japanese Americans who challenged the World War II exclusion and internment orders which led to the mass incarceration of American citizens and their immigrant parents. He was convicted in 1942.

The Supreme Court upheld the conviction in 1943 on grounds of military necessity. Legal historians have called the Hirabayashi decision the worst since the Dred Scott decision upholding slavery because it sanctioned the mass imprisonment of American citizens on the basis of their group identity, and without due process of law.

In January 1983, Hirabayashi filed a petition in U.S. District Court of the Western District of Washington to overturn the conviction, basing his case on documents released under the Freedom of Information Act. The documents revealed that the government suppressed, altered, and destroyed evidence attesting to the loyalty of Japanese Americans. Hirabayashi says that he, and by extension, 120,000 people of Japanese ancestry, were thus deprived of a fair trial.

In May 1984, Judge Donald S. Voorhees held a hearing on Hirabayashi's petition. At that time the government agreed that the conviction should be vacated, but asked the Court to dismiss the petition which alleged government misconduct. Instead, Hirabayashi and civil liberties supporters received a victory when Judge Voorhees scheduled a full evidentiary hearing, or trial, for June 17, 1985.

In March, 1985, the government again filed a motion to dismiss the petition. On April 29, Judge Voorhees denied the motion.

Roger Shimizu, an attorney and Co-Chairperson of the Committee to Reverse the Japanese American Wartime Cases, believes that much of the evidence of government misconduct will be made public at his trial. Edward Ennis, World War II Director of the Alien Enemy Control Unit of the U.S. Department of Justice and one of the key officials responsible for preparing the Supreme Court brief in the Hirabayashi case, will be called to the stand. Ennis will testify about government actions during the prosecution of the Hirabayashi case and evidence which was suppressed at the time. FBI and military officials may be called by the government. Shimizu said "In contesting the Hirabayashi petition, the government is essentially still, in 1985, defending the internment of American citizens on the basis of their ancestry. The internment should never have happened. This is the case that will prove it."