

*Judge Voorhees*

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

GORDON K. HIRABAYASHI,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

NO. C83-122V

(Former Crim. No. 45738)

AFFIDAVIT OF GORDON K.  
HIRABAYASHI IN SUPPORT  
OF REPLY TO GOVERNMENT'S  
RESPONSE AND MOTION

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

GORDON KIYOSHI HIRABAYASHI, affirms, deposes and says:

To put the events which led to my arrest, conviction,  
and the historic Supreme Court decision into perspective, I will  
detail a little of my family background.

My father was born in Japan. He and a group of his  
teenaged friends were strongly influenced by the philosophy of  
Mukyokai, a pacifist Christian movement. During this time period,  
Japan was engaged in a military build-up which led to the Sino-  
Japanese and Russo-Japanese wars. Because of my father's strong  
pacifist beliefs, he left Japan.

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AFFIDAVIT OF GORDON K.  
HIRABAYASHI IN SUPPORT  
OF REPLY TO GOVERNMENT'S  
RESPONSE AND MOTION - 1

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1 My father immigrated to this country and settled in  
2 Seattle. Eventually, six families from the same region in Japan  
3 formed a collective in Seattle. They conducted Mukyokai services  
4 in their homes. Their practices were much like those of the  
5 Quakers. They met without formal preaching or leaders and pri-  
6 marily discussed their religious principles and beliefs.

7 My father instilled in me the importance of having con-  
8 victions and adhering to a standard of conduct dictated by those  
9 convictions. He also emphasized the importance of education.  
10 With his support, I enthusiastically followed my academic pur-  
11 suits.

12 While attending high school, I became interested in  
13 debate. Through this medium, I became aware of the events which  
14 shaped the world. I was active in a high school YMCA youth group  
15 and later in the University YMCA. I was attracted to the YMCA  
16 because of the diverse backgrounds of its members. I recall our  
17 discussing the social issues of the day and debating racism and  
18 the shipment of scrap metal to Japan. At that time, Japan was  
19 invading China.

20 Initially, I obeyed the curfew order. At that time, I  
21 was a twenty-three year old graduate student. When my friends  
22 saw me studying in the library, they would remind me that I had  
23 to be home at 8:00 p.m. But after intensive thinking and soul  
24 searching, I could no longer follow the order. I believed that  
25 the curfew order was wrongfully imposed on me. I was an American  
26 and thus rejected the notion that I or others in my situation

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28 AFFIDAVIT OF GORDON K.  
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RESPONSE AND MOTION - 2

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1 conscious of and outraged by the infringement of the constitu-  
2 tional rights which occurred.

3 During the war period, I was arrested, convicted and  
4 imprisoned for insisting on being treated like other Americans.  
5 My criminal convictions resulted in my suffering disadvantages  
6 and embarrassments which continued beyond the service of my sen-  
7 tence.

8 In 1948, when my re-appointment as a Graduate Teaching  
9 Associate was being considered, the then-president of the Univer-  
10 sity of Washington sought to reject my re-appointment on grounds  
11 that I had criminal convictions. He thought my convictions made  
12 me an undesirable person to be teaching young undergraduates.  
13 Were it not for the vigorous support of the Sociology Department  
14 chairman, I would have been dismissed. My chairman stated that  
15 the reappointment should be made only on professional and schol-  
16 arly grounds and that it would be unfair for the University to  
17 penalize me further. The president reluctantly approved my re-  
18 appointment, but with the comment: "I still think he was wrong."

19 During the same period, I was called for duty on a Fed-  
20 eral Petite Jury. I was summarily dismissed after I turned in my  
21 background sheet. Since I was very interested in serving on a  
22 jury and had made arrangements for others to assume my teaching  
23 responsibilities during my absence, I was very disappointed by my  
24 dismissal. I called Judge Bowen and inquired as to whether my  
25 convictions were the reason for my dismissal. Although he

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28 AFFIDAVIT OF GORDON K.  
HIRABAYASHI IN SUPPORT  
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RESPONSE AND MOTION - 4

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1 should be treated as second class citizens. As a matter of prin-  
2 ciple, it was imperative that I continue to live like other Amer-  
3 icans, and that I should be able to enjoy the same freedom to  
4 study at the library after 8:00 p.m. as my classmates who were  
5 not of Japanese ancestry.

6 The exclusion order which followed and which was posted  
7 on telephone poles, stated that the order applied only to persons  
8 of Japanese ancestry, "both alien and non-alien." I did not  
9 support the exclusion order, though I became active in the Ameri-  
10 can Friends Service Committee (AFSC), a Quaker organization  
11 which was assisting Japanese Americans. At this time, many of  
12 those forced to move needed help because most of the leaders of  
13 the Japanese community were already incarcerated.

14 After considerable thought, I decided to also defy the  
15 exclusion order. I remember discussing this with my AFSC friends.  
16 Many advised me to obey the order because it would be safer. My  
17 family expressed concern that if I did not obey the order we  
18 would not be able to remain together. However, they supported me  
19 because they understood the principles that led to my decision.

20 I believed that acquiescing to the exclusion order would  
21 be giving helpless consent to the denial of the democratic prin-  
22 ciples for which this nation stands and to the violation of the  
23 Christian principles which give me the incentive to live.

24 Today, nearly forty-two years later, I am still moti-  
25 vated by the same deep feelings. However, I am even more

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28 AFFIDAVIT OF GORDON K.  
HIRABAYASHI IN SUPPORT  
OF REPLY TO GOVERNMENT'S  
RESPONSE AND MOTION - 3

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