

# APPEAL MAY BE CARRIED TO HIGHEST U. S. COURTS

Principle of American Liberties, Not Jap's Individual Case, Involved, Says Mrs. Marquharson

Between \$800 and \$900 has been raised here by the Gordon Hirabayashi Defense Committee, Mrs. Mary Farquharson, former state senator and secretary-treasurer of the committee, said today.

Added to this is \$1,000 from Philadelphia and \$25 from an Army officer, she said, although the committee has made little effort to solicit other than local persons interested in the case.

The former Seattle Japanese, who was convicted October 12 in United States District Court here of refusing to obey Japanese curfew and evacuation orders, signed a pauper's oath before the case went before the Circuit Court of Appeals last month, signifying he had no money to pay the costs of the appeal.

## Question of Rights

"That is right," Mrs. Farquharson said. "He is a pauper. The money raised by the defense committee is not Gordon's money but belongs to the committee, for many contributions have come from those who never knew Gordon but who are interested in the constitutional rights of Japanese."

Mrs. Farquharson indicated that the money, some of which has been

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# Fund Raised to Aid Appeal of Nisei

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used for circulars and clerical expenses, might be used to finance the expenses involved if Hirabayashi's case goes before the Supreme Court of the United States. The Appellate Court's decision has not been announced yet.

## Hirabayashi in Wyoming

At present the 24-year-old University of Washington senior is visiting resettlement camps in Cody, Wyo., and Hunt, Idaho, assisting Floyd W. Schmoe of Seattle, member of the American Friends Service Committee, in resettling colonists. After Schmoe returns home Hirabayashi, who three weeks ago was released on bond on the stipulation that he leave this area, probably will go to Chicago to work with the Friends Committee, his acquaintances here believe.

## Sentenced to Road Camp

Hirabayashi, who spent last summer in King County jail awaiting trial, was sentenced to three months in the Federal Road Camp at Dupont, but has not served sentence yet since the appeal decision has not been made. The February 23 issue of The Heart Mountain Sentinel, publication of the Japanese Resettlement Camp near Cody, edited by William Hosakawaya, former Seattle Japanese, in reviewing Hirabayashi's case, said that the Army officer who sent \$25, wrote:

"To a soldier, it is disheartening indeed to see those democratic principles for which we are fighting all over the world flagrantly betrayed and abandoned in our country without a blow struck in their defense. . . . I hope that a vigorous defense of this case may bring the whole deplorable evacuation policy before the public for critical scrutiny."

## Civil Liberties Union Case

Mrs. Farquharson said that most of the money raised by the committee has come in in five and ten-dollar amounts. She said the committee was formed at the time of the evacuation order and that she, through her interests as a member of the American Civil Liberties Union, was asked to help. The committee is not tied up with any organization, she said, as many who might not be interested in the union would be interested in Hirabayashi's case.

"The committee is concerned less with Gordon as an individual and more with the principles involved," Mrs. Farquharson said.