

The 25th Anniversary of the
United States v. Hirabayashi Coram Nobis Case:
Its Meaning Then and Its Relevance Now

Presented and Hosted By
Seattle University School of Law's
Fred T. Korematsu Center for Law and Equality

February 11, 2012
Campion Ballroom
Seattle University



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SCHOOL OF LAW

This order for the mass evacuation of all persons of Japanese descent denies them the right to live. It forces thousands of energetic, law-abiding individuals to exist in a miserable psychological and horrible physical atmosphere. This order limits to almost full extent the creative expressions of those subjected. It kills the desire for a higher life. Hope for the future is exterminated. Human personalities are poisoned. 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.

If I were to register and cooperate under these circumstances, I would be giving helpless consent to the denial of practically all of the things which give me incentive to live. I must maintain my Christian principles. I consider it my duty to maintain the democratic standards for which this nation lives. Therefore, I must refuse this order for evacuation.

Gordon Hirabayashi
Why I refused to register for evacuation
May 13, 1942

A Message from the Dean and the Directors

Seattle University School of Law and the Korematsu Center for Law and Equality are privileged to host this commemoration of the 25th anniversary of the Ninth Circuit decision in the *Hirabayashi v. United States coram nobis* case.

We welcome you as we join today in recognizing Gordon Hirabayashi's courageous stand during World War II and the legacy he has left through his life and work; in reflecting on the work of his remarkable legal team who took on the reopening of his case in the 1980s; and in discussing the role that lawyers play in public interest movements.

In 1942, Mr. Hirabayashi was a 24-year-old senior at the University of Washington when, as an act of conscience, he resolved to defy military orders subjecting him, and over 110,000 other persons of Japanese ancestry, to curfew and, ultimately, to removal and incarceration. His wartime act of civil disobedience has much to teach us. In defying the orders, he subjected himself to a criminal conviction and punishment because he could not comply without compromising his own personal convictions and what he knew to be his constitutional rights as an American citizen. That purity of spirit and belief will continue to inspire generations to come.

It seems particularly appropriate that we honor Mr. Hirabayashi here, at Seattle University School of Law. The law school's mission is "to educate lawyers for a more just and humane world," and Mr. Hirabayashi, through all he did, worked for that same more just and humane world.

It was with great sadness that we learned of Mr. Hirabayashi's passing on January 2. It felt like an era had passed, with having lost Fred Korematsu and Minoru Yasui before, the two other men who challenged the WWII Japanese American incarceration before the Supreme Court. We also know, however, that Mr. Hirabayashi touched all who knew him in ways that will never be forgotten and that his story is preserved so that others will be touched and changed as well.

Thank you for being here with us today.



Mark C. Niles, (top) Dean and Professor of Law, Seattle University School of Law
Robert S. Chang and **Lorraine Bannai**, (bottom) Executive Director and Director, Fred T. Korematsu Center for Law and Equality

Mark C. Niles

Dean, Seattle University School of Law

Robert S. Chang

Executive Director

Fred T. Korematsu Center for Law and Equality

Lorraine K. Bannai

Director

Fred T. Korematsu Center for Law and Equality

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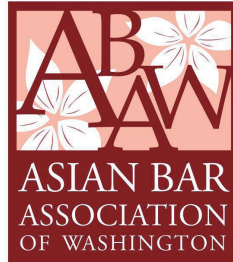
We wish to thank the following individuals, firms, and organizations for their generous financial support of this event.

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Advocacy Organizations

ACLU of Washington; TeamChild; OneAmerica; Northwest Immigrant Rights Project; Northwest Justice Project; Disability Rights Washington; Legal Voice; Korematsu Institute for Civil Rights and Education at the Asian Law Caucus; Asian American Legal Defense and Education Fund

Community Organizations

Denshō: The Japanese American Legacy Project; Japanese Cultural & Community Center of Washington; Bainbridge Island Japanese American Community; Nisei Veterans Committee; Japanese American Citizens League - Seattle, White River Valley, Puyallup Valley, and Olympia chapters; Japanese American National Museum; Friends of Minidoka; Minidoka Pilgrimage Committee; Japanese Baptist Church; Wing Luke Museum of the Asian Pacific American Experience

Seattle University Campus Organizations/Departments

Seattle Journal for Social Justice; Seattle University School of Law International Law Society; Seattle University School of Law American Indian Law Journal; Seattle University School of Law Human Rights Network; Street Youth Legal Advocates of Washington, Seattle University chapter; Seattle University Public Interest Law Foundation; Seattle University Social Justice Policy Advocates; ACLU of Seattle University; Seattle University College of Arts & Sciences Pre-law Program; Seattle University Pre-Law Club

University of Washington Campus Organizations/Departments

UW Department of American Ethnic Studies; UW Nikkei Alumni Association; University of Washington Pre-Law Society

Gordon Kiyoshi Hirabayashi



During World War II, Gordon Hirabayashi was a senior at the University of Washington—an American citizen by birth—when, as acts of civil disobedience, he defied a curfew imposed on persons of Japanese ancestry and refused to comply with military orders forcing Japanese Americans to leave the West Coast into concentration camps.

Gordon was raised in Auburn, Washington. After the bombing of Pearl Harbor in December 1941, the popular press, vocal members of the public, and government officials turned against Japanese Americans and called for their removal from the West Coast. In the spring of 1942, pursuant to authority granted by President Franklin Delano Roosevelt, General John L. DeWitt of the Army's Western Defense Command began issuing a series of orders to control the perceived "Japanese problem." He first issued a curfew order, requiring immigrant German and

Italians and all persons of Japanese ancestry, including citizens, to stay in their homes during the evening hours. Hirabayashi questioned why he had to run back from the library to his dorm before curfew—just because he was of Japanese ancestry—when his classmates did not. Hirabayashi wrote, "Why the hell am I running back and nobody else is? Am I an American?"

DeWitt then began issuing a series of Civilian Exclusion Orders, 108 in all, requiring Japanese Americans to report for removal from the West Coast and for eventual incarceration in desolate camps across the interior U.S. Over 110,000 persons of Japanese ancestry, 2/3rds of whom were American citizens, were ultimately confined. Gordon refused to report when ordered to leave. He was indignant that he was treated differently solely because of his race: "This was so pointedly, so obviously a violation of what the Constitution stood for, what citizenship meant." The day after he was supposed to report for removal, he, accompanied by his friend and lawyer, Arthur Barnett, turned himself in to the FBI. He handed an agent a letter stating that if he were to comply with the military orders, he "would be giving helpless consent to the denial of practically all of the things which give me incentive to live." Gordon stated, "I was confronted with a dilemma. Do I stay out of trouble and succumb to the status of second-class citizen, or do I continue to live like other Americans and thus disobey the law?" He spent three months in jail for violating the curfew and exclusion orders, and later an additional year in jail for refusing to report for military service.

Gordon appealed his convictions to the U.S. Supreme Court, which, in one of the most infamous cases in American history, held in a unanimous decision that the curfew order was justified by military necessity and was, therefore, constitutional. Writing for the Court, Chief Justice Harlan Fiske Stone reasoned that during wartime, "the successful prosecution of the war" may justify measures which "place citizens of one ancestry in a different category from others." A year and a half later, in *Korematsu v. United States*, the Court relied almost wholly on its *Hirabayashi* decision to uphold the mass removal of Japanese Americans from the West Coast.



Almost forty years later, in 1981, lawyer and political historian Peter Irons called Gordon with news of evidence that proved that the government had suppressed, altered, and destroyed material evidence while it was arguing his case, and the cases of Fred Korematsu and Minoru Yasui, before the Supreme Court. Hirabayashi recalls telling Irons, "I've been waiting over 40 years for this kind of a phone call." With the support of a team of remarkable Seattle attorneys and based on evidence of governmental misconduct discovered by both Peter and Aiko Yoshinaga-Herzig, he filed a Petition for Writ

of Error *Coram Nobis*, a rarely-invoked legal writ available to criminal defendants whose trials had been tainted by "fundamental error" or "manifest injustice." After a full evidentiary hearing, the Honorable Donald Voorhees of the Federal District Court for the Western District of Washington vacated Gordon's conviction for violating the exclusion orders. On appeal to the Federal Circuit Court for the Ninth Circuit, in an opinion authored by Judge Mary Schroeder, the court affirmed the vacation of Gordon's exclusion conviction and also vacated his curfew conviction. Judge Schroeder wrote that the military orders issued against Japanese Americans were "based upon racism rather than military necessity."

After his wartime conviction, Gordon went on to earn his Ph.D. in sociology from the University of Washington and on to a career as a professor of sociology at the University of Alberta in Canada, where he served as chair of the Department of Sociology from 1970 to 1983. He continued to be active on behalf of human rights after retirement. He passed away on Jan. 2, 2012, at the age of 93.

Today we honor Gordon for his courage in challenging injustice both during World War II and in the reopening of his case. We also commemorate the 25th anniversary of Judge Schroeder's Ninth Circuit decision vacating his convictions and the work of his legal team in clearing his name.

Members of the *Hirabayashi v. United States coram nobis* legal team

Rod Kawakami (team leader)

Kathryn Bannai (team leader)

Nettie Alvarez

Arthur Barnett

Jeffrey Beaver

Camden Hall

Daniel Ichinaga

Gary Iwamoto

Craig Kobayashi

Mike Leong

Jerry Nagae

Diane Narasaki

Karen Narasaki

Rich Ralston

Sharon Sakamoto

Roger Shimizu

Benson Wong

Conference Schedule

Saturday, February 11

Campion Ballroom, Seattle University

8:30 – 9:00 a.m. **Continental Breakfast**

9:00 – 9:10 a.m. **Welcome**

Mark C. Niles, *Dean and Professor of Law*, Seattle University School of Law
Robert S. Chang, *Executive Director*, Korematsu Center for Law and Equality,
Seattle University School of Law

9:10 – 9:20 a.m. **Gordon Hirabayashi and the Incarceration of Japanese Americans during World War II**

Tom Ikeda, *Executive Director*, Densho: The Japanese American Legacy Project

9:20 – 9:30 a.m. ***Hirabayashi v. United States: 1943 and 1987***

Peter Irons, *Emeritus Professor of Political Science*,
University of California, San Diego

9:30 – 10:45 a.m. **The Reopening of *Hirabayashi v. United States*: Reflections by the Legal Team**

Moderator

Rod Kawakami, *Co-Lead Counsel*

Speakers

Kathryn Bannai, *Co-Lead Counsel*

Michael Leong, Roger Shimizu, Camden Hal, Karen Narasaki

10:45 – 11:00 a.m. **Break**

11:00 – Noon Video Clip – Densho: The Japanese American Legacy Project

Introduction of Judge Mary Schroeder by the Honorable Richard Jones, Federal District Court for the Western District of Washington

What Gordon Hirabayashi Taught Me About Courage, The Honorable Mary Schroeder, Ninth Circuit Court of Appeals, author of the court's opinion in *Hirabayashi v. United States*, 828 F.2d 591 (9th Cir. 1987)

Noon – 12:30 p.m. **Lunch Buffet**

12:30 – 1:15 p.m. **Lunch Program: *Remembering Gordon***

Lorraine K. Bannai, *Director*, Korematsu Center for Law and Equality,
Seattle University School of Law

Lori Matsukawa, King 5 News, Seattle, Washington

A message from Gordon Hirabayashi's family – Jay Hirabayashi

1:15 – 2:30 p.m.

A View from the Academy on the Significance and Present Relevance of *Hirabayashi v. United States*

Moderator

Natasha Martin, *Associate Dean for Research and Faculty Development*,
Seattle University School of Law

"Accused of the Crime; Doing the Time: Thoughts on How Gordon Survived, and Thrived, in Jail," Professor Lane Hirabayashi, Asian American Studies, University of California, Los Angeles

"Can the Rule of Law Prevail in the Courts of the Conqueror? Rebellious Lawyering and the *Hirabayashi* Case," Professor Natsu Taylor Saito, Georgia State University College of Law

"Unfinished Business: The Legacies of Japanese American Internment Redress," Professor Eric Yamamoto, University of Hawai'i William S. Richardson School of Law

"Inclusion, Exclusion, and the Politics of Rights Mobilization in the Experiences of Asian Americans," Professor Michael McCann, Political Science, University of Washington

2:30 – 2:45 p.m.

Break

2:45 – 4:00 p.m.

The Role of the Lawyer in Public Interest Movements

Video Clip – Densho: The Japanese American Legacy Project

Moderator

Anjana Malhotra, *Korematsu Center Clinical Teaching Fellow*,
Seattle University School of Law

Speakers

Angélica Cházaro, Northwest Immigrant Rights Project, Seattle, Washington

Anne Lee, *Executive Director*, TeamChild, Seattle, Washington

José Padilla, *Executive Director*, California Rural Legal Assistance

David Carlson, *Associate Director of Legal Advocacy*, Disability Rights Washington

4:15 – 5:30 p.m.

A Reception Celebrating the 25th Anniversary of the *Hirabayashi Coram Nobis* Case

Sullivan Hall, Second Floor Gallery

Video Clip: *Hirabayashi coram nobis* case, courtesy of King 5 News

Don Tamaki, *Korematsu v. United States coram nobis* case

Peggy Nagae, *Yasui v. United States coram nobis* case

Rod Kawakami, *Co-Lead Counsel, Hirabayashi v. United States coram nobis* case

Opening of Exhibit on Mr. Hirabayashi's life and cases

Seattle University Law Library, Second Floor, Sullivan Hall

Biography of Guest Speakers

Kathryn Bannai earned her J.D. at the University of California, Hastings College of the Law. She was the lead attorney from 1982-1984 in *Hirabayashi v. United States*, an action that successfully challenged Mr. Hirabayashi's convictions for violating military orders imposing a curfew on and removing Japanese Americans from the West Coast during World War II. She also served as a Chair and Commissioner of the Public Safety Civil Service Commission, City of Seattle, a trustee of Eastern Washington University, and a president of the Seattle Chapter of the JACL. Subsequently, as a barrister and solicitor admitted to the Law Society of British Columbia, she practiced employment and labor law and later adjudicated cases for the British Columbia Human Rights Tribunal. Currently, she is the Associate Director OEE/Title IX Compliance in the Office of Employment Equity at Rutgers, The State University of New Jersey.

Lorraine Bannai serves as a Professor of Lawyering Skills and Director of the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law. After earning her J.D. from the University of San Francisco School of Law, she was a partner with the San Francisco firm of Minami, Lew & Tamaki. While in practice, she was part of the legal team in *Korematsu v. United States*, which was filed at the same time as the *Hirabayashi v. United States coram nobis* case and which gained vacation of Mr. Korematsu's conviction for violating military orders removing Japanese Americans from the West Coast during World War II. Prior to joining the Seattle University faculty in 1996, Professor Bannai directed the academic support program at the University of California, Berkeley, Boalt Hall School of Law; taught at the University of San Francisco, the John F. Kennedy, and the New College of California Schools of Law; and was a visiting associate professor in Western Washington University's Law and Diversity Program.

David Carlson is the Associate Director of Legal Advocacy for Disability Rights Washington ("DRW"). As such, David helps fulfill DRW's federal mandate to advocate for the rights of people with disabilities. David represents both classes and individual clients with developmental, mental, physical, and sensory disabilities with a wide variety of legal needs, including abuse and neglect, inadequate services in the community and institutions, discrimination, and violations of constitutional rights. Additionally, he co-authored a report on the legal rights implicated by the hormone and surgical procedures used in the "Ashley Treatment" to keep a six year old girl from growing, which received the National TASC Advocacy Award in 2007. At Gonzaga University School of Law he was Editor-in-Chief of *Gonzaga Law Review*.

Robert S. Chang is a Professor of Law, an Associate Dean for Research and Faculty Development, and Executive Director of the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law. Prior to coming to Seattle University, he served as Professor of Law and J. Rex Dibble Fellow at Loyola Law School in Los Angeles and as the Sturm Distinguished Visiting Professor of Law at the University of Denver Sturm College of Law. A graduate of Princeton and Duke Universities, he writes primarily in the area of race and interethnic relations. He is the author of "Disoriented: Asian Americans, Law and the Nation-State" (NYU Press 1999) and numerous articles, essays, and chapters on Critical Race Theory, LatCrit Theory, and Asian American Legal Studies. In 2009, he received the Clyde Ferguson Award from the Minority Groups Section of the Association of American Law Schools—an award granted for the achievement of excellence in the areas of public service, teaching and scholarship.

Angélica Cházaro received a New Voices Fellowship and joined the staff of the Northwest Immigrant Rights Project in 2006 to provide legal representation to low-income immigrants of color fighting deportation. She focuses her practice on representing immigrant survivors of violence and immigrants affected by the criminal legal system. Angélica is also an Adjunct Professor at Seattle University School of Law, where she has taught Poverty Law and Immigration Law. Angélica received her J.D. from Columbia Law School and her B.A. in Women's Studies from Harvard College. She is a first-generation immigrant from Mexico.

A third generation Seattleite, **Camden Hall** attended Ballard High School and the University of Washington and was student body president at each. After clerking for a year with the Washington Supreme Court, Cam worked for the Foster Pepper law firm in Seattle where he was a litigation and appellate partner from 1970 to 2002. Among others, his clients were the Seattle School District, The City of Seattle and The *Seattle Post-Intelligencer*. He has significant litigation and appellate experience in business, constitutional, municipal, securities, international (People's Republic of China), and family law matters. In 2002 he started his own law firm where his practice concentrates on complex family and property disputes, business litigation, alternative dispute resolution and related appellate work in Washington State and federal courts. Cam has been a Seattle Municipal Court Judge Pro-Tem and King County Superior Court Judge Pro-Tem. He is listed in "The Best Lawyers in America" (for Commercial Litigation and Family Law), "Super Lawyers" and has an "AV" (the highest) Martindale Hubble rating.

Jay Hirabayashi is the son of Gordon and Esther Hirabayashi. Born in Seattle, Washington, he grew up in Beirut, Lebanon; Cairo, Egypt; and Edmonton, Alberta. He graduated from high school in Edmonton; hitch-hiked around Europe for seven months; attended the University of Washington for a year; was a ski-bum/downhill racer in Colorado for three years; and lived as a conscientious objector/draft refuser for two years in California, before returning to university in Canada. He has a Bachelor of Arts degree from the University of Alberta and a Master of Arts degree from the University of British Columbia from the Department of Religious Studies where his focus of studies was Buddhist philosophy. After graduating from UBC in 1978, Jay began a career in dance and currently continues to choreograph, teach, and perform butoh, an avant garde contemporary dance aesthetic that originated in Japan in the late 1950's. Jay is the Executive Director of Kokoro Dance, a butoh dance company he formed with his wife, Barbara Bourget, in 1986. Jay and Barbara also produce the annual Vancouver International Dance Festival. Together, they have four children and three grandchildren.

Lane Ryo Hirabayashi, Ph.D., is Professor of Asian American Studies and the first holder of the George and Sakaye Aratani Professorship in Japanese American Redress, Internment and Community. Lane was trained in the field of socio-cultural anthropology at the University of California, Berkeley, where he received his M.A. (1976) and Ph.D. (1981). Originally specializing in urbanization in Mexico, Lane's initial fieldwork included two years of research spent amongst mountain Zapotec in either the Sierra Madre del Sur, Oaxaca, or in the capital, Mexico City. Lane's profound interest in the Japanese American experience has sustained him throughout his professional career, in terms of research projects, publications, and service with a wide range of community-based organizations. Among his on-going projects are a study of Japanese American resettlement in Colorado, 1942-1946; a book about War Relocation Authority photographs of Japanese American resettlement; and a series of articles about current developments in the Japanese American community and within Japanese American Studies. He and Jim Hirabayashi are editing a book focused on Gordon Hirabayashi's wartime journals that will soon be forthcoming from University of Washington press.

Tom Ikeda is the founding Executive Director of Densho: The Japanese American Legacy Project. He is a sansei (third generation Japanese American) who was born and raised in Seattle. Tom's parents and grandparents were incarcerated during World War II at Minidoka, Idaho. In addition to leading the organization over the last 15 years, Tom has conducted over 200 video-recorded, oral history interviews with Japanese Americans. Prior to working at Densho, Tom was a General Manager at Microsoft Corporation in the Multimedia Publishing Group. Tom also worked as a research engineer developing hemodialyzers with Cordis Dow Corporation and as a planning manager at the Weyerhaeuser Company. Tom graduated from the University of Washington with a BS in Chemical Engineering, BA in Chemistry and an MBA. He has received numerous awards for his historical contributions, including the Humanities Washington Award for outstanding achievement in the public humanities, the National JACL Japanese American of the Biennium award for Education, and the Microsoft Alumni Integral Fellows Award.

Peter Irons is Professor of Political Science Emeritus at the University of California, San Diego, where he taught and founded and directed the Earl Warren Bill of Rights Project. He is a graduate of Antioch College, Boston University, and Harvard Law School, where he served as senior editor of the Harvard Civil Rights – Civil Liberties Law Review. He is the author of 14 books on constitutional litigation and the Supreme Court, which have won an unprecedented five Silver Gavel awards from the American Bar Association for their contributions to “public understanding” of the American legal system. In 1981, his research for his book “Justice at War: The Story of the Japanese American Internment Cases” uncovered documents that led to the successful legal efforts to vacate the convictions of Fred Korematsu, Minoru Yasui, and Gordon Hirabayashi.

The Honorable Richard A. Jones is a United States District Court Judge for the Western District of Washington. He was a King County Superior Court Judge for 13½ years before his appointment to the federal bench in 2007. Judge Jones received a Bachelor of Public Affairs degree from Seattle University and a law degree from the University of Washington Law School. Judge Jones currently serves on the YMCA National Board, and, for over 20 years, he has volunteered with the YMCA of Greater Seattle, both as a board member and, from 2000-02, as Board President. He has served on the boards and committees of numerous other organizations over his career, including the Seattle University Board of Regents, the National Center for Courts & Media, the Center for Children & Youth Justice, and the Washington State Bar Association’s Washington Leadership Institute. He also co-founded two Seattle area law student programs: the Northwest Minority Job Fair and First Year Minority Clerkship Program. The recipient of numerous awards and honors, he has received the YMCA’s A.K. Guy Award for his exceptional volunteer contributions to the community; Outstanding Judge Awards from the Washington State Bar Association, Washington State Trial Lawyers Association, Asian Bar Association of Washington State, and King County Bar Association; an Alumnus of the Year Award from Seattle University; and recognition as a University of Washington School of Law Distinguished Alumnus.

Rod Kawakami has maintained his own law practice in Seattle since obtaining his law degree from the University of Washington in 1976. He has participated in numerous civil rights causes including serving as lead attorney from 1985 – 1988 in Gordon Hirabayashi’s historic *coram nobis* case which overturned his 1942 convictions for violating the military curfew and exclusion orders imposed on Japanese Americans during WWII. Rod also represented the Japanese American Citizens League (JACL) in a discrimination lawsuit against the Washington State Democratic Party (1994 -1995) and was Lead Counsel for a team of attorneys who submitted an Amicus Brief to the U.S. Supreme Court on behalf of JACL in a school busing case (1981-1982). He also assisted in JACL’s discrimination lawsuit against Washington State University (1978 - 1982). His other community activities have included volunteering at a community legal clinic; serving on the Board of Trustees for Renton Technical College; and serving as a co-founding board member of the Northwest Immigrants Rights Project.

Anne Lee is an attorney and the Executive Director of TeamChild in Washington State. TeamChild is a civil legal aid program for youth involved in the juvenile justice system. Its innovative efforts bridge the gap between the juvenile justice system and the community, reducing reliance on incarceration of young people. Anne has worked with TeamChild since 1997 as a staff attorney, legal supervisor, and now director. Prior to joining TeamChild, she was a staff attorney for Northwest Justice Project and Evergreen Legal Services. Her practice has focused on children’s rights, education law, elder law, and public benefits. She received her J.D. from New York University Law School and graduated *magna cum laude* from Princeton University. Anne has provided training for attorneys, judges, youth, social workers and others on a variety of topics, including advocacy, education law and benefits.

Michael Leong graduated from the University of Washington’s School of Law in 1982. He had a solo practice from 1983 through 1988, during which he served as coordinating attorney for Gordon Hirabayashi’s *coram nobis* team. He practiced in the firm of Bell, O’Connor, Flegenheimer & Leong from 1989 through 1998. In 1999, he became General Counsel to Sea-Mar Community Health Center and continues there today as Vice President of Corporate and Legal Affairs.

Anjana Malhotra is the inaugural Fred Korematsu Clinical Teaching Fellow at Seattle University School of Law and recently launched and co-teaches the Civil Rights Amicus and Advocacy Clinic, which represents individuals and community groups in civil rights impact litigation. After clerking with the Honorable Harry Pregerson on the U.S. Court of Appeals for the Ninth Circuit, Anjana worked at Human Rights Watch and the ACLU Immigrants' Rights Project as the first Aryeh Neier Fellow, where she defended immigrants' rights and material witnesses detained after 9/11. Anjana has also worked as an associate for a union-side labor attorney for Gladstein, Reif & Meginniss and as a Practitioner in Residence in the International Human Rights/Rule of Law Project at Seton Hall Law School, where she worked on policy projects and litigation on behalf of immigrants and individuals subject to discrimination. Anjana received her J.D. from New York University School of Law and graduated *magna cum laude* from Duke University.

Natasha Martin is Associate Dean for Research and Faculty Development and Associate Professor of Law at Seattle University School of Law. She teaches in the areas of Employment Discrimination and Professional Responsibility. She earned her B.S. in Computer Information Systems from Xavier University of Louisiana, and her J.D. from the University of Notre Dame. Before joining the legal academy, Professor Martin worked in private law firm practice focusing on employment discrimination litigation; served as in-house employment legal counsel to a financial services company in Atlanta, Georgia; and served two years as law clerk to the Honorable Clarence Cooper of the United States District Court for the Northern District of Georgia. Professor Martin's interdisciplinary research focuses on employment discrimination law, critical race theory, and organizational behavior. The main thrust of her academic work centers on contemporary workplace realities and the impact of discrimination law on the inclusion of women, people of color and other marginalized groups. A frequent presenter at national conferences, Professor Martin is dedicated to gender and racial equity, and is serving a second appointment to the Washington State Gender and Justice Commission.

Lori Matsukawa is a co-anchor for KING 5 News. She graduated Phi Beta Kappa from Stanford University with a B.A. in communication/journalism and received an M.A. in communication from the University of Washington. She was hired at KING 5 in 1983 as a reporter and co-anchor for "Top Story" and went on to anchor the KING 5 Morning News, Weekend News, and News at 11 and co-hosted "Celebrate the Differences," a weekly KING 5 minority affairs program. Matsukawa's professional awards include several ARBY Awards, given by the Academy of Religious Broadcasting; a Society of Professional Journalists award for Economic Reporting, and the "American Scene Award" from the local chapter of the National Academy of Television Arts & Sciences. In 2005, Lori was given the "Lifetime Achievement Award" from the Asian American Journalists Association for mentoring aspiring journalists, and she was inducted into the University of Washington Communication Department's Alumni Hall of Fame. She has been actively involved in numerous community organizations and presently serves as President of the Board of the Japanese Cultural & Community Center of Washington.

Michael McCann is the Gordon Hirabayashi Professor for the Advancement of Citizenship at the University of Washington. He has served as Chair of the Political Science Department and as founding Director of both the Law, Societies, and Justice program and the Comparative Law and Society Studies (CLASS) Center. He is the author of *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago, 1994) and (with William Haltom) *Distorting the Law: Politics, Media, and the Litigation Crisis* (Chicago, 2004); both books have won multiple professional awards. McCann is also editor and lead author for *Law and Social Movements* (Dartmouth/Ashgate, 2006); co-editor, with Gerald Houseman, of *Judging the Constitution* (Little, Brown, 1989); and co-editor, with David Engel, of *Fault Lines: Tort Law as Cultural Practice* (Stanford, 2009). He is currently co-authoring two books on law and struggles for egalitarian change. One book project chronicles three generations of struggle over rights by immigrant Filipino cannery workers associated with ILWU Local 37. Michael is a Fellow at the Law and Public Affairs Program at Princeton in 2011-12 and the elected President of the Law and Society Association in 2011-13.

Heading one of the nation's premier civil rights advocacy organizations, **Karen K. Narasaki** is president and executive director of the Asian American Justice Center, a member of the Asian American Center for Advancing Justice. AAJC, which works to advance the human and civil rights of Asian Americans and build and promote a fair and equitable society for all, pursues its mission through public education, policy advocacy, litigation and community building. Ms. Narasaki holds a number of leadership positions in the civil rights and immigrant rights arenas, including with the Leadership Conference on Civil and Human Rights, the Rights Working Group, and Common Cause. She also serves on the advisory councils for the Federal Communications Commission, Walmart, Nielsen Media Research and Comcast Corporation/NBCUniversal. *Washingtonian Magazine* named her one of the "100 most powerful women in Washington" in 2001, 2006, 2009 and 2011. Ms. Narasaki is a graduate, magna cum laude, of Yale University and Order of the Coif, of the UCLA School of Law. She clerked for Judge Harry Pregerson on the U.S. Court of Appeals for the Ninth Circuit and was a member of the *Hirabayashi coram nobis* legal team for the Ninth Circuit appeal.

Dean Mark C. Niles is Dean and Professor of Law at Seattle University School of Law.

He teaches and specializes in civil procedure, administrative law, constitutional law, governmental liability, and law and literature. After graduating from Stanford Law School, Dean Niles served as a clerk for the Honorable Francis Murnaghan, Jr., of the U.S. Fourth Circuit Court of Appeals; as an associate at the D.C. firm of Hogan and Hartson; and as a staff attorney in the civil appellate division of the U.S. Department of Justice. He has also served as the Reporter for the Maryland Civil Pattern Jury Instructions Committee of the Maryland State Bar Association. He previously served as after serving as associate dean for academic affairs and professor at American University, Washington College of Law. Dean Niles has published numerous articles and essays on subjects including the Ninth Amendment, federal tort liability, airline security regulation, the impact of dramatic public events on the evolution of regulatory administration, the social and legal consequences of pre-crime incarceration, and the depiction of law and justice in American popular culture.

Peggy Nagae founded her consulting firm, peggynagae consulting, in 1988 and has extensive experience in change management, leadership development, executive coaching, diversity and inclusion, strategic planning, marketing, and potentiating the human spirit at work. Peggy earned an A.B. from Vassar College; a J.D. from the Northwestern School of Law at Lewis and Clark College; and a M.A. in Spiritual Psychology from the University of Santa Monica. She has worked in business litigation, criminal defense, and as a general practitioner and served as Assistant Dean for Academic Affairs at the University of Oregon School of Law. She was the third president of the National Asian Pacific American Bar Association, and has served as co-chair of its Leadership Advisory Council and Diversity Task Force. She is the program director for The Center for Asian Pacific American Women and has served on the Board of the Asian American Justice Center; as a member of the National JACL Redress Committee; as lead attorney for Minoru Yasui in reopening his WWII Japanese American incarceration case, *Yasui v. United States*; and as a Clinton appointee to the Civil Liberties Public Education Fund Board.

José Padilla was born and raised in the Imperial Valley, in a family with farm-worker roots. Mr. Padilla received his BA from Stanford University in 1974 and after graduating from Boalt Hall School of Law, he began his now 33-year legal career with California Rural Legal Assistance (CRLA), advocating for the rights of California's farm worker and rural poverty communities. At CRLA, José focused on immigration, civil rights, and education law, and co-drafted the current state Migrant Education law. In 1984, he became Executive Director of CRLA, overseeing cases on pesticide exposure, housing, labor, rural education, civil rights, immigration and environmental justice, assisting more than 40,000 rural residents annually. Mr. Padilla testified before President Clinton's Commission on Race, the U.S. Commission on Civil Rights, and various legislative bodies addressing issues of voting and language rights; and, in 2011, he was nominated by California Latino Legislative Cause as one of four California Supreme Court Nominees. The Mexican government presented him with the prestigious *Ohtli Award* in 2003 and in 2005 received an *Honorary Doctorate in Humane Letters* from Chapman University. Among leadership roles he has assumed, he recently served as the Board Chairperson of the National Legal Aid & Defender Association (NLADA).

Natsu Taylor Saito is a Professor of Law at Georgia State University College of Law, where she teaches international law and human rights, race and the law, immigration, and professional responsibility. Professor Saito's scholarship focuses on the legal history of race in the United States, the plenary power doctrine as applied to immigrants, American Indians, and U.S. territorial possessions, and the human rights implications of U.S. governmental policies, particularly with regard to the suppression of political dissent. Her most recent book is *Meeting the Enemy: American Exceptionalism and International Law* (NYU Press, 2010). Professor Saito graduated from Swarthmore College in 1977; received a Masters of Education from Georgia State University in 1982; and received her J.D. from Yale Law School in 1987. Her public service has included leadership positions in numerous organizations, including the Georgia Chapter of the National Asian Pacific American Bar Association, the Conference of Asian Pacific American Law Professors, the Georgia Supreme Court's Commission on Racial and Ethnic Bias in the Courts, and the Society of American Law Teachers.

Roger Shimizu received his BA from Eastern Washington University and his JD from Southwestern University School of Law. He began his legal career as a consultant to Yamashita & Ohshima law office in 1975. He worked in Seattle as bailiff to Judge Liem Tuai and then in general practice from 1979 through 1989. While in practice, Roger was a member of the *Hirabayashi v. United States coram nobis* legal team. From 1989 to 1992, Roger worked as a consultant to the Ohshima Law Office. In 1994, Roger began employment as a Business Education teacher for the Seattle School District and taught in several high schools. He retired in 2007.

The Honorable Mary Schroeder, Chief Judge of the United States Court of Appeals for the Ninth Circuit from December 2000 through November 2007, has served on that court since 1979. She previously served on the Arizona Court of Appeals and practiced law in Phoenix. She is a graduate of Swarthmore College and the University of Chicago Law School. After graduation she was a trial lawyer in the Civil Division of the U.S. Department of Justice. Judge Schroeder has also taught at Arizona State University Law School and been an adjunct lecturer at Duke University Law School. She has published articles and lectures in various law reviews and is a member of the Council of the American Law Institute. She is a recipient of the Arizona State Bar Association's James A. Walsh Outstanding Jurist Award, the American Bar Association's Margaret Brent Award, and the Joan Dempsey Klein NAWJ Honoree of the Year Award. In 2006 Swarthmore College awarded her an Honorary Doctor of Law decree. She has her chambers in Phoenix, Arizona. She and her husband, Professor Milton Schroeder, have two daughters and two grandchildren.

Donald K. Tamaki is the managing partner of Minami Tamaki LLP, a 16-attorney practice in San Francisco. He maintains a business transactional and corporate practice, representing for-profit and non-profit clients. After obtaining his undergraduate degree from UC Berkeley and his J.D. from Berkeley School of Law, he received a Reginald Heber Smith fellowship to practice poverty and civil rights law in San Jose. There, he co-founded the Asian Law Alliance, which has provided legal representation to low-income Asian Americans in Santa Clara County. He then served as Executive Director of the Asian Law Caucus in San Francisco, the nation's first public interest law firm representing Asian Americans in civil rights and poverty law cases. In 1982 to 1985, he served on the legal team which reopened the landmark U.S. Supreme Court case of Fred Korematsu, overturning his criminal convictions for refusing to be interned. Among his many honors, he was the recipient of the Loren Miller Award, the California State Bar's highest recognition for civil rights work and legal services to the poor.

Eric K. Yamamoto is a Professor of Law at the University of Hawai'i William S. Richardson School of Law. He received his BA from the University of Hawai'i at Mānoa and his JD from the UC Berkeley School of Law. He is known for his legal work and scholarship on civil rights and racial justice, with an emphasis on redress for historic injustice; he also specializes in civil procedure and complex litigation. In 1984 Professor Yamamoto served on the legal team representing Fred Korematsu in the successful reopening the infamous WWII Japanese American internment case, *Korematsu v. U.S.* He has also worked as counsel, on amicus briefs, and consulted in numerous civil rights cases, including cases involving accent discrimination; reparations for Native Hawaiians and African Americans; political torture; affirmative action; and post-9/11 Guantanamo Bay mass detention. Professor Yamamoto has published two books, *Interracial Justice and Race, Rights and Reparation: Law and the Japanese American Internment* (co-authored), and over sixty-five book chapters and law review articles. He is a founding member of the Equal Justice Society and speaks regularly across the country and internationally on reconciliation, reparations, civil and human rights and national security and civil liberties.

Fred T. Korematsu Center for Law and Equality

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Faculty Fellows

Korematsu Center Faculty Fellows are members of the law school faculty engaged in research and advocacy efforts consistent with the mission of the Center and committed to supporting its activities.

They include Professors Bryan Adamson, Deborah Ahrens, Lori Bannai, Lisa Brodoff, Deirdre Bowen, Robert Chang, Mark Chinen, Margaret Chon, Brooke Coleman, Richard Delgado, Jill Dutton, Anne Enquist, Christian Halliburton, Paul Holland, Won Kidane, Raven Lidman, Tayyab Mahmud, Natasha Martin, Hank McGee, John Mitchell, Mark Niles, Russ Powell, Julie Shapiro, Andrew Siegel, David Skover, Ron Slye, Jane Stoeber, Dean Spade, Jean Stefancic, John Strait, W.H. (Joe) Knight and Emeritus Professors Marilyn Berger and David Boerner.

Hirabayashi v. United States Resource List

These are but some of the sources of further information about Gordon Hirabayashi, his cases, and the incarceration of Japanese Americans during World War II.

Books

Peter Irons, *The Courage of Their Convictions*, "Gordon Hirabayashi v. United States," at 38-49, and "Am I an American?," at 50-62 (1988).

Peter Irons, *Justice at War: The Story of the Japanese American Internment Cases* (1983).

Peter Irons, *Justice Delayed: The Record of the Japanese American Internment Cases* (1989).

Jacobus tenBroek, et al., *Prejudice, War, and the Constitution* (1954).

Eric K. Yamamoto, Margaret Chon, Carol L. Izumi and Frank H. Wu, *Race, Rights and Reparation: Law and the Japanese American Internment* (2001).

Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II* (1972).

Greg Robinson, *By Order of the President: FDR and the Internment of Japanese Americans* (2001).

U.S. Comm'n on Wartime Relocation and Internment of Civilians, Congress of 1980, Report: *Personal Justice Denied* (1997, 1982).

Michi Weglyn, *Years of Infamy* (1976).

Articles

Lorraine K. Bannai & Dale Minami, *Internment during World War II and Litigations, in Asian Americans and the Supreme Court: A Documentary History* 755-788 (H. Kim, ed. Greenwood Press 1992).

Eugene Rostow, *The Japanese American Cases--A Disaster*, 54 Yale L.J. 489 (1945).

Documentaries

Unfinished Business: The Japanese American Internment Cases (National Asian American Telecommunications Association; Mouchette Films 1984).

Websites

Densho: The Japanese American Legacy Project, Interview of Gordon Hirabayashi, <http://www.densho.org/>

The Seattle University Law Library proudly presents:

Ancestry is not a Crime: A Tribute to Gordon Hirabayashi



Gordon Hirabayashi with his daughters Marion and Sharon, c. 1945.

The exhibit portrays Gordon Hirabayashi's life through photographs, his journal, letters, news clippings, and other materials.

The following institutions and people generously loaned material to us for the exhibit:

Wing Luke Museum of the Asian Pacific American Experience, Museum of History and Industry, University of Washington Libraries, Densho Digital Archive, The Hirabayashi Family, The Korematsu Institute for Civil Rights and Education at the Asian Law Caucus, Roger Shimizu, Rod Kawakami, Stan Shikuma, Dean Wong

The exhibit is located within the Law Library, on the second floor of Sullivan Hall. The exhibit is open to the public, and can be viewed daily from 9:00 a.m. to 5:00 p.m. from February 11 to June 25, 2012. For more information, please contact Stephanie Wilson at 206-398-4222.

Notes

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