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Yasui v. United States, Order on Petition for Coram Nobis Relief

United States District Court, District of Oregon

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MINORU YASUI,)
)
Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

CRIMINAL No. C 16056
CIVIL NO. 83-151-BE

O R D E R

Mr. Yasui was convicted in this court on November 16, 1942, of one count of violation of Public Law 503, 56 Stat. 173. He has filed a Petition for Writ of Error Coram Nobis requesting that:

1. the judgment of conviction be vacated;
2. the indictment be dismissed; and
3. the military orders under which he was convicted be declared unconstitutional.

The government has moved the court to grant the same relief, i.e., that Mr. Yasui's conviction be vacated and the indictment dismissed.

The two requests reach the same result. The only

1 difference is that petitioner asks me to make findings of
2 governmental acts of misconduct that deprived him of his Fifth
3 Amendment rights. Petitioner asked for specific findings that:

4 1. there was no military necessity for the curfew,
5 exclusion and internment of Japanese Americans during World War II;

6 2. one of the principals involved in these decisions
7 was racist, and the decisions were based on racism;

8 3. the government knew about and withheld evidence
9 refuting military necessity; and


10 4. there was a lack of political leadership in the
11 United States during this time.

12 I decline to make such findings forty years after the
13 events took place. There is no case nor controversy since both
14 sides are asking for the same relief but for different reasons.
15 The Petitioner would have the court engage in fact finding which
16 would have no legal consequences. Courts should not engage in that
17 kind of activity.

18 Accordingly, the government's motion is GRANTED. The
19 petitioner's Petition is DISMISSED. The conviction is vacated.

20 IT IS SO ORDERED.

21 DATED this 26th day of January, 1984.

22
23
24
25 
26 United States District Judge