

A Profile in Courage

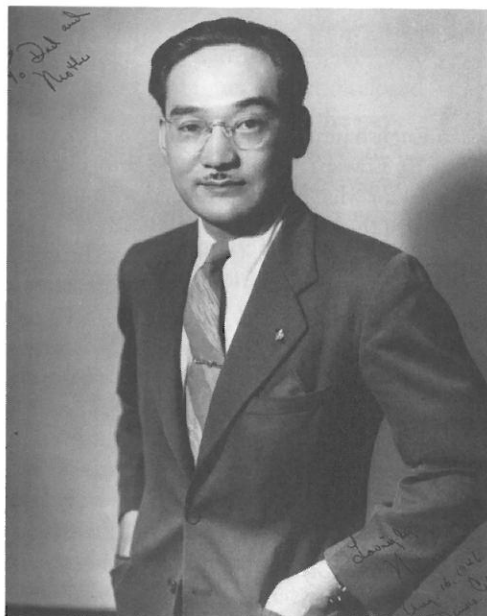
By Timothy W. Grabe

Minoru Yasui was an OSB member who was commissioned in the Army Reserves, but fate took a different turn for him for one reason: his Japanese ancestry.

Yasui was born an American citizen in 1916 in Hood River, the son of Japanese immigrants. After attending Oregon schools, he was admitted to the Oregon bar, then was hired by the Japanese Consulate in Chicago. Yasui quit the day after the Pearl Harbor attack and returned to Oregon intending to enlist in the U.S. Army, but he was unsuccessful. By March 1942, the Army applied a curfew order to people of Japanese ancestry in Portland. On March 28, 1942, Yasui walked into the police station in Portland, one of the areas restricted by the curfew. He was arrested and incarcerated for the next nine months in the Multnomah County jail.

The government indicted him for violating the curfew order, to which he pled not guilty. Yasui found himself in the courtroom of Judge James Fee. Yasui contended he was not guilty because the curfew order was unconstitutional. The court asked local attorneys to brief the legal questions involved, and a half-dozen did so. In a vitriolic opinion which perhaps is a barometer of the times, the court found that by visiting his grandfather in Japan one summer as a boy and by working for the Japanese consulate before the Pearl Harbor attack, Yasui had chosen allegiance to Japan. The court declared the curfew order unconstitutional, but found that since Yasui had renounced his citizenship, he was an alien and thus guilty.

Yasui's brother Homer Yasui describes the ruling as "first-degree bull---"



by a prejudiced judge. Both he and Minoru Yasui's later attorney, Peggy Nagae, say Yasui was a patriot who wanted to serve in the U.S. Army and who decided to put democracy to the test. Yasui appealed to the U.S. Supreme Court, which confirmed the conviction on grounds the curfew order was valid. Yasui was resented to 15 days in jail, then transferred to an "assembly center" at the Portland Livestock Exposition.

While interned in camps in Idaho and Hart Mountain, Wyo., until 1944, Yasui practiced pro bono law, advising interned Japanese-Americans on their rights to seized property. While at Hart Mountain, the internees filled out "loyalty questionnaires," and many were then transferred to "disloyal camps," such as the one at Tule Lake, Calif. Yasui was allowed to travel there and to Hart Mountain to counsel internees. While this was going on, the Army was pres-

uring the Selective Service System to reclassify Japanese-American men as enemy aliens. A draft resistance movement sprung up in the camps. Homer Yasui states that his brother counseled draft resisters to obey the law because of the severe penalties.

After the war, Minoru Yasui drove an ice truck, then tried to hang out his shingle in Colorado. His application for bar membership was denied because of his conviction, but he successfully appealed to the Colorado Supreme Court.

Forty years later he was back in Oregon federal court — this time on his petition for a writ of error coram nobis — an archaic common law motion which enables wrongfully-convicted people to seek relief after the sentence has been served. Through his attorney, Peggy Nagae, he contended the government had suppressed and manipulated evidence to create the false impression of a serious wartime threat from Japanese-Americans. He requested that the court declare unconstitutional the curfew order that he had been convicted of violating, dismiss his indictment and vacate his conviction. The government this time beat him to the punch, moving to vacate the conviction and dismiss the indictment. The government's order was granted, but Judge Belloni refused to find Yasui's rights had been violated.

Yasui died in 1986 while his case was on appeal, and the government successfully moved to vacate the appeal as moot. His attorney feels that his patriotic "give 'em hell" attitude served to protect the civil liberties of us all. ■