

Gordon Kiyoshi Hirabayashi

Connie Mei

Gordon Kiyoshi Hirabayashi was a Japanese-American civil rights leader, social activist, and sociologist. He was born in Washington on April 23, 1918 to a Christian family. In 1937, he attended the University of Washington where he was influenced by the YMCA and later became a Quaker, adhering to the pacifist principles of his parents. These early influences have helped shape Hirabayashi's later actions. Despite putting himself at great personal risk, Hirabayashi stood strong to his beliefs of racial equality, the principles of the U.S. Constitution, and fought against Japanese-American internment laws. Although he did not have immediate success, his beliefs and actions have made an important mark in history. Hirabayashi has helped bring justice and equality into the Seattle community, the West Coast, and the United States.

At the time when Hirabayashi was studying at the University of Washington as a college student, a shocking event in American history and for those living in America came around. On December 7, 1941, President Franklin Delano Roosevelt announced that Pearl Harbor, located in Hawaii was attacked by Japanese naval and air forces. Hirabayashi soon learned the news from a classmate and a fellow friend, who heard it from a radio broadcast. Hirabayashi could not believe the sudden news. At first he worried what would happen to his parents and their generation because they were issei (or Japanese immigrants). He was afraid they would be taken away to internment camps. Later he worried about the Japanese-Americans or Nisei living in the community when he learned that all Americans of Japanese ancestry would be interned. Soon after President Roosevelt asked Congress to declare that war has been waged between the United States and the Japanese empire.

It was the moment when Hirabayashi learned of the attack and the curfews that started his life-long action for social equality. Many Japanese-American internment camps were established throughout the country, imprisoning many innocent Japanese families. At the wake of the attack on Pearl Harbor, President Roosevelt imposed a curfew on individuals of Japanese descent, wary of insurrections that they may cause. In addition, in February of 1942, President Roosevelt issued two executive orders that were quickly enacted into law,

“One [was the Executive Order 9066 that] gave the Secretary of War the power to designate certain parts of the country "military areas" and exclude certain persons from them. The second [was the Exclusion Order No. 57 that] established the War Relocation Authority which had the power to remove, maintain, and supervise persons who were excluded from the military areas” (The Oyez Project).

The curfew was enforced on all enemy aliens and Japanese-Americans throughout the west coast of the United States, including California and the western halves of Oregon and Washington. These curfews confined all Japanese-Americans to certain places such as Military Area No. 1 and 2. In the curfew rules, between the hours of 8:00 P.M. and 6:00 A.M., all evacuees were to be in their own living quarters. Other rules included turning off lights before 10:30 P.M. Because Hirabayashi was of Japanese ancestry, he was a part of the curfew. However his principles did not allow him to obey the curfew. Despite yearning from his family and friends for him to conform, and the consequences that comes from disobeying the law, he trusted in his beliefs for fair constitutional rights.

The curfew took away their freedom. Through various decrees, the government announced that the laws would be enforced rigidly:

“Local state and federal, are in full force and effect in all Assembly Centers. All of these laws and the following Assembly Center Regulations will be strictly enforced by the Interior Police. All violations of criminal laws or Center Regulations are to be promptly reported to the policeman on duty at the Interior Police Station.” (WCCA Operations Manual, Part XXXV)

This was when Hirabayashi realizes that the government did not protect the constitutional rights of Japanese-Americans. His opposition towards the government’s announcements became increasingly strong.

General John L. DeWitt, (head of the military of western defense) warns that the curfew would be enforced strictly, “Military necessity dictates such action and military necessity requires strictest enforcement. As a patriotic duty, each citizen is urged to report without delay to local authorities or the FBI any violation he may observe” (SF Museum). Hence General Dewitt further highlights the consequences that would come with violating the curfew rules.

Hirabayashi felt that the curfew violated the rights guaranteed by the Fifth Amendment. It states that, “no person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”. (US Const., amend. V). It protects against abuse of government authority and promises the right of due process. Due process means that the state must respect all of the rights owed to a person,

which includes the right for an individual to disagree with government authority and the right to appeal. Hirabayashi believed he was entitled with all the rights of any American citizen. He could not settle for the curfew that he saw was brought by reasons of racial discrimination to the Japanese-Americans.

In addition to openly defying the curfew, Hirabayashi further rebelled by not reporting when called for his relocation order and evacuation. This led to more charges. In 1942, he took action in writing a letter to the government of his refusal to comply with the orders. When he turned himself in to the FBI, he was tried in the King County Court of Seattle. After three days being convicted of a curfew violation he was sentenced to ninety days in prison. He was later transported to a prison in Arizona and to federal prison for refusing to attend his military duty. During his stay in prison, he wrote a series of letters to the government, to individuals such as Floyd Schmoe, and to the public. In a letter he writes to Floyd Schmoe about his reason for disobeying the relocation order and evacuation. He describes the situation he sees, "The very qualities which are essential to a peaceful, creative community are being thrown out and abused. Over sixty per cent are American citizens; yet they are denied on a wholesale scale without due process of law the civil liberties which are theirs" (Why I Refused to Register for Evacuation). He also says in an interview about his opposition to the Japanese internment camps, "I resisted the order for internment to prove my loyalty to the principles of the United States Constitution and to maintain my respect for the system of law and myself" (Gordon Hirabayashi Interview (1990)). He was objecting to the principle of the order, which denies the rights of citizens. He was also aware of the serious consequences for not registering. His purpose was clear throughout, which was to say that Japanese-Americans were citizens of

America. The reason for his actions was to change the unjust treatment and bring his ideas into attention.

In 1943, he wrote a letter voicing his thoughts on the Draft Board's Questionnaire. This questionnaire was addressed to anyone of Japanese descent, and it demanded proof of their allegiance to the emperor of Japan. He believed this questionnaire was racially discriminatory to the Japanese because other ethnic groups were not inquired for this.

Hirabayashi's bold defiance to the government and its orders demonstrates his courage to fight for what he believed in. Not only did he risk his education as he was a student, but also his life. As a Japanese-American he could have been punished with death. Despite knowing that he could be imprisoned or incarcerated, he still stuck firm to his belief in a fair system.

So, Hirabayashi continued on the court case. He appealed the verdict all the way from the local King County Court to the U.S. Supreme Court with the help of the American Civil Liberties Union (ACLU). In the Supreme Court case, *Hirabayashi v. United States* (1943), the Supreme Court Justices voted unanimously to uphold King County Court's guilty verdict against him. In the case, a piece of evidence that was used against him was, "if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be guilty of a misdemeanor and upon conviction shall be liable to fine or imprisonment, or both." (*Hirabayashi v. United States*, 320 U.S. 81 (1943)). According to General Dewitt, Hirabayashi should have known that any violators of the executive orders would be convicted of guilt. Thus, he was convicted for violation of the curfew and evacuation orders and the exclusion act.

Although Hirabayashi did not succeed in his appeal, he did succeed decades after when his case became justified. Forty years later, a professor at the University of Washington recalled the Hirabayashi v. United States case. He called Hirabayashi with evidence from documents showing that the court decision was not ruled by military necessity but rather by racism. The Japanese-Americans were not in the wrong. Thus, in 1987, the charges and convictions against him for violating the orders were finally overturned by the Supreme Court. Hirabayashi's views of the case and the U.S. Constitution were upheld.

Gordon Kiyoshi Hirabayashi has well deserved the honor for his persistence as an individual who has demonstrated great civic courage. For example, the White House presented him with the Presidential Medal of Freedom, which is "the Nation's highest civilian honor, presented to individuals who have made especially meritorious contributions to the security or national interests of the United States, to world peace, or to cultural or other significant public or private endeavors" (The White House). Gordon Hirabayashi was recognized as one of the receivers of this honorary award. He confronted the consequences of his actions and never gave up on his goals. He found a way to carefully voice his thoughts to others in the form of letters. He sets a profound example of an individual, who is worthy of respect for his civic engagement. Hirabayashi shall be noted for his noble intentions, his upholding to the principles of the U.S. Constitution, and courageous actions in defending social justice and in bringing awareness to an issue of importance that involves the well being of the community.

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