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**THE IMPACT OF WORLD WAR II
ON HAWAII**

A Dissertation Submitted

By

Darrel Van Hoose

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Doctoral Dissertation Committee:

Director: Dr. Chad Shelley

Reader: Dr. William Skiles

Reader: Dr. Matthew Hill

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Abstract

This dissertation will discuss World War II and the declaration of martial law in Hawaii. The attack on Pearl Harbor set in motion a series of events that violated the civil rights of thousands of individuals living in Hawaii. The Supreme Court declared that the military violated the rights of citizens and that the declaration of war did not stop citizens from being protected under the Constitution. Through examining the decisions of government officials in Washington D.C., the military command in Hawaii, the archival documents, and testimonies of both government workers and civilians provided evidence that the United States government and military command in Hawaii acted in the interest of security; however, evidence also proved that certain individuals within the government were not acting in the best interests of the Japanese individuals living in Hawaii. These racially motivated actions proved to have a negative effect on the relationship between the United States government and the individuals living in the Territory of Hawaii.

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TERMINOLOGY

Hánai: A tradition of being raised by grandparents or elders to be trained to become a family leader.

Haole: A person not Native Hawaiian, especially a white person.

Heiau: temple or sacred site.

Issei: First-generation Japanese immigrants who were not allowed to become United States citizens before 1952.

Kanaka Maoli: The traditional name for Native Hawaiians.

Kibei: Nisei who went to Japan for an extended period before returning to the United States before the war.

Kúpuna: Grandparents or elders.

Nisei: Second-generation Japanese, born as a United States citizen.

CHAPTER ONE

INTRODUCTION

Hawaii is a beautiful paradise, a place to take the family to view a great culture, beautiful beaches, and stunning sunsets. Millions of tourists each year come to soak in the beauty of the islands, from the ocean to the volcanoes. Hawaii has something to offer everyone with its aloha spirit and rich history. That rich history has a dark side; during World War II, the islands of Hawaii saw some of the most severe civil rights violations the United States has ever seen. Residents living in Hawaii after the Japanese attacked Pearl Harbor on December 7, 1941, observed martial law implementation; the islands were held under unfair and illegal actions, as later determined by the United States Supreme Court. Individuals of Japanese descent were being ripped away from their families, arrested with no charges, and imprisoned for four years without knowing if they would ever return home. During World War II, the United States government seized property for military use and even evicted individuals without notice in the middle of the night. Residents were required to obey a lights-out policy at night and had to carry gas masks everywhere in fear of imminent attack. Employees were arrested for showing up to work late, given a trial without a jury, and unable to give their side of the story.

This dissertation will answer the following research questions, did the United States military command in Hawaii commit civil rights violations without any corrective action from its own government? Or did the United States military command in Hawaii prevent civil rights violations? How did World War II impact the relationship between the United States government

and the Territory of Hawaii? The focus of this dissertation will show a balanced approach examining the decisions of government officials in Washington D.C., the military command in Hawaii, the civil government of the Territory of Hawaii, and the civilians living under the conditions of war. The military command in Hawaii violated the civil rights of the individuals residing on the island by arresting individuals who had violated no law or military order, tried them without evidence, without a jury, they were arrested for being of Japanese, Italian, or German descent, the United States government failed to provide oversight of the military, allowing them to operate under their own set of laws and orders. The President of the United States and the War Department cast aside the Constitution of the United States by pushing for mass evacuation and internment of the Japanese living in Hawaii; the military command in Hawaii stopped these atrocious acts from taking place. The same military command in Hawaii pushed for the continuance of martial law when it was no longer necessary; the threat of invasion was over after the Battle of Midway; the United States government did not stop the lengthy and unlawful continuance of martial law until the war was nearly over. The treatment of Japanese Americans and the violation of constitutional law by the provost courts and military in Hawaii created a negative relationship between Hawaii and the United States government; this relationship was prevented from being damaged further by the actions of General Delos Emmons, Colonel Thomas Green, Agent Robert Shivers, and the Morale Section; as well as the performance of the Varsity Victory Volunteers, the Japanese American military units of the 100th and 442nd.

The author of this dissertation was provided the opportunity to conduct an interview with a surviving member of the Varsity Victory Volunteers, 100th Battalion, and the 442nd Infantry

Regiment, Susumu Hayashi¹, who provided a summary of his feelings; Hayashi felt betrayed by the United States government, as an American citizen he was banned from service. When he was initially recruited to the Varsity Victory Volunteers, he was hesitant, worried that his government would turn its back on him again. It was not until he received word of the 100th Battalion being created that he felt inspired and happy to be a United States citizen again. This feeling of initial betrayal was widespread in the Japanese American population, and Hayashi's summary provides a look at how his relationship was impacted by being allowed to fight for his country.²

One of the primary concerns during martial law was the suspension of the writ of habeas corpus. During the United States Civil War, Congress approved and passed the Habeas Corpus Act of 1863, which supported President Lincoln's ability to suspend habeas corpus.³ In 1866 the United States Supreme Court ruled against Congress, which resulted in the famous decision of *Ex Parte Milligan*. The Supreme Court declared that an individual's rights, as stated in the United States Constitution, must be respected during periods of war unless certain conditions, such as actual invasion, and if the civilian courts were closed and unable to function due to a war emergency.⁴ Through coercion and political pressure, habeas corpus would be suspended for only the second time, when Governor Joseph Poindexter suspended habeas corpus and turned his powers over to the military, to United States Army Commanding General Walter Short through a loophole used in Section 67 of Hawaii's Organic Act⁵ on December 7, 1941. On the same day as the attacks, Hawaii was placed under martial law, which would remain in effect until October 1944, almost three years after the initial attacks. During this period, numerous civil rights

¹ Susumu Hayashi obtained the rank of Sergeant in the 442nd Infantry Regiment.

² The interview with Susumu Hayashi was informal, as the author met the individual moments before conducting the interview.

³ Habeas Corpus Suspension Act, 12 Stat. 755 (1863).

⁴ *Ex Parte Milligan*, 71 U.S. (1866).

⁵ Organic Act, Ch. 339, 31 Stat. 141 (1900).

violations would be committed, as supported in the U.S. Supreme Court case *Duncan v. Kahanamoku*, which re-confirmed the obligation to protect citizens' constitutional rights even during a war.⁶

World War II Historiography

World War II historiography is vast; this dissertation focuses on numerous areas regarding the war, including areas such as martial law, internment, and the treatment of the Japanese. The historian who has most recently impacted the most scholars, David Kennedy, is an American historian who offers a comprehensive examination of World War II. Like most modern historians, Kennedy blames the origins of World War II on a combination of events, economic depression, the militarism rise of Germany, the failure of the League of Nations, and the treaty of Versailles. David Kennedy's *Freedom From Fear: The American People in Depression and War, 1929-1945* (1999). The book's first half covers President Hoover, the Great Depression, President Roosevelt, the New Deal, and how American industries were transforming. The book's second half analyzes military and political strategies used during World War II. It is considered one of the best history books examining World War II.⁷ Kennedy discusses the attack on Pearl Harbor but provides no perspective on how the war impacted the territory of Hawaii. Kennedy does provide a historical view of the Pacific Theater. However, Kennedy does continue with a rumor, "the military police took several hundred suspected spies and saboteurs of Japanese extraction into custody."⁸ The mere fact that Kennedy states that suspected spies and saboteurs were taken into custody indicates how rumors continue to change

⁶ *Duncan v. Kahanamoku*. 327 U.S. 304 (1946).

⁷ David Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945*, (Oxford: Oxford University Press, 1999).

⁸ *Ibid*, 748.

the perception of the Japanese in Hawaii. Not a single act of sabotage was proven, and the only spy arrested was a German American. No charges were presented for espionage or sabotage of Japanese detained in Hawaii besides members of the Japanese consulate. As we focus more on the war in the Pacific, our historiography begins to narrow.

The Pacific Theater of World War II is a location of some of the most intense battles of the war. In the first few months of the war, Japan was winning the Pacific Theater by taking over multiple islands, including Wake Island; up until May 1942, the United States was unable to slow the Japanese advancement. The first battle that saw Americans finally start to turn the tide was the Battle of the Coral Sea; though it may be seen as a victory for both the Japanese and the Allies, this was the first battle in which Japan's advancement was halted. In June 1942, the Battle of Midway occurred; the tactical surprise attack by the United States Navy on the Japanese saw American forces sink 254 aircraft and boats. The war would continue into the islands of Iwo Jima and Okinawa before the United States dropped two atomic bombs on Hiroshima and Nagasaki shortly after on August 15th, 1945. The war in the Pacific would end when Japan surrendered.

The historiography of the Pacific Theater is massive and could be a research paper by itself. The first is Mitsuo Fuchida *Midway, The Battle That Doomed Japan: The Japanese Navy's Story* (1955). Mitsuo Fuchida was a Japanese Captain in the Imperial Japanese Navy Air Service; he led one of the first waves of attacks on Pearl Harbor on December 7, 1941. After the war, Fuchida converted to Christianity and eventually settled in the United States. Fuchida recounts the Battle of Midway from the Japanese viewpoint. Fuchida's position gave him access to secret operational records, providing great insight into the Battle of Midway. Fuchida breaks down the strategy of Japan, the Pearl Harbor attack, and the early naval success of Japan and recounts the

Battle of Midway. Fuchida blames the failure of Japanese intelligence to properly analyze the United States Navy's strength, Admiral Nagumo's failure of refueling planes at the moment of attack, and the lack of technology; Japanese ships did not have radars. Fuchida's perspective offers the first authentic look at the Pacific Theater from the viewpoint of Japan. Fuchida only provides details of the Pearl Harbor attack and additional plans the Japanese military had. Fuchida does not provide any detail about historical instances involving Hawaii. This work is vital because it gives information regarding Japan's thought process after the Battle of Midway, in which plans for attacking Hawaii were scrapped.⁹

In 1985 Ronald H. Spector published *Eagle Against the Sun: The American War with Japan*. This work by Spector revived U.S. Military History as a teaching field and a respected field of research. Spector examines the battle history and the newest research on radio intelligence and brings in the new element of social history that focuses on African American soldiers and women in the armed services, as well as a cultural interaction of the United States military members and the Pacific natives. Through this balanced approach, Spector arrives at conclusions about President Roosevelt's prior knowledge of an attack on Pearl Harbor, the motivation behind the atomic bombs, and the costly wartime decisions of Admiral William Halsey and Raymond Spruance. Spector's comprehensive approach to analyzing interservice setting, overall war strategies, but the internal struggles for branches to work together to defeat the Japanese.¹⁰ Spector provides an excellent historical perspective of the war between the

⁹ Mitsuo Fuchida, *Midway: The Battle That Doomed Japan, The Japanese Navy's*, (Annapolis: Naval Institute Press, 1955).

¹⁰ Ronald H. Spector, *Eagle Against the Sun: The American War With Japan*, (New York: Free Press Publishers, 1985).

United States and Japan; however, no information involving the changes to Hawaii during the war is mentioned.

The final author, Craig L. Symonds, and his publication *The Battle of Midway* (2011) brought the Battle of Midway into a new comprehensive perspective for a new generation. In *The Battle of Midway*, Symonds provides a detailed examination of the battle; he analyzes the advantages of the Japanese Navy after the attack on Pearl Harbor and how the United States Navy placed the Japanese on the defensive. Symonds' work brings a new conclusion of how individual decision-making was the primary factor in how the United States turned the tide in the war of the Pacific Theater.¹¹

The dissertation fits within the second from a broad perspective, World War II and, more importantly, the battle of the Pacific dramatically affected Hawaii due to the close proximity of the Japanese military and their ability to launch attacks on the islands, this ultimately affected the decisions of the military command in Hawaii and in Washington D.C.

Hawaii World War II Historiography

As the historiography narrows, it focuses on primary scholars regarding Hawaii and World War II. Even reading one of the best World War II books, David Kennedy's *Freedom From Fear: The American People in Depression and War, 1929-1945* (1999), a reader will not find much information about how the war impacted the territory of Hawaii, though Kennedy provided a considerable amount of information on the attack on Pearl Harbor and also continues to represent the arrests of Japanese Americans in Hawaii incorrectly.

¹¹ Craig L. Symonds, *The Battle of Midway*, (Oxford: Oxford University Press, 2011).

The first historian to substantially cover the topic is Gwenfread Allen's *Hawaii's War Years, 1941-1945* (1950), which offers a fantastic insight into Hawaii and World War II. Allen graduated from the University of Hawaii in 1924. She spent 25 years in journalism before being asked by the University of Hawaii's Board of Regents to publish a history of the war and Hawaii's contribution. Allen divides her book into seven sections. She provides detail about the unique circumstances of martial law, the effect of the war on the social structure of Hawaii how that social structure played a significant role in the military's preparation and deployment in the Pacific Theater, especially with the islands dealing with an unprecedented amount of military personnel and civilian contractors arriving on the island. Allen also describes how the war impacted specific populations, especially Japanese Americans. She uses extensive research from the War Records Depository and provides a detailed account of Hawaii during World War II. One minor issue with Allen's research, she was denied access to records that would later become available due to confidential standing with the U.S. government. After this work's original publication, Allen's note section was removed from publishing. The government deemed her notes classified by the United States government. After several decades, her notes section was declassified and published as a book.¹²

Desoto Brown's *Hawaii Goes to War: Life in Hawaii from Pearl Harbor to Peace* (1989), Brown is a lifelong Hawaiian historian, born in Hawaii in 1954; he has written three books on the history of Hawaii and is the current archivist at the Bishop Museum in Honolulu. Brown examines World War II on the islands of Hawaii, analyzes primary sources, and does several interviews with residents on the island; Brown points to fear and cultural misunderstanding as the primary reason for the continuous government interference with the

¹² Gwenfred E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: University of Hawaii Press, 1950).

islands. Where Brown lacks is in his scholarship, he provides only a first-hand view without enough primary sources to support his arguments. Brown offers no historical perspective of what the United States military was dealing with.¹³

Thomas Kemper Hitch's *Islands in Transition: The Past, Present, and Future of Hawaii's Economy* (1992), Hitch traces the Hawaiian economy from its development as a moneyless, sharing, and bartering system through its transition to the United States currency, the unique currency used during the war, and what he believed would be the future of the islands. His examination of the Hawaiian economy during World War II offers insight into some of the effects of the war on the area, though this section is only brief.¹⁴

This dissertation fits within this historiography due to the dissertation questions fitting within this area, as the primary goal of the dissertation was to discuss the impact of World War II on Hawaii specifically, analyzing numerous viewpoints of local government, Hawaii military command, political leadership in Washington D.C., and the civilians living on the islands.

Treatment of Japanese and Japanese Internment Historiography

A large portion of this dissertation discusses the internment of the Japanese and the treatment they were subjected to in Hawaii and on the mainland. Yasutaro Soga's *Life Behind Barbed Wire: The World War II Internment Memoirs of a Hawai'i Issei* (2008) is an emotional and firsthand account of Japanese internment during World War II. Yasutaro Soga tells his personal story of his time in incarceration. Hours after the attack on Pearl Harbor, Soga was arrested; at the time of his arrest, he was the editor of a Japanese-language newspaper, *Nippu Jiji*,

¹³ Desoto Brown, *Hawaii Goes to War: Life in Hawaii from Pearl Harbor to Peace*, (Honolulu: Editions Limited Publishing, 1989).

¹⁴ Thomas Kemper Hitch, *Islands in Transition: The Past, Present, and Future of Hawaii's Economy*, (Honolulu: University of Hawaii Press, 1992).

and he and several hundred other prominent Isseis were arrested. Issei means the first-generation immigrants from Japan who were legally prevented from becoming U.S. citizens; their children, the second-generation, are referred to as Nisei and were given U.S. citizenship at birth. Most books or articles discuss the incarceration of Nisei, while the Issei are often overlooked. Soga's story is centered on only himself; however, they are enhanced by his expertise as a professional journalist. His story and other details are collaborated by other individuals who were also confined, which gives his firsthand account credibility. Soga was detained on Sand Island on Oahu for the first six months of incarceration. Soga was transported from Sand Island to Lordsburg, New Mexico, and transferred again to a Justice Department internment camp in Santa Fe. Overall, Soga spent four years detained, providing detailed day-to-day events as he continuously recorded his daily experiences.¹⁵

In 1985, Donald E. Collins wrote *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans during World War II*. Collins's book is a publication of his doctoral dissertation. He focuses on the Japanese Americans who renounced their citizenship while being detained in camps around the United States. Though his primary focus was renunciation, he discusses the treatment of the Japanese inside the camps by Japanese gangs and camp command staff. Collins's primary thesis was how can a government determine the loyalty of its citizens? Collins's insight provides a view of how the Japanese felt while being interned, which lends to my dissertation due to the focus on how Japanese Americans from Hawaii were treated while being interned.

¹⁵ Yasutaro Soga, *Life Behind Barbed Wire: The World War II Internment Memories of a Hawaii Issei*, (Honolulu: University of Hawaii Press, 2008).

Gary Okihiro, inspired by J. Garner Anthony wrote *Cane Fires: The Anti-Japanese Movement in Hawaii, 1865-1945* (1991). Okihiro examines the anti-Japanese movement that began in 1865 through World War II. Okihiro argues that the negative treatment of the Japanese on the West Coast closely paralleled the treatment of the Japanese living in Hawaii. This negative treatment and oppression led the United States military, the Territorial government, and the owners of the sugar plantations to join in an effort to control the Japanese and devise plans for the detention and removal of the Japanese two decades before the attack on Pearl Harbor. Okihiro concluded that martial law blanketed everyone living in Hawaii, but was specifically created to control the Japanese community. “Pearl Harbor merely triggered the gun loading of the previous two decades, or, more correctly, of the anti-Japanese movement that spanned the entire range of a people’s history, from plantation to concentration camp.” Okihiro’s analysis of the treatment of the Japanese was comprehensive and well-written but was limited due to numerous pieces of documentation still being confidential or redacted.¹⁶

An outstanding book was released in 2009, Greg Robinson published *A Tragedy of Democracy: Japanese Confinement in North America*. Robinson traces the treatment of Japanese Americans and aliens before World War II. Robinson analyzes the relationship between Japanese and other Asian cultures with the United States, Canada, and Latin America. Robinson examines the foundation of the legal authority of President Roosevelt’s Executive Order 9066, as well as discusses the numerous amounts of policies that were recently released regarding plans to remove and incarcerate the Japanese before the attack occurred. Robinson spends the majority of his book focusing on the treatment of the Japanese in internment camps across North America

¹⁶ Gary Y. Okihiro, *Cane Fires: The Anti-Japanese Movement in Hawaii, 1865-1945*, (Philadelphia: Temple University Press, 1991).

and how their internment made reintegration into society challenging due to the majority of citizens believing they were interned because they had committed criminal acts or were disloyal to America. Robinson concluded that the Japanese were mistreated due to fear and misunderstanding, while Robinson does not conclude who acted in the wrong and describes President Roosevelt as uninvolved in the situation, while policies and memorandums describe the opposite. Robinson's book directly relates to this dissertation as it focuses on the legality of how the Japanese were treated.¹⁷

Suzanne Falgout and Linda Nishigaya, are co-editors of *Breaking the Silence: Lessons of Democracy and Social Justice from the World War II Honouliuli Internment and POW Camp in Hawai'i* (2014). The work is a collection of essays outlining how exclusion can install hierarchies of power, they focus on the Honouliuli Camp, and its role in the internment and imprisonment of the Japanese in Hawaii. They concluded that Honouliuli Camp created a lasting trauma for the individuals held in the camps; that the story of Honouliuli was forgotten due to generational and cultural restrictions on speaking openly about wartime hardships. "Those individuals who were singled out for internment were stigmatized, both during and after the war. The effect on loved ones left behind – spouses, been left to fend for themselves, treated with suspicion, and even avoided by others out of fear of perceived guilt by association."¹⁸ The editors concluded that those interned at the camp were extremely affected; however, there was also an intergenerational effect on future generations due to the extreme harshness of the camp, which treatment of the Japanese was much worse than camps on the mainland.¹⁹

¹⁷ Greg Robinson, *A Tragedy of Democracy: Japanese Confinement in North America*, (New York: Columbia University press, 2009).

¹⁸ Suzanne Falgout and Linda Nishigaya, *Breaking the Silence: Lessons of Democracy and Social Justice from the World War II Honouliuli Internment and POW Camp in Hawaii*, (Honolulu: University of Hawaii Press, 2014).

¹⁹ Ibid.

Arthur Hansen's *Barbed Voices: Oral History, Resistance, and the World War II Japanese American Social Disaster* (2018) examines an oral history that focuses on how Japanese Americans quietly resisted the U.S. government through small acts of rebellion. The Japanese Americans explain through numerous interviews that they knew their Civil Rights were violated and would not recognize such things as voluntarily serving in the U.S. military by completing a survey that the U.S. government deemed would decide their loyalty. The U.S. government should recognize them as citizens born in the United States, eligible to be seen as draftees, not evacuees. Hansen's focus on how the Japanese felt about their internment is related to how the long-term relationship was affected due to the mistreatment at internment camps and those still living in Hawaii under heavy restrictions. Though the Japanese treatment in internment camps is not the primary focus, it is a significant portion of Hansen's book.²⁰

In 2021, Stephanie Hinnershitz wrote *Japanese American Incarceration: The Camps and Coerced Labor During World War II*. Hinnershitz's primary focus is the labor history involved in the internment camps. Hinnershitz analyzes several camps and how they treated the Japanese internees, the differences between the camps run by the Wartime Civilian Control Administration and the War Relocation Authority, and how the United States government failed to protect the Japanese who were interned properly. Hinnershitz concludes that the Japanese were forced to work at the camps by coercion and oppression, that the United States did not properly create facilities and environments for internees, and that the camps were closer to prisons. Hinnershitz's examination of the poor treatment of Japanese Americans at the camps is

²⁰ Arthur A. Hansen, *Barbed Voices: Oral History, Resistance, and the World War II Japanese American Social Disaster* (Louisville: University Press of Colorado, 2018).

one of the focal points of this dissertation, which supports how World War II affected the relationship between Hawaii and the United States.²¹

Tom Coffman, the most recent author to write about Hawaii's World War II experience in *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America* (2021). Tom Coffman examines the internment of 120,000 people of Japanese ancestry and how most individuals of Japanese ancestry in Hawaii were spared a similar experience. Coffman analyzes how an inclusive community worked to protect the Japanese population from the ground up. Coffman uses United States Government documents to show President Franklin D. Roosevelt's plans for the mass removal of Japanese from Hawaii before the attack on Pearl Harbor and how this rejection led to a community coming together to protect those of Japanese ancestry.²² Coffman's argument is primarily focused on the negative impact of the United States government. It fails to provide proper context how the positive impact that the military command of Hawaii also offered. The dissertation will primarily discuss the treatment of the Japanese in Hawaii, the Civil Rights violations committed, and how the United States military would cite necessity as the primary reason for their actions.

This dissertation looks to expand on the previous research of scholars by analyzing the situation through multiple perspectives, one from the view of civilians, second, from the perception of the Office of the Military Governor in Hawaii, and third, from the view of Washington D.C. and court officials and how those perceptions changed due to the multitude of events.

²¹ Stephanie D. Hinnertshitz, *Japanese American Incarceration: The Camps and Coerced Labor During World War II*, (Philadelphia: University of Pennsylvania Press, 2021).

²² Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021).

Martial Law in Hawaii Historiography

Andrew W. Lind published *Hawaii's Japanese: An Experiment in Democracy* (1946); in his book, Lind set out to answer how the Japanese residents in Hawaii were treated after the attack on Pearl Harbor. Lind examined the situation from the Japanese perspective but fails to provide a balanced approach to his research. Lind was also limited due to the restriction of thousands of military documents, which would not be released for decades after the publication of his book. With that said Lind concludes that though the Japanese were restricted and treated poorly during the war, the Hawaii community attempted to create an inclusive community but failed due to the ensuring that the color of an individual's skin made the difference between the menial jobs and the executive level positions. Lind's conclusion would prove true, at least until the war veterans began returning from college, which will be discussed later.²³

In 1955, J. Gardner Anthony wrote one of the first books regarding martial law in Hawaii, *Hawaii Under Army Rule*. Anthony was an attorney and became the Territory of Hawaii's Attorney General during World War II. He also authored "Martial Law in Hawaii" which was published in *California Law Review* in 1942. Anthony's primary argument was that the Supreme Court case *Milligan* was not substantial enough to allow the military to act without their determinations being submitted to the federal courts for review to ensure the military choices are within the scope of the Constitution. Anthony did justify the initial enactment of martial law and found it reasonable; however, it was no longer justified after the threat of the Japanese subsided.²⁴

²³ Andrew W. Lind, *Hawaii's Japanese: An Experiment in Democracy*, (Princeton: Princeton University, 1946).

²⁴ J. Gardner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955).

Francis Biddle, President Franklin D. Roosevelt's attorney general from 1941 to 1945 wrote *In Brief Authority* (1962). Biddle's book details the events from his selection as attorney general through the Nuremberg trial. A significant portion of Biddle's book was dedicated to the declaration of martial law. Biddle concluded that the Office of the Military Governor acted out of fear, rather than military necessity, that military necessity was a mystic cliché. "Through lack of independent courage and faith in American reality, a superb opportunity was lost by the government in failing to assert the human decencies for which we were fighting."²⁵ Biddle's book lends to the research of this dissertation as a primary source of the actions of the government during World War II in Hawaii.

Another publication that examined the history of martial law came in 1974, with George M. Dennison's "Martial Law: The Development of a Theory of Emergency Powers, 1776-1861," published in *The American Journal of Legal History*. Dennison examines numerous situations when martial law was declared or nearly declared from the creation of the United States to President Lincoln's call for martial law during the Civil War. Dennison analyzed martial law thoroughly up to Chief Justice Taney's examination of martial law in 1849. Taney concluded that state governors declaring martial law had the right to do so to protect the established government and the military authorities acting under that authority were authorized to preserve the government with one exception military agents would be held responsible for any action not justified by the event. Taney also declared that the courts of the state could not declare which form of state government was legitimate, and that question should be handled by the President of the United States and Congress. Dennison concluded that Taney's broad definition allowed for a wide interpretation, with most governments believing it was lawful to establish martial law when

²⁵ Francis Biddle, *In Brief Authority*, (Garden City: Doubleday & Company, 1962), 226.

the government faced any challenges, which Dennison stated, “the advent of domestic conflict simultaneously with war to expand the American empire created the atmosphere in which a dramatic but misleadingly simple transformation in the law of emergency powers could occur.”²⁶ Though Dennison stops here and fails to examine *Ex parte Milligan*; in which the Supreme Court ruled that Lincoln’s imposition of martial law and suspension of habeas corpus was unconstitutional in locations where civil courts were still open. Dennison’s article contributes due to the military command in Hawaii’s broad interpretation of martial law, as noted in previous occasions in U.S. history.

In 2004 and 2007, Stephen I. Vladeck wrote two articles regarding the government’s authority to declare martial law and its emergency power. In 2004 “Emergency Power and the Militia Acts” was published in *Yale Law Journal*. Vladeck’s primary research questions: What are the limits of executive military authority? As both time and scope of power are concerned? Are there any? What role can courts play in such a crisis if they are open? What remedy is there for violations of whatever constitutional mandates still apply? Vladeck concluded that if such a crisis calls for the declaration of martial law, the authority responsible has limits and that Congress must impose those limits on the President.²⁷ In his second article, “The Field Theory: Martial Law, the Suspension Power, and the Insurrection Act,” published in *Temple Law Review*, Vladeck discusses the *Ex parte Merryman*, a heated discussion among constitutional law scholars. Vladeck uses the decisions from *Ex parte Field* and *Ex parte Milligan* in his conclusion, he ultimately decided that the Supreme Court cases have declared that the President may not have the constitutional authority to suspend habeas corpus, that suspending habeas

²⁶ George M. Dennison, “Martial Law: The Development of a Theory of Emergency Powers, 1776-1861,” *The American Journal of Legal History*, 18, No. 1 (January, 1974), 52-79.

²⁷ Stephen I. Vladeck, “Emergency Power and the Militia Acts,” *Yale Law Journal* 114 (Fall 2004): 149-162.

corpus must be an act of Congressional approval. Vladeck states that it is up to the courts to resolve conflicts between the civil government and military. This article supports the Office of the Military Governor in violating the Civil Rights of individuals living in Hawaii.²⁸

Matthew Warshauer in 2006 published *Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties, and Partisanship*. Warshauer focuses on Andrew Jackson's declaration of martial law in New Orleans near the end of the War of 1812. General Jackson, in late 1814, imposed martial law in New Orleans due to suspecting the disloyalties of some of the citizens. During Jackson's time in New Orleans, one of the primary issues was arresting a judge who granted the habeas corpus writ for a Louisiana State Senator who Jackson had previously arrested for making a public complaint in the press. Warshauer concluded that the politicians on both sides of martial law were motivated by using the politics of the situation to advance their political agendas. While General Jackson was essentially vindicated for his actions, it set a precedent for President Lincoln to declare martial law during the Civil War. Warshauer's book lends to the discussion of martial law due to its constitutional legality still being debated today and debated within the context of this dissertation.²⁹

In 2016, Harry N. Scheiber and Jane L. Scheiber co-authored *Bayonets in Paradise: Martial Law in Hawai'i during World War II*. Their book examines and discusses how the United States Military imposed rigid and absolute control of the population of Hawai'i during World War II. The Scheibers analyze martial law and how the military even went as far as to lock down judiciary control of the Hawaii court system. The authors also examine the legal

²⁸ Stephen I. Vladeck, "The Field Theory: Martial Law, the Suspension Power, and the Insurrection Act," *Temple Law Review* 80 (Summer 2007): 391-439.

²⁹ Matthew Warshauer, *Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties, and Partisanship*, (Knoxville: University of Tennessee Press, 2006).

challenges that martial law brought with it, specifically *Duncan v. Kahanamoku*, a case brought to the U.S. Supreme Court in 1946 that ruled that the military usurpation of the civilian government had been illegal. The Scheibers based this book mainly on archival resources. They provided a comprehensive and authoritative study of martial law, which both authors believed had been overlooked or neglected for far too long. Harry and Jane Scheiber's primary argument was the military in Hawaii was in direct conflict with the Constitution of the United States and in contradiction to the opinions of Garner Anthony and Sandra Day O'Connor. Their main question was understanding why the military leadership clung to martial law after it was no longer needed.³⁰ Harry and Jane Scheiber's work directly relates to my dissertation, as they examine martial law in detail, analyzing and comparing it to the modern-day war on terror.

Another book published in 2016, was William C. Banks and Stephen Dycus's *Soldiers on the Home Front: The Domestic Role of the American Military*. Banks and Dycus examine martial law from its framework up to the crisis of 9/11. The two authors analyze due process, martial law, and the principle of necessity. The primary thesis of this book is to answer what the domestic role of the military is, as shaped by constitutional law, and what society needs to learn before the next crisis. The research, while thorough, fails to answer the primary questions it set out to answer; instead, the research leaves the reader with more questions, "Whether a president has inherent constitutional authority, or may be authorized by Congress, to order the military imprisonment of a civilian without charges, perhaps indefinitely, is a question that has not yet been definitively answered by the courts....more than two centuries of experience, appropriate limits on military investigations of civilians are ill-defined and controversial."³¹ Banks and

³⁰ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise: Martial Law in Hawaii during World War II*, (Honolulu: University of Hawaii Press, 2016).

³¹ William C. Banks and Stephen Dycus, *Soldiers on the Home Front: The Domestic Role of the American Military*, (Cambridge: Harvard University Press, 2016).

Dycus, in regard to the Japanese American's experience during World War II, state that the United States focused on fear and racism, not actual threats, which allowed politicians to use soldiers to force their own agenda to intern 120,000 Japanese Americans. The author's examination of martial law shows how convoluted the legal situation is due to the courts not constitutionally defining the laws and regulations.³²

In 2018, John Fabian Witt published "A Lost Theory of American Emergency Constitutionalism," in *Law and History Review*. Similar to Vladeck, Witt examines the emergency powers concerning the necessity of the military. Witt examines how a reasonable person would respond in emergencies. The reasonable person essentially is constructed from the community they represent, its values they have created, and how their decisions and actions are not those of an individual but of the collective. There is a standard of reasonableness when the military calls on the necessity due to an emergency. As such, they have limits on the force they may apply to any given situation; the courts should establish and elaborate on the standard of reasonableness.³³ Witt's examination of military necessity directly relates to this dissertation; numerous times, the Office of the Military Governor and President Roosevelt and his staff would state that the situation called for a specific action due to military necessity, which the Supreme Court would essentially void in the *Duncan* trial. The dissertation fits within this section of historiography due to the impact of martial law; martial law in Hawaii was at first considered a necessity, but as the length of the duration increased, the questioning of the constitutional legality of martial law became the primary focus of debate. The discussion of martial law dates back to the founding of the Constitution and remains a primary issue of constitutional law.

³² Ibid.

³³ John F. Witt, "A Lost Theory of American Emergency Constitutionalism," *Law and History Review* 36 (August 2018): 581-83.

This dissertation hopes to fill the gaps of why the military command in Hawaii decided to prolong the duration of martial law and how elements within the federal government in Hawaii fought to avoid mass evacuation and internment, and how those decisions ultimately affected Hawaii. This dissertation will do this by providing an extensive analysis of the role of the United States government in the lives of Hawaiians before, during, and immediately after World War II. Before the war started, the United States' government began analyzing the "Japanese Problem," which was in reference to the large immigration of Japanese residents in Hawaii and the threat they may possibly pose if war with Japan started. This dissertation examined government documents regarding the procedures and concerns the U.S. government and military had leading up to the war. This examination of the evidence shows why the military chose to respond in the manner they did. This dissertation will cover the gaps of information regarding how the military command in Hawaii attempted to protect the Japanese residents and fought for their rights, while most government officials in Washington D.C., were calling for mass internment. Most historians have focused on the negative treatment of the Japanese on the West Coast, while briefly examining the treatment of the Japanese in Hawaii. The military command in Hawaii ultimately attempted to protect the Japanese from mass internment and evacuation by essentially stonewalling the President of the United States and his staff. There were several sides to the story of Hawaii during World War II, the military command, the civil government, the United States government, and the locals; the goal was to examine each side in detail.

The situation in Hawaii was a delicate situation that caused individuals to fight on all sides, which made the situation more difficult for individuals residing on the islands of Hawaii. Each year at the different archives in Honolulu, additional government documents are released

due to a confidentiality clause, offering new archival resources to address World War II and its effect on Hawaii. Through new archival resources and examining individuals closely, such as FBI Agent Robert Shivers and acting military governors, General Delos Emmons and General Robert Richardson will offer unique insight into their use of martial law and how that effect rippled for years after the war was over with some areas of Hawaii never recovering from the government interference. The United States government wanted mass internment of Japanese residents and the islands completely locked down, calling for the military command in Hawaii to commit numerous civil rights violations. The military command in Hawaii pushed back against the call for mass internment. The military command was not without fault, as they continued to push the limits of martial law, causing the supreme court to later declare most of their decisions as unlawful. Why did the military command in Hawaii push back against the United States government in D.C.? Members of the Office of the Military Governor in Hawaii realized that mass evacuation and internment were not necessary for the safety of the island; the majority of the Japanese living on the island were loyal, hardworking individuals, which was made clear by the investigations conducted by Agent Shivers and the actions of the Morale Section and the Varsity Victory Volunteers.

Methodology

This dissertation will examine and analyze government documents, including military plans of arresting and seizing individuals of Japanese, German, and Italian ancestry before the war, military general orders during martial law, transcripts and notes from court hearings, personal letters, manuscripts, newspapers, speeches, statistics from labor, agriculture, and numerous others, arrest records from the Federal Bureau of Investigation and local police, first-hand accounts of individuals in internment camps and individuals of Japanese ancestry such as

Nikkei, Issei, Nisei, and Kibei, federal funds used for recovery, and local Hawaiian plans for recovery. This methodology will allow a proper examination to complete this civil rights and military history research project. This dissertation was not without issues, numerous government documents reviewed were redacted, and hundreds were pulled to be reviewed by the government in the 1950s through the 1970s and never returned to their depositories. Numerous documents also provided conflicting information; this dissertation will provide all sides of the conflicting story to offer an objective approach to the arguments presented. However, the conflicting information supports the lack of oversight by the United States government of the actions of the military in Hawaii, which directly led to the military in Hawaii poorly handling several situations.

Dissertation Summary

The next chapter will discuss how the United States government had security plans in place for the territory of Hawaii in case of an attack by Japan. The FBI was investigating individuals for espionage and sabotage and creating a list of names; the list would become a detention list of the Japanese residents living in Hawaii. The discussion will continue with the attack on Pearl Harbor, the beginning of martial law, and the initial changes to the civil government and day-to-day life. This chapter supports my dissertation by outlining how the military command in Hawaii and the Roosevelt administration based their initial actions on fear rather than facts. They allowed their emotions to control their behavior. The investigations before the attack on Pearl Harbor concluded that there was zero sabotage or espionage by the Japanese residents living in Hawaii. The government and military's actions did not evaluate the facts; they used an individual's culture as evidence of guilt.

Chapter three will discuss how martial law brought numerous changes to the islands of Hawaii. It will dive into the three-sided political battle between the United States government, the military command in Hawaii, and the civil government of Hawaii. How the military handled martial law, violated civil rights, and implemented general orders that were strange, inconsistent, and impacted families for years. It will also discuss the lives of individuals on the islands during the war, how racism against the Japanese bled over onto the Chinese and Korean populations, how families lost businesses and land due to government actions, how the “military governor” used mail censorship to manipulate stories to keep the islands of Hawaii under military control. The military in Hawaii committed numerous civil rights violations without any oversight from its own government. The Roosevelt administration failed to properly evaluate the actions of the military command in Hawaii, allowing individuals to be abused, threatened, and mistreated.

Chapter four will discuss the determination of Japanese Americans to continue pushing against racism and mass internment. How internment camps affected detainees and their families. How Japanese Americans would receive assistance from certain individuals and organizations within the military command in Hawaii, including the Varsity Victory Volunteers, the Morale Section, and eventually the development of Japanese-American military units, which would help change the perspective of how the United States viewed Japanese Americans because of their service during the war. This chapter shows how the military command in Hawaii protected individuals of Japanese ancestry, by allowing the influence of Agent Shivers, the Morale Section, the Varsity Victory Volunteers, and the Japanese American military units; without these actions of the military command in Hawaii, the relationship between Hawaii and the U.S. government would have been severely impacted.

Chapter five will discuss the termination of martial law, the civil lawsuits against military authority, and how ending martial law did not terminate complete military control. The chapter will examine and analyze Supreme Court decisions and how those decisions impacted Hawaii and the United States government. The chapter will explore life after the war, the failed businesses, destroyed families, seized property, social impact, and how this led to significant disadvantages for those living on the islands. The chapter will discuss how the United States military used internment camps in different jurisdictions to avoid court hearings to keep detainees under their supervision, how the military and civilian courts battled back and forth as well as the numerous civil rights violations committed by the military court system and how they threatened civilian judges to try and maintain control. The United States government failed to intervene early, resulting in false imprisonment and violations of the Civil Rights of hundreds of individuals living on the islands, and for the military to impact the relationship of the Territory of Hawaii and the US Government negatively for years.

The final chapter will discuss government benefits that were never fully provided and how it took the United States until the 1980s to provide actual benefits for the families affected. The chapter will explain how the local Hawaiians and government began reconstructing Hawaii—starting with reinventing their tourism industry with advancements in air travel and market promotion and how the islands rebuilt their agriculture industries. However, they could never reach the same heights as before the war. The chapter will discuss how martial law and World War II ultimately impacted the islands, the years it took Hawaii to recover, and how some families were still affected by the war decades after it ended.

This dissertation hopes to explain how unique and dynamic this research paper is regarding the impact of World War II on the Federal government, which impacted federal

relations with the Hawaiian Islands within a broad cultural context. Past research has been restricted, the release of extensive government documents in recent years has allowed this dissertation to be much more detailed in its examination of evidentiary documents than previous researchers were allowed to access. This material provided the ability to examine the motives of the military, President Roosevelt, the Department of Interior, the Department of Justice, the War Department, the Office of Naval Intelligence, and numerous others in a much more extensive way. The rights afforded to United States citizens were violated, the First Amendment, the right of free speech, the right to assembly, and freedom of religion; the Fourth Amendment, which protects individuals from unreasonable searches and seizures by the US government; the Fifth Amendment, the guarantee to have a fair trial and not be “deprived of life, liberty, or property, without due process of law;” the Sixth Amendment allowing for a public trial, by an impartial jury, informed of the accusation, be able to confront witnesses, and have the assistance of counsel; and the Fourteenth Amendment the equal protection of the laws.³⁴ This dissertation will examine how these rights were violated and the reasons the military and United States government used to justify their actions.

³⁴ U.S. Const. amend. I-XIV, (Washington D.C.: National Archives).

CHAPTER TWO

WAR

On December 7th, 1941, the United States Territory of Hawaii changed forever. Only hours after Japan attacked Pearl Harbor, the territorial governor of Hawaii, Joseph P. Poindexter, issued a proclamation placing the territory of Hawaii under martial law. Poindexter's second act was the suspension of habeas corpus and would request the commanding general of the Hawaiian Department to take control of all government functions, including judicial powers.¹ In a simultaneous proclamation, the commanding general Walter C. Short declared himself "Military Governor" of Hawaii, a title that would cause controversy throughout the period of martial law. General Short's proclamation warned of the stricter controls that would be necessary due to the "imminence of attack by the enemy and the possibility of invasion." A warning of severe punishments for those who disobeyed, stating that those who violated his orders would be "severely punished by military tribunals" or held in custody until a time came when the civil courts of Hawaii were able to function again.² Why was Hawaii placed under martial law? The government regarded martial law as a measure of internal security and a way to deal with the "Japanese Problem," the large population of individuals of Japanese ethnicity feared as a threat that would side with Japan in a time of war.

The "Japanese Problem," as viewed by the United States government, was due to the significant immigration of plantation workers from Asia, first from China, then Japan, and from

¹ "Territory of Hawaii: A Proclamation," December 7, 1941 reprinted in J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford, CA: Stanford University Press, 1955), 127.

² "Proclamation: United States Army," December 7, 1941, reprinted in J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford, CA: Stanford University Press, 1955), 127-128.

the Philippines; the Asian community created a niche for plantation owners as a way to keep their labor costs low. As the Chinese population increased, Hawaiians began to turn their sights toward Japan due to the increasing population of Chinese; by 1884, 18,000 immigrants from China were present on the islands, one-fifth of the island's population. The Hawaiians were concerned about the control the Chinese may try to implement. In response, the Hawaiian Cabinet Council implemented several measures which ended the immigration of plantation workers being contracted from China.³ As mentioned above, Hawaii turned towards Japan as the next source of cheap labor. In 1886 Japanese citizens began arriving on the islands in more significant numbers.⁴ Hawaiians saw a kinship with the Japanese, as the Japanese responded to their immigration by adapting the customs and habits of Hawaiian culture.⁵ The Japanese population began to increase, and with Japan becoming a threat to the United States, the “Japanese problem” was born.

The United States' concern for Japan increased dramatically in 1905 when Japan defeated Russia during the Russo-Japanese War; Japan was able to defeat Russia with an undetected attack force that came by sea. In 1907, the United States War Department began developing plans for war with Japan. The United States War Department's primary concern was Japan gaining a foothold in the Pacific through an invasion of Oahu, in which strategists determined that only 100,000 men would be needed to be successful.⁶ In 1917, military members were concerned with the defense of Hawaii against Japan.

³ Eleanor C. Nordyke and Richard K.C. Lee, “The Chinese in Hawaii: A Historical and Demographic Perspective,” *Hawaiian Journal of History*, 23 (1989): 196-216.

⁴ Ernest K. Wakukawa, *A History of the Japanese People in Hawaii*, (Honolulu: Toyo Shoin, 1938), 4-12.

⁵ “Japanese Immigration,” *Planters Monthly* 7, January 1888.

⁶ Brian Linn, *Guardians of Empire: The U.S. Army and the Pacific*, (Chapel Hill: University of North Carolina Press, 1997), 45.

For the defense of Oahu, the present greatest menace to our security is the large proportion of population of foreign birth and sympathies who are very liable to turn against this country....There are fair hopes for making good citizens of all the white population, but with the Japanese this can probably never be done.⁷

The military was not the only one concerned; in 1921, the Bureau of Investigation, later known as the Federal Bureau of Investigation, was also concerned about the Japanese problem. At the time, a young J. Edgar Hoover, a special assistant to the attorney general, suggested that Military Intelligence and the bureau begin to share intelligence information. By the end of 1921, the Military Intelligence Division (MID), the Bureau of Investigation (FBI), the Hawaii Sugar Plantation Association (HSPA), and the Office of Naval Intelligence (ONI) began providing weekly intelligence reports, most of the primary focus of these reports was the Japanese problem in Hawaii. At this time, the first list of possible detainees was listed, 157 individuals of Japanese descent residing in Hawaii.⁸ In 1929, MID stated the following regarding war with Japan, "In the event of war with Japan all Japanese alien and Hawaii-born, of all ranks, should be considered as enemy aliens."⁹

MID was not the only military department concerned with Japan; in 1921, the army's War Plans Division (WPD) began planning defensive measures for the Hawaiian Islands, including the implementation of martial law. Commander of the army's Hawaii Department, Major General Charles P. Summerall, newly assigned, immediately informed his staff to prepare for war with Japan upon taking command. Summerall believed that the population of Japanese on the Hawaiian Islands would immediately cooperate with the enemy. Therefore, Summerall

⁷ Michael Slackman. *Target: Pearl Harbor*, (Honolulu: University of Hawaii Press, 1990), 35.

⁸ Michael Slackman, *Target: Pearl Harbor*, (Honolulu: University of Hawaii Press, 1990), 36.

⁹ Ibid, 37.

wanted all Japanese leaders immediately arrested if and when war was declared, and martial law implemented. Civilian authorities and government were to fall under the purview of the military.¹⁰

The next decade would only see tensions rise with Japan as Japan began acts of war with China, Manchuria in 1931, and the bombing of Shanghai in 1932. In the same years, racial tensions would also rise on the islands between the haoles and those of Asian ethnicity, the Japanese, Chinese, and even Hawaiians. This tension was caused by two court cases that swept over the islands like a tidal wave. The first trial, a rape in 1931 and a murder in 1932, two separate incidents that were closely related. In the Massie trial, Mrs. Massie, a Caucasian naval officer's wife, alleged that a group of young Hawaiians had raped her. Five native Hawaiians were arrested; however, there was little evidence that the youths had even committed the crime. A jury of mixed raced individuals was unable to reach a verdict. Riots ensued between individuals of color and whites, one of the young Hawaiians during one of the riots was nearly killed due to an assault. The incident continued to develop when Mr. Massie, Mrs. Massie's mother, and two military members decided to become vigilantes and kidnapped one of the five youths involved in the case to get him to confess; during their "interrogation," the youth was killed. The media coverage increased as the four suspects were arrested and found guilty of manslaughter. However, through political pressure by the haole leadership on the islands, Lawrence M. Judd, the territory governor, changed their sentences from ten years in prison to one hour. Japanese and Hawaiians were upset with the unfair treatment since Judd was requested to grant immunity to an American citizen of Japanese descent but refused; the youth, Myles

¹⁰ Charles Summerall, *The Way of Duty, Honor, Country: The Memoir of General Charles Pelot Summerall*. (Lexington: University of Kentucky Press, 2010), 24.

Fukunga, was hung for killing the son of a haole businessman three years earlier.¹¹ This case caused extreme issues of race relations on the islands.

Race relations were further strained one year later, in 1933 when the WPD produced a fifteen-volume report about the threat of the Japanese residents in Hawaii. The WPD concluded, “There are definite indications that the resident Japanese, by peaceful conquest and the use of American methods are creating under the American flag, a situation, which, in the course of time, unless halted will, in fact, produce a Territory Japanese and not American controlled.”¹² This issue grew with rumors that the wives of Japanese immigrants had orders from the Emperor of Japan to give birth to one child per year. This would allow Japanese spies to become American citizens from birth and eventually outnumber Caucasian citizens. Giving Japan control of the United States.¹³

As the United States approached the war in 1936, the President of the United States, President Roosevelt, started relaying orders regarding the detention of the Japanese on the islands; specifically, Japanese Americans who were invited to visit ships of the Japanese navy docked in Hawaii. President Roosevelt relayed the following command to Admiral W.H. Standley, “One obvious thought occurs to me – that every Japanese citizen or non-citizen on the Island of Oahu who meets these Japanese ships or has any connection with their officers or men

¹¹ David E. Stannard, *Honor Killing: How the Infamous “Massie Affair” Transformed Hawaii*, (New York: Viking Press, 2005), 296.

¹² Eric Muller, *American Inquisition: The Hunt for Japanese American Disloyalty in World War II*, (Chapel Hill: University of North Carolina Press, 2007), 18.

¹³ War Relocation Authority, United States Department of the Interior, *Wartime Exile: The Exclusion of the Japanese Americans from the West Coast*. (Washington D.C.: Government Printing Office, 1946).

should be secretly, but directly identified and his or her name placed on a special list of those who would be the first to be placed in a concentration camp in the event of trouble.”¹⁴

In 1937 as discussions continued in Washington D.C. on how to handle the Japanese problem, the idea of martial law was once again brought to the table. Lieutenant Colonel George S. Patton, Patton’s plan was titled “The Initial Seizure of Orange Nationals.” Patton suggested that a total of 128 members of the orange race be taken “hostage,” yes, the actual language of the plan was to take Japanese leaders hostage at the start of the war. Out of the 128 members, ninety-five were Japanese citizens, and thirty-three were American Citizens; they were all prominent leaders in the community. Though Patton’s plan was shelved in 1940 when war did break loose, several elements were used, proclaiming martial law, military commissions to try to arrest individuals, seizing Japanese banks, imposing censorship on the mail, press, and radio broadcasts, and closing Japanese language schools.¹⁵

When war with Japan was considered imminent, 37 percent of Hawaii’s population was of Japanese descent. The population of Japanese made up a considerable portion of the plantation labor force, as well as a large percentage working in Navy shipyards, which was essential to military operations.¹⁶ Of the Nisei, more than 80 percent attended Japanese language schools; by 1940, Japanese language schools had 230 facilities, more than 40,000 students, and more than

¹⁴ FDR Memorandum to Chief of Operations, U.S. Navy, August 10, 1936, President’s Secretary’s File, Box 106, *Franklin D. Roosevelt Papers*, (Franklin D. Roosevelt Library, Hyde Park, NY).

¹⁵ Michael Slackman, “The Orange Race: George S. Patton, Jr.’s Japanese-American Hostage Plan,” *Biography* 7, no. 1 (1984): 1-22.

¹⁶ United States Department of Commerce, Bureau of the Census, “Sixteenth Census of the United States; 1940,” Series P-9, No. 8 and No. 9.

700 teachers. The United States government viewed the facilities as pro-Japanese indoctrination centers and were in place to benefit the Empire of Japan on the Islands.¹⁷

As the war with Japan approached, the Chief of Staff for Military Intelligence was placed in charge of counterintelligence and propaganda to combat subversion and encourage loyalty to the United States among the alien populations.¹⁸ Still being concerned with espionage, in September 1939, President Roosevelt further instructed the FBI and Department of Justice to assume further domestic surveillance and investigations of any suspicions of subversion.¹⁹ J. Edgar Hoover, now the Director of the FBI, personally chose Agent Robert L. Shivers to reestablish the Honolulu FBI office. The Honolulu FBI office first opened in 1931 to provide an initial presence on the islands; it closed in 1934 and was open for a few months in late 1937 and early 1938 before remaining closed until it was reopened in September 1939.²⁰

Agent Robert L. Shivers would become an instrument in protecting the Japanese community in Hawaii and play a significant role in the formation of the famous Japanese military unit, the 442nd. Born in Tennessee, the fifth of ten children, there are conflicting reports for the year he was born, in either 1894 or 1895. By the time agent Shivers arrived in Hawaii, he was roughly forty-five years of age.²¹ Upon arriving in Hawaii, Shivers created strong relationships with the Navy, the Army, local law enforcement, and leaders of the community, many of whom were of Japanese descent and whom he was being charged with investigating.

¹⁷ “Japanese Language Schools in the United States and the Territory of Hawaii,” Report prepared by the Counter-Intelligence Section, Office of Naval Intelligence, February 4, 1942, (National Archives, College Park, MD).

¹⁸ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 28.

¹⁹ President’s Directive of September 6, 1939, reproduced in Federal Bureau of Investigation, “Memorandum on Pearl Harbor Attack and Bureau’s Activities Before and After,” December 6, 1945. AR19, Box 10, Folder 9, (Japanese Cultural Center of Hawaii, Honolulu, HI).

²⁰ “FBI Honolulu History,” Federal Bureau of Investigation.

²¹ Tom Coffman, *Inclusion: How Hawai’i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*. (Honolulu: University of Hawaii Press, 2021), 72.

Robert Shivers stated before coming to Hawaii that he had never personally known anyone of Asian descent. Upon initially arriving on the islands, Shivers and his wife were convinced to provide room and board for a young Japanese-American student, Shizue Kobatake. It was not until after much debate that Shivers and his wife agreed to the arrangement. Although initially hesitant, Shizue quickly became a valuable family member and personally answered many cultural questions that Agent Shivers had.²²

Upon his initial arrival on the islands, Agent Shivers was extremely overwhelmed by work; with limited funding, his unit only consisted of two agents and one stenographer. Despite being initially overwhelmed, Army Intelligence provided him with files on 125 individuals the military required to be investigated.²³ When Shivers first arrived on the islands, he stated in substance that he was under the influence of military intelligence for several months. Shivers believed that the goal of Army Intelligence was mass internment of the Japanese. Shivers later testified that he believed the Army had two lists; list “A” were 700 individuals who should be arrested if war began, and the “B” list was of one thousand individuals who were to be under surveillance.²⁴ Due to this factor, Shivers decided to start from the ground up in his investigation. Shivers began by visiting all the islands and meeting with businessmen, managers, and plantation owners. Shivers was unimpressed with the haole populations, as each account was subjective, “The information about the Japanese populace because there had been very little intercourse

²² Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradis*, (Mānoa Valley: University of Hawaii Press, 2016), 22.

²³ Federal Bureau of Investigation, Memorandum, Attack on Pearl Harbor, vol. 1 as quoted in Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 68-69.

²⁴ Report of the Commission Appointed by the President of the United States to Investigate and Report the Facts Relating to the Attack Made by Japanese Armed Forces Upon Pearl Harbor in the Territory of Hawaii on December 7, 1941, “Attack Upon Pearl Harbor by Japanese Armed Forces,” January 23, 1942, (Honolulu, HI: Pearl Harbor Archives).

between the two.” During his meetings with the haole population, Shivers asked each individual if they could provide a list of trusted Japanese individuals. Each individual was not confident in their suggestions until Shivers met Charles Hemenway, who asked Shivers how many trusted individuals he needed. Hemenway stated he could provide five hundred. Shivers asked for only six; Hemenway responded, “I’ll introduce you to six Americans who are just as loyal as anyone of us here.”²⁵

The six Japanese Americans became an integral part of the defense against the mass internment of the Japanese population of Hawaii. The six members chosen from the Nisei population by Charles Hemenway would become the Morale Section after the attack on Pearl Harbor. The six members were Shigeo Yoshida, Clifton Yamamoto, Masatoshi Katagiri, Jack Wakayama, Shunzo Sakamaki, and Thomas Kurihara. When Shivers first met with the Morale Section, he told them, “We do not need a counterespionage organization. What we do need is information and considered opinion from well-informed, absolutely loyal Americans. I want you to talk with me, freely and frankly, about every aspect of life among the Japanese here.”²⁶

Shivers investigated the Japanese community with transparency. Then dove into the community, making friends and acquaintances of Asian and Hawaiian descent, and found other Caucasians who believed in not judging an individual until you knew them. Shivers said, “To a large extent the average haole does not know the Japanese psychology.” Shivers further stated, “He does not know the Japanese mind, and for that reason he (does) not know what was going on

²⁵ Blake Clark, *Hawaii: The 49th State*, (New York: Doubleday and Company, 1947), 118.

²⁶ Ibid, 120.

within the inner circle of the Japanese community.”²⁷ Nearly every member of the Moral Section took it upon themselves to create other groups, such as the Council for Interracial Unity.

The Moral Section broke down eight steps of unity through inclusion and participation:

Step one: Hawai’i has something unique and worthwhile to preserve in the way of human relationships. Recognizing this was the first step.

Step two: Accept the idea that a united citizenry is essential to our national defense.

Step three: Have faith in the American way of life and be willing to protect it.

Step four: Have respect and trust for authority, confident that they will treat everyone with equal fairness.

Step five: the people must overcome fear.....fear on the part of the nationals of those countries with which we might become involved in a war that they will be mistreated and persecuted, and fear on the part of the rest of the people that these particular aliens might actively assist our enemies.

Step six: Take personal responsibility for making Hawai’i strong militarily in the face of an outside threat. This extended to aliens ‘who must accept the fact that they owe a certain obligation to the land in which they are now living and that

²⁷ Report of the Commission Appointed by the President of the United States to Investigate and Report the Facts Relating to the Attack Made by Japanese Armed Forces Upon Pearl Harbor in the Territory of Hawaii on December 7, 1941, “Attack Upon Pearl Harbor by Japanese Armed Forces,” January 23, 1942, (Honolulu, HI: Pearl Harbor Archives).

they will be protected and allowed to enjoy all normal privileges only as long as they obey our laws and conduct themselves constructively.

Step seven: People must 'be willing to give every loyal citizen, regardless of race, a place in the scheme of national defense.

Step eight: Loyalty was influenced by how people were treated; it did not exist in a vacuum. 'remember,' Yoshida wrote, that loyalty grows only when it is given a chance to grow. It does not flourish in an atmosphere of suspicion, discrimination, and denial of opportunities to practice their loyalty.²⁸

These steps were put in place to assist the Japanese community with displaying acts of loyalty and inclusiveness. Bringing them out of the shadows of their isolation and show the United States government that they could be trusted and valuable members of their community. To allow the local military command to see an atmosphere of individuals that could be loyal and trustworthy.

As Shivers made contacts and set up plans to investigate, the FBI was short on funds. Shivers lacked the proper staffing and language skills to conduct a proper investigation. Shivers turned to the Honolulu Police Department to form their espionage unit in December of 1940. Police Chief William A. Gabrielson, who supported the Nisei community, agreed. Chief Gabrielson assigned John A. Burns as the unit director; Burns' unit engaged in undercover operations and advised both Shivers and military intelligence.²⁹ Burns was highly supportive of

²⁸ Memorandum dated December 22, 1941 as quoted in Tom Coffman. *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 81.

²⁹ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 23.

the Japanese community and did not share the anti-Japanese sentiment of many other government officials. He believed the Japanese community was already being mistreated; Japanese individuals who had come to Hawaii to work on the plantations were ineligible to be United States citizens. Burns believed that the Japanese “were just as good Americans, they tried to be, and we were the ones that were not being fair.”³⁰ In November 1941, Burns wrote an editorial in the *Honolulu Star-Bulletin*, defended the Nisei community by stating they were “good, law-abiding citizens,” and pointed to the complete lack of evidence showing any Japanese disloyalty.³¹

In November 1940, the FBI issued a memorandum on the Japanese community in Hawaii. The FBI denied the accusations by the United States military that a very high percentage of the Japanese population could not be trusted and would become disloyal in the event of war. The FBI further stated that in the event of war, about one thousand consular agents, Japanese school teachers, and Buddhist and Shinto Priests were the threat and would need to be interned in the event of war.³² The FBI believed that by interning most of the Japanese leaders, the rest of the Japanese would fall in line with American loyalty, especially the Japanese who had lived on the islands for many years or were born in Hawaii. Taking away their leadership would take away any motivation for acts of espionage.³³

Given the movement of anti-Japanese American attitudes in Washington D.C., General Herron made a public statement in *Collier's Weekly Magazine*, “The Army is not worried about

³⁰ John A. Burns as quoted in Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*. (Mānoa Valley: University of Hawaii Press, 2016), 24.

³¹ *Honolulu Star-Bulletin*. November 1941. Honolulu, HI: Hawaii State Library. (Microfilm).

³² “Federal Bureau of Investigation, Memorandum, November 15, 1940, FBI Records 65-286-61” Reported in Commission on Wartime Relocation and Internment of Civilians Papers.

³³ Ibid.

the Japanese in Hawaii. Among them there may be a small hostile alien group, but we can handle the situation....It seems people who know least about Hawaii and live farthest away are most disturbed over this matter. People who know the Islands are not worried about possible sabotage. I say this sincerely after my years of service here. I am sold on the patriotism and Americanization of the Hawaiian people as a whole.”³⁴

As the attack on Pearl Harbor approached, and war looked to be on the horizon, anti-Japanese sentiment continued to rise and became much more publicized in late 1940 and early 1941. The *New York Post* reported that the United States defense’s Achilles’ heel was Hawaii due to the high percentage of Japanese residents.³⁵ Japanese rumors persisted in Congress as well; in August 1940, Indiana Representative William Schulte was reported in the *Honolulu Advertiser* as having evidence of a large group in Hawaii engaged in fifth-column activities.³⁶ Iowa Senator Guy Gillette accused the Japanese the following year of recruiting 50,000 Nisei in Hawaii.³⁷ Though this was never proven, no evidence was found that Nisei in Hawaii or on the mainland were being recruited. However, this did not stop the rumor from rapidly spreading.³⁸

More events would cause racial tension; in August of 1941, Japan refused to let an American ship enter the port to pick up United States citizens attempting to leave the country. The Representative of Michigan, John D. Dingell, called on the United States government to detain 10,000 alien Japanese and place them in concentration camps as a reply.³⁹ In October of 1941, Senator Gillette would return with more statements and suggestions, the primary one

³⁴ *Collier’s Weekly Magazin*, October 19, 1940.

³⁵ *Honolulu Advertiser*, October 10, 1940.

³⁶ *Honolulu Advertiser*, August 6, 1940.

³⁷ Greg Robinson, *A Tragedy of Democracy: Japanese Confinement in North America*, (New York: Columbia University Press, 2009), 53.

³⁸ United States Military Pamphlet, “Japanese Americans Play Vital Role in United States Intelligence Service in World War II,” (Government Printing Office, 1946).

³⁹ *Honolulu Star-Bulletin*, August 18, 1941.

asking the United States government to investigate the extent of Axis powers organizing alien residents on the west coast and Hawaii.⁴⁰

February 1941, with the continued fear of the Japanese population, the Hawaii Defense Act of 1941, better known as the “M-Day Bill,” was drafted and submitted to legislation for approval. The M-Day Bill gave the governor of Hawaii unprecedented powers without requiring civil deliberation. Governor Poindexter received strong opposition and the legislature adjourned with an adjudication.⁴¹

With all the racial prejudice in the United States, a local and prominent Hawaiian would stand up and speak out against racism. Hawaiian Delegate Samuel King, though given the prejudiced moniker of “Sampan Sam” by the *Hawaii Sentinel*, did not stop King from speaking up.⁴² Samuel King wrote to Representative Carl Vinson, “The people as a whole are intensely patriotic and completely accept the obligations of their American citizenship. This is true of our citizens of Japanese ancestry as it is of all other racial groups.”⁴³ With the growing racial issues, King sought additional statements from other senior representatives and state officials and asked them to reassure the Japanese population that they would be treated humanely and fairly in the event of war. Though many declined, Attorney General Francis Biddle spoke up and stated, “It would be a tragic blunder, as well as an unforgivable injustice, to assume that foreign birth means lack of loyalty to America...I am convinced that the overwhelming number of resident aliens and naturalized citizens are loyal Americans.”⁴⁴ As well Secretary Harold Ickes from the

⁴⁰ Ibid, October 15, 1941.

⁴¹ J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 1-4.

⁴² Hawaii Sentinel. Editorial clipping of August 8, 1941, *Kings Papers*, (Honolulu, HI: Hawaii State Archives).

⁴³ “King to Honorable Carl Vinson” July 17, 1941, *Kings Papers*, (Honolulu, HI: Hawaii State Archives).

⁴⁴ “Cordell Hull to Samuel King” September 10, 1941, *King Papers*, (Honolulu, HI: Hawaii State Archives).

Department of the Interior provided the following statement that was released to the public in Hawaii:

I consider it a serious injustice to assume that these persons, although of foreign birth and ineligible for citizenship, are therefore disloyal to our government. On the contrary, the fact that they have established their home in the islands and have accepted the protection of our laws, is a strong indication that they are devoted to the ideals of this country.⁴⁵

This statement provided by Secretary Ickes provided support for King's quest to create a positive view of the Japanese living within Hawaii. Numerous statements made by government officials in Washington D.C. and the military in Hawaii were creating a narrative that is a Japanese alien alone was a trait of disloyalty. Negative views were providing support to the rumors of fifth-column activity prior to the attack on Pearl Harbor.

Agent Robert Shivers also publicly spoke about Japanese loyalty and treating the Japanese fairly in any investigation, even in the event of war. "We guarantee to every person who conducts himself in a proper, law-abiding manner that he will not be molested, persecuted, or prosecuted."⁴⁶

Though these statements may have lessened some fears, they did not quell all of them. General Walter Short continued to fear sabotage by the population of Japanese in Hawaii. He made one of the tactical blunders of Pearl Harbor; he ordered that all planes should be bunched together to keep a close eye on them. However, this would provide an easy target for Japanese

⁴⁵ "Ickes to King" October 13, 1941, *King Papers*, (Honolulu, HI: Hawaii State Archives).

⁴⁶ *Honolulu Star-Bulletin*, November 1, 1941.

bombers during the attack on Pearl Harbor. He said, “so that they (the planes) might be carefully guarded against possible subversive action by Japanese agents.”⁴⁷

With the anticipation of war with Japan, Governor Poindexter called a special session to once again review the M-Day Bill on September 15, 1941. His address to the legislature was very well-spoken:

That we will be drawn into actual hostilities is an apprehension which all of us share, but which we must face with courage and determination. That our cities may be bombed... are possibilities which may be deplored, but which must be vigorously prepared for...I recommend the enactment of a measure which make suitable and adequate provision for the immediate and comprehensive designation and delegation of powers which under normal times would be unnecessary in a democratic form of government.⁴⁸

The local government was hearing rumors from the military that the main concern was acts of espionage and sabotage by local Japanese. This led them to consider the M-Day Bill as a solution to a possible problem. The issue, though, the problem did not exist, the FBI had been investigating espionage and sabotage rumors, and not a single issue was ever confirmed. This act of considering the M-Day Bill made the situation in Hawaii much harder to control, due to the M-Day Bill allowing the governor to make critical decisions without civil deliberation.

Two days after, on September 17, 1941, Lieutenant General Walter C. Short also testified and gave the following statement to the Senate of Hawaii:

⁴⁷ W.F. Craven and J.L. Cate, *The Army Air Forces during World War II, vol. 1: Plans and Early Operations, January 1939-August 1943*, (Chicago: University of Chicago Press, 1948), 194.

⁴⁸ J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 4.

Many of these things can be done better by the civil authorities than by the military authorities, even after we possess the necessary powers to execute them. Many of them even after the declaration of martial law the military authorities would call on the civil authorities to perform. The proper action at this time might do much to delay or even render unnecessary to declaration of martial law...

The essential legislation to provide this protection is entirely a function of the government and the legislature. The military authorities have no place in such action. If we tried to prescribe action we would be invading public affairs of the civil authorities.⁴⁹

This statement was in complete contradiction to General Short's behavior following the attack on Pearl Harbor; General Short told Governor Poindexter that the civilian government would not be able to handle the situation, calling on the military to interfere with all aspects of civil government.

Less than one month later, the Hawaii Defense Act passed both houses and was signed into law on October 3, 1941. The bill was opposed by Governor Poindexter and Delegate Samuel King, who believed it went against the residents of Hawaii.⁵⁰ This bill would give the governor the power of a dictator in the case of a military emergency. The bill would only provide minimal protection for individual rights.⁵¹ The M-Day Bill would

⁴⁹ Ibid, 4-5.

⁵⁰ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 27-28.

⁵¹ Laws of the Territory of Hawaii Passed by Twenty-First Legislature, Special Session 1941, (New York, NY: Law Library Microform Consortium).

become known as a mistake for the Hawaiian Islands and a tool of manipulation for General Short to use against Governor Poindexter, which will be discussed later.

In December 1941, President Roosevelt's level of concern continued to rise about the possibility of Japanese sabotage; his concern was so high that the President no longer wanted to rely on FBI and military intelligence. President Roosevelt hired his advisor, John Franklin Carter, to perform a secret study on the Japanese community in Hawaii and the West Coast. For his role, knowing he did not have the expertise to conduct such an investigation, Carter handpicked Curtis B. Munson, a businessman from Michigan. Munson opposed concentration camps and reported that much of the Japanese population was not a threat and that many would jump at the chance to become American citizens. After spending nine days in Hawaii, with the full cooperation of the Army, Navy, and FBI, Munson reported the following:

The consensus opinion is that there will be no racial uprising of the Japanese in Honolulu. The first generation, as on the Coast, are ideological and culturally closest to Japan. Though many of them speak no English, or at best only pigeon-English, it is considered that the big bulk of them will be loyal. This is especially so, for in Hawaii the first generation is largely on the land and devoted to it...The second generation is estimated as approximately ninety-eight percent loyal. However, with the large Japanese population in the Hawaiian Islands, giving this is the best interpretation possible, it would mean that fifteen hundred were disloyal. However, the F.B.I. state that there are only about four hundred suspects, and the F.B.I.'s private estimate is that only fifty or sixty of these are sinister.⁵²

⁵² Curtis B. Munson, "Report on Hawaiian Islands," December 8, 1941, Carter File, (Hyde Park, NY, Franklin D. Roosevelt Library).

Munson's report did not ease President Roosevelt's fears; this is partly blamed on Carter, who emphasized the dangerous 2% rather than emphasizing the loyalty of the 98%. By December 1, 1941, the plans and processes had been completed to detain Japanese, German, and Italian aliens in Hawaii.⁵³ This plan was outlined in a memorandum written by FBI agent Shivers, outlining how the three intelligence agencies would work together.

Since there are over 41,000 Japanese aliens in the Territory of Hawaii, it is obvious that the War Department would not and could not seize approximately a tenth of the population of the Hawaiian Islands...Furthermore, there are approximately 115,000 American citizens of Japanese ancestry...Therefore the seizure of Japanese aliens in Hawaii is a matter of selectivity. This has been gone over carefully and thoroughly with representative of Military Intelligence and it is the considered opinion of this office and the Office of Military Intelligence in Hawaii that if the leadership of the Japanese alien population is seized, that, of itself will break the backbone of any Japanese alien resistance or organized attempt at interference... The Japanese alien, without leadership can not and will not operate effectively against the internal security of these islands. Those aliens who have been listed for custodial detention...by reason of their extreme nationalistic sentiments would be a danger to our security as well as others who have seen Japanese military service...

The progressive stages outline in my letter of November 22, with respect to the Japanese alien populace, are an intelligent approach to the situation and are

⁵³ Michi N. Weglyn, *Years of Infamy: The Untold Story of America's Concentration Camps*, (Seattle: University of Washington Press, 1996), 49.

calculated to obtain maximum results with minimum disturbance in the civil community. It is further calculated to preserve and maintain the respect of the alien populace in the constituted authorities and to maintain the loyalty of the vast majority of the second and third generation Japanese without alienating ~~their~~ [“other” penciled in] group.⁵⁴

The focus of this memorandum was to help the United States to try and determine the loyalty of Japanese living in Hawaii, whether they were citizens or aliens. Anytime a nation is at war, the government must be able to determine whom it can trust. Which is the only way for a nation to protect itself at home when its military is fighting a war on foreign soil. Though as the evidence will show, it was later determined that the United States government had mishandled the situation.

On the eve of the attack on Pearl Harbor, the policies and laws were in place, the actual proclamations for the governor, and a proclamation for General Short. Colonel Green also had prepared several general orders to be published in case of military emergency and martial law.

THE ATTACK ON PEARL HARBOR

During the early morning of December 7, 1941, at 3:42 am, the United States would get their first sighting of a Japanese vessel, a minesweeper *Condor*, sighted a Japanese midget submarine. Though military personnel would search for the sub, a second sighting would not occur until 6:30 am, and a repair ship, *Antares*, would make the second sighting in the Honolulu Harbor. The Destroyer *Ward* would attack the intruder, and without knowing, they fired the first

⁵⁴ Federal Bureau of Investigation, Memorandum, R.L. Shivers, Special Agent in Charge to FBI Director Hoover, December 4, 1941, “Internal Security. Custodial Detention List – Japanese, German and Italian Aliens,” FBI File No. 100-2-20.

American shots of World War II. The information was transmitted to Naval headquarters at 6:51 am and was followed by a second message at 6:53 am. Unfortunately, false reports of submarines were common; Rear Admiral Kimmel, who received the message, asked for confirmation.⁵⁵

Concurrently, two Army privates were finishing a shift at an isolated radar station when the radar screen was covered in incoming planes. They were delayed submitting their transmission due to being off duty, but at 7:20 am decided to report their radar findings, nearly twenty minutes after their first observation. The report was made to a Lieutenant who assumed it was a group of B-17s returning from the mainland, which he had been earlier informed about. These planes were not the B-17s but were 360 Japanese planes launched from Japanese carriers in three separate waves.⁵⁶

At 7:57 am, the first Japanese planes would attack the Marine Corps Air Station at Ewa, destroying forty-nine planes and rendering the remaining sixteen too damaged to deploy. Two minutes later, at 7:59 am, Japanese bombers attacked battleship row, Hickam Field, Kaneohe Naval Air Station, and seven minutes later, Wheeler Field. “The battleships in the harbor underwent a sustained assault. Within 30 minutes torpedo planes made four separate attacks and diver bombers eight. A lull from 8:25 to 8:40 was followed by a half-hour of dive bombing and horizontal bombing attacks which continued until 9:45.”⁵⁷

The attack on Pearl Harbor took the lives of 2,403 individuals, 2,008 Navy, 109 Marines, 218 Army, and 68 civilians. Nineteen U.S. Navy ships, including eight battleships were

⁵⁵ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 13-14.

⁵⁶ Ibid, 14-15.

⁵⁷ Ibid, 15.

destroyed or damaged during the attack. Another 1,178 individuals were wounded, 710 Navy, 364 Army, 69 Marines, and 35 Civilians, bringing the total casualties at Pearl Harbor to 3,581.⁵⁸ The attack on Pearl Harbor was only the beginning of an extreme hardship that would soon be announced.

MARTIAL LAW

By 11:30 am, the governor of Hawaii had invoked the M-Day Act, and four hours after the M-Day Act was invoked, the Territory of Hawaii was under martial law. Who exactly invoked martial law? According to Governor Poindexter, General Walter Short arrived at his office immediately after the Japanese attack on Pearl Harbor had ended and informed the governor that to keep the islands safe and secure, martial law needed to be declared and the writ of habeas corpus would need to be suspended.⁵⁹ According to acting Attorney General Ernest Kai, who was also present at the meeting, General Short stated to Poindexter that he expected the Japanese to invade Oahu in a matter of hours and had persuaded Poindexter that martial law was necessary that the M-Day Act alone would not be sufficient.⁶⁰ At 12:40 pm, Governor Poindexter called President Roosevelt; according to the diary of Secretary of the Territory Charles Hite, who listened to the phone calls made by the governor on December 7, 1941, Governor Poindexter informed the President of the extent of the damage and also informed the President that General Short had asked for martial law to be invoked and asked the President for his advice, the President approved of martial law being declared.

⁵⁸ “Remember Pearl Harbor: A Pearl Harbor Fact Sheet,” (New Orleans, LA: The National WWII Museum).

⁵⁹ Memorandum from Benjamin Thoron to Harold Ickes, May 12, 1942, Secretary of the Interior Records. Record Group 48, (Washington D.C. National Archives).

⁶⁰ Testimony, Federal District Court, December 12, 1950 reported in the *Chicago Daily Tribune*.

Operator most difficult to handle, persisted in cutting short the talk, kept interrupting. Gov. managed to inform President Japs had attacked and about fifty civilians killed. Badly needed food and planes. Roosevelt marvelous – said would send ships with food and planes had already ordered. Gov. said Short had asked for martial law and he thought he should invoke it. President replied he approved. Gov. said main danger from local japs.⁶¹

Feeling the need to ask for more advice after speaking with the President, at 1:00 pm, Governor Poindexter contacted Agent Shivers to ask if martial law should be declared; Shivers agreed that martial law should be declared.⁶² According to Governor Poindexter, he had been reluctant to declare martial law. Still, the governor felt compelled by General Short's persistence and determination. Still, given more time to properly study the attack and the information he received, he would have never declared martial law. He also believed that General Short had lied to him, stating that General Short wanted absolute power; however, he had promised Poindexter that as soon as the danger of invasion was no longer present, he would give the civilian authority a partial restoration of power.⁶³ Harold Ickes, the Secretary of the Interior, also stated in a letter sent to Secretary of War Henry Stimson that Governor Poindexter personally told him that he felt coerced by General Short.⁶⁴

General Short and the Army stated that no such agreement or coercion occurred.

Governor Poindexter had fully agreed and was willing to transfer power to the military because

⁶¹ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 37-38

⁶² Federal Bureau of Investigation, "Memorandum on Pearl Harbor Attack and Bureau's Activities Before and After," December 6, 1945, vol 1, 212, Folder FBI-L, (Honolulu, HI: Japanese Internment and Relocation Files).

⁶³ Scheiber, Harry N & Scheiber, Jane L, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 39-40.

⁶⁴ "Harold Ickes to Henry Stimson," August 16, 1942, Assistant Secretary of War Files, War Department Records, (Washington D.C.: National Archives).

he believed the situation was beyond himself and the civilian authorities.⁶⁵ The disagreement between the military and civil authorities regarding martial law would be a highly debated item throughout the war, even as both Short and Poindexter were replaced.

The disagreements would come later; on December 7 at 3:30 pm, martial law was declared and habeas corpus was suspended. Governor Poindexter would state the following in his proclamation:

WHEREAS, it is provided by Section 67 of the Organic Act of the Territory of Hawaii, approved April 30, 1890, that whenever it becomes necessary, the Governor of that territory may call upon the commander of the military forces of the United States in that territory to prevent invasion.....NOW, THEREFORE, I, J.B. POINDEXTER, Governor of the Territory of Hawaii, do hereby announce that, pursuant to said section, I have called upon the Commanding General, Hawaiian Department to prevent such invasion; And, pursuant to the same section I do hereby suspend the privilege of the writ of habeas corpus until further notice; And, pursuant to the same section, I do hereby place the said territory under martial law; And I do hereby authorize and request the Commanding General, Hawaii Department, during the present emergency and until the danger of invasion is removed, to exercise all the powers normally exercised by me as Governor.⁶⁶

⁶⁵ Thomas H. Green, "Martial Law in Hawaii, December 7, 1941 – April 4, 1943, (Washington D.C.: Library of Congress), 35.

⁶⁶ "Territory of Hawaii A Proclamation," December 7, 1941, Governor J.B. Poindexter. (Washington D.C.: Library of Congress).

Meanwhile, at the same time, General Short released his proclamation and accepted the governor's request:

I announce to the people of Hawaii, that, in compliance with the above requests (he outlined the governor's proclamation) of the Governor of Hawaii, I have this day assumed the position of military governor of Hawaii, and have taken charge of the government of the Territory, of the preservation of order therein, and of putting these islands in a proper state of defense.⁶⁷

The President of the United States responded on December 9, 1941, to Governor Poindexter and stated, "YOUR TELEGRAM OF DECEMBER SEVENTH RECEIVED AND YOUR ACTION IN SUSPENDING THE WRIT OF HABEAS CORPUS AND PLACING THE TERRITORY OF HAWAII UNDER MARTIAL LAW IN ACCORDANCE WITH USC TITLE 48 SECTION 532 HAS MY APPROVAL."⁶⁸

Governor Poindexter's transfer of powers of the civilian government to the military allowed an institution of military government, General Short declaring himself "Military Governor," the first and only time this title has been used on domestic soil; all other accounts were used in conquered or rebellious territories. Later accounts would determine that martial law and the military government were illegal; however, at the time, it was considered a necessary step to keep the Territory of Hawaii safe and civil. In a short time, the military government quickly closed civilian courts and began issuing rules under the name of general orders. General

⁶⁷ "Proclamation United States Army," December 7, 1941, Military Governor Walter C. Short. (Washington D.C.: Library of Congress).

⁶⁸ President Roosevelt to Governor Poindexter, Telegram, December 9, 1941, (Washington D.C.: Library of Congress).

order two required all saloons and establishments selling alcohol to close.⁶⁹ General order four gave military provost courts the authority to “try and determine involving an offense committed against the laws of the United States, the laws of the Territory of Hawaii or the rules, regulations, orders or policies of the Military authorities.”⁷⁰ General order six closed all schools until further notice.⁷¹

No time in the history of the United States had martial law been declared, a military governor announced, U.S. citizens detained, tried without trials, and had their civil rights violated. The only previous times that the title of “Military Governor” had been used were in conquered or rebellious territories. Hawaii was not a conquered land; it was not rebellious. The initial announcement of martial law may have been merited, but as the weeks went by, Hawaii was not under any severe attacks or threats. The west coast, which was also dealing with the fallout of the attack on Pearl Harbor had also prepared for a possible attack and had not announced martial law or declared any general orders. The initial response was unprecedented and the continued declaration of martial law would face years of legal challenges.

PLACING BLAME

Though Military Governor Short influenced Governor Poindexter to transfer his powers, General Short believed that building a trusting relationship with the Japanese in Hawaii was essential. He assisted Agent Shivers and helped the government by guiding it away from prosecuting the representatives of Japan’s consulate. He helped rally the community, supported

⁶⁹ Territory of Hawaii, Office of the Military Governor, General Order No. 2, December 7, 1941, (Honolulu, HI: Hawaii State Archives).

⁷⁰ Territory of Hawaii, Office of the Military Governor, General Order No. 4, December 7, 1941, (Honolulu, HI: Hawaii State Archives).

⁷¹ Territory of Hawaii, Office of the Military Governor, General Order No. 6, December 8, 1941, (Honolulu, HI: Hawaii State Archives).

Nisei draftees, and wanted the Army to visualize a long-term goal and relationship with the Japanese community in Hawaii. These positive influences were destroyed and forgotten on December 7. The attack on Pearl Harbor led to a blame game; Admiral Husband Kimmel and General Short were the two leaders whose lack of preparedness led to the devastating attack. Ten days after the attack, General Short was removed as the commander of the Hawaiian Army Department and as military governor and replaced by General Delos C. Emmons, who arrived on December 16, 1941.⁷² Arriving just before General Emmons was Secretary of the Navy Frank Knox, who, after touring Hawaii, announced that the Japanese population in Hawaii was the cause of the success of the attack and told President Roosevelt that all Japanese aliens should be detained and incarcerated, President Roosevelt privately agreed,⁷³ this will be further discussed later.

This was not the first non-factual statement given by Secretary Knox; three days before the attack on Pearl Harbor, Knox stated: “I want you to know that no matter what happens, the United States Navy is ready! Every man is at his post, every ship is at its station... Whatever happens, the navy is not going to be caught napping.” Knox continued, “The Pacific Fleet, always within a few minutes of clearing for action... We’re kept pretty well informed where they are (The Japanese) and what they’re up to... In the continental United States, there may be some doubt about our readiness to fight, but none exists in Hawaii.”⁷⁴

⁷² Coffman, Tom, *Inclusion: How Hawai’i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 127-128.

⁷³ Stetson Conn, Rose C. Engelman, & Bryon Fairchild, *Guarding the United States and Its Outposts*, (Honolulu: Pacific University Press, 2002), 208.

⁷⁴ Thurston Clarke, *Pearl Harbor Ghosts: A Journey to Hawaii Then and Now*, (New York: William Morrow Publishing), 119.

The political solution to point fingers and tell stories of Japanese American espionage and sabotage became the routine solution to any questions regarding the success of the Japanese attack. This racism and prejudice set the stage for the arrests, detainment, and removal of the Japanese. An argument can be made that the implementation of martial law and the treatment of Japanese Americans was the most deliberate attack on the United States Constitution. Supreme Court cases which will be discussed in chapter 4, provide foundational evidence as to why the treatment of Japanese Americans was a violation of the United States Constitution.⁷⁵

Days before the attack, as previously discussed, the military was more prepared for sabotage and espionage than they were for an actual attack from the Japanese military. Samuel Lindley observed as he was walking in Honolulu about a week before the attack on Pearl Harbor that the machine guns that were mounted by the railroad terminal were not facing the ocean, “they were facing the street, where they figured Japanese in Hawai’i might attack the railroad station. And also, there were machine guns set up in the tower of Kawaiaha’o Church. Where the clock is, there were machine guns facing along King Street, in case there was some kind of local insurrection, I suppose.”⁷⁶

On December 7, after the Japanese attacked Pearl Harbor, President Roosevelt began implementing his proclamations, the first being Presidential Proclamation Number 2525, which stated that “all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies.” The proclamation further declared, “all natives, citizens, denizens or subjects of

⁷⁵ *Duncan v. Kahanamoku*, 327 U.S. 304 (1946) and *White v. Steer*, 327 U.S. 304 (1946).

⁷⁶ “Interview with Sam Lindley,” *An Era of Change: Oral Histories of Civilians in World War II Hawai’i* (Honolulu, HI: University of Hawai’i at Manoa, Hamilton Library).

Empire of Japan...within the United States or within any territories....under such sections of the United States Code are termed alien enemies.”⁷⁷ The proclamation allowed for the detainment, detention, and relocation of alien enemies, which included all Japanese individuals, regardless of their citizenship status. On the West Coast, it allowed for all Japanese individuals to be removed from military areas due to national security. In Hawaii, it allowed for any “selected” Japanese to be removed and detained.

Orders were also issued in the Territory of Hawaii to locate all enemy alien Japanese who were previously listed on the FBI’s custodial detention records and were to be arrested and interned.⁷⁸ The FBI moved quickly, with the assistance of the Army, to begin detaining suspects. Priests, teachers, consular agents, Issei fishermen, and other leaders.⁷⁹

Yasutaro Soga tells his personal story in *Life Behind Barbed Wire: The World War II Internment Memoirs of a Hawai’i Issei*. Soga was the editor of a Japanese-language newspaper, *Nippu Jiji*. On the evening of December 7, his son Shigeo answered the door of three military police officers. “They said they were taking me to the Immigration Office. I immediately answered, ‘All right,’ and went to the bedroom to get a vest.”⁸⁰ The MPs kept Soga in their sight and barged into his room, following him. He was placed in the back seat of a vehicle, with two MPs in the front seats and one beside Soga, who observed that the MP kept his hand on his pistol throughout the entire drive. After Soga was transported to the immigration office, he was taken to an underground room and was forced into a room with 164 other Japanese, where he barely

⁷⁷ Presidential Proclamation No. 2525, President Franklin D. Roosevelt, (College Park, MD, National Archives).

⁷⁸ R.L. Shivers to Director, Federal Bureau of Investigation, “Custodial Detention and Apprehension of Japanese, German and Italian Aliens and Citizens of Those Races,” December 17, 1941, (Honolulu, HI: Japanese Cultural Center of Hawaii).

⁷⁹ Gwenfread Allen, *Hawaii’s War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 39.

⁸⁰ Yasutaro Soga, *Life Behind Barbed Wire: The World War II Internment Memoirs of a Hawai’i Issei*, Honolulu: University of Hawaii Press, 2007, 25.

had room to stand. Like many other Japanese internees, their families were not made aware of where they were sent. After being held for six months at Sand Island, Oahu, Soga was transferred to different camps in Lordsburg and Santa Fe, New Mexico. Soga would spend under four years in custody before returning to Hawaii in the months following the war's end.⁸¹

Individuals were being arrested without charges and were not being allowed to inform their families; they were being arrested immediately after answering their doors. One family had just begun to eat their dinner, and when a knock was heard at the door, Reverend Goki Tatsuguchi, a priest at Shinshu Kyokai Mission, got up to answer the door. After waiting some time, Goki's wife asked what was taking her husband so long? Their daughter Cordelia replied that she saw him leave with American soldiers. Two weeks passed before the family was finally provided with information when Goki mailed them a postcard asking for supplies. A temple member helped the family gather the supplies and took them to Goki; the family was not able to see Goki again until November 13, 1945, almost four years when he was released from internment. Goki's wife was left to fend for six young children without employment or training. Without help from other temple members, the family would have been left homeless and starving.⁸²

Families lost fathers and sons, many of whom were the primary financial security in their families. Most of the time, several weeks passed before the family learned that those taken were being interned. One individual, a Buddhist minister, was taken on December 7 and his family

⁸¹ Yasutaro Soga, *Life Behind Barbed Wire: The World War II Internment Memoirs of a Hawai'i Issei*, Honolulu: University of Hawaii Press, 2007, 25.

⁸² Lois Tatsuguchi Suzuki. "Kansha – With Deepest Gratitude" in *Japanese Eyes...American Hearts: Voices from the Home Front in World War II Hawaii*. (Honolulu: Watermark Publishing), 46-47.

was not made aware until the late summer of 1942 when he was being interned on the mainland.⁸³

A total of 473 individuals were detained in Hawaii between December 7 and December 9. 345 Japanese aliens (Issei), 22 Japanese-American citizens (Nisei), 74 German aliens, 19 German-American citizens, 11 Italian aliens, and 2 Italian-American citizens.⁸⁴ Other stories include an Italian American who was told he would be home in fifteen minutes, was detained for four months, and his wife, who was from Germany, was arrested hours later, leaving their nine-year-old daughter completely unattended.⁸⁵

Similarly, a Japanese father was interned at Honouliuli; his wife had passed away seven years before the attack on Pearl Harbor. Toso Haseyama was a father of three children, trying to run a business and pay for his children's livelihood. Luckily before Toso was detained, his sister was living with him and was able to keep the company afloat and care for his children during his eight-month internment. Though most customers stopped showing up, and many even stopped paying what was previously due, Toso Haseyama's business did survive the war, a bright spot, because many Japanese companies did not survive.⁸⁶

Another family saw the father, a Shinto priest, and his wife arrested and interned after an interrogation. They were forced to leave their three children, ages 5, 3, and a year and a half, with a person at their Shrine, a person they barely knew. Both parents assumed they would return

⁸³ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 47.

⁸⁴ Federal Bureau of Investigation, Memorandum, C.H. Carson to Ladd, December 9, 1941, File No. 100-2-20, section 1.

⁸⁵ "Interview with Joe Pacific," *An Era of Change: Oral Histories of Civilians in World War II Hawai'i* (Honolulu, HI: University of Hawai'i at Manoa, Hamilton Library).

⁸⁶ "Interview with Toso Haseyama," *An Era of Change: Oral Histories of Civilians in World War II Hawai'i*, (Honolulu, HI: University of Hawai'i at Manoa, Hamilton Library).

to their children later that evening or, if not return, at least be able to arrange their children's care, but neither happened. Not until several weeks had passed, a distant relative learned of the event and immediately brought the children to his home.⁸⁷

After arriving at an internment camp at Kilauea near the Volcano on the Big Island, some Japanese thought they were being executed; they were ordered to walk in the rain away from the soldiers and believed they would be shot.⁸⁸ At other times, Japanese internees were moved under heavy guard without any explanation of where they were being transferred; one family was loaded onto a dump truck and believed that when they pulled near a graveyard, they thought they were all going to be shot and buried.⁸⁹ The Japanese internees constantly feared death, as they did not fully understand what to expect. Their initial treatment was inhumane, being made to eat on the ground, outside, no matter the weather conditions.

Families were not being given timely notifications of the whereabouts of their families and loved ones. Civilian courts were closed, habeas corpus was suspended, and those already in custody had no legal means or representation to demand trials or at least an appearance before a judge. Individuals were being judged without a trial. The detainees were at the will of the military government and thrown into a state of lawlessness and no civil rights. Ultimately none of the consular agents, teachers, businessmen, journalists, priests, or the kibe were charged with any wrongdoing. No evidence was presented against any detainee. These arrests were made based on an individual's culture, education, language, and social group; these arrests and detainments were subjective and violated constitutional rights.

⁸⁷ Yutaka Inokuchi, "The West Loch Explosion" in *Japanese Eyes...American Heart: Voices from the Home Front in World War II Hawaii*, (Honolulu: Watermark Publishing), 118.

⁸⁸ Gail Honda, *Family Torn Apart: The Internment Story of Otokichi Muin Ozaki Family*, (Honolulu: Japanese Cultural Center of Hawaii, 2012).

⁸⁹ "Interview with Jukichi Inouye," File 236. (Honolulu, HI: Japanese Internment and Relocation Files).

When the detainment teams were conducting their searches of homes and businesses, any Japanese items such as Japanese flags, pro-Japanese literature, or board games in Japanese as ample evidence to arrest and detain the owners. Other things were also seized; short-wave radios and firearms were illegal to possess if you were Japanese, and even owning certain types of musical radios that could be converted to short-way radios were illegal to possess for the Japanese.⁹⁰

Japanese aliens were not the only ones detained with limited or no evidence. American citizens born in Germany, Gunther, and Anna Walther, had contacted the FBI to offer their ability as translators, which were accepted. However, Gunther had appeared in a photo from 1939 on a ship where Nazis were present while visiting Germany. The couple was brought into the immigration office. They were told that it would be a brief twenty-minute interview. It turned into a twenty-one-month internment, to which the couple was separated, and Gunther was coerced into signing a paper stating he was an enemy alien. He was not tried until February 1943, when he was denied legal assistance and placed in prison and was not paroled until August 1943.⁹¹ Anna Walther's case was a little more peculiar when a defense witness, John Cass Stevens, was also called as a government witness. Stevens' testimony went from supporting Anna as more American than actual Americans to her showing too much Americanism. Anna

⁹⁰ Harry N. Scheiber & Jane L. Scheiber. *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 119.

⁹¹ "Statements by Gunther and Ann Walther," May 15, 1945, Edwin Norton Barnhart Papers, Box 7, Folder 15, (Stanford, CA: Hoover Institution Archives at Stanford University).

Walther was also paroled in August 1943.⁹² The Walther's lost all their personal possessions, including their home and car.⁹³

CIVILIAN LIFE CHANGES

Meanwhile, those not detained were experiencing substantial life changes that they had never expected. One of the first orders of the Office of the Military Governor was to register and fingerprint all civilians.⁹⁴ The fingerprinting and registering of all civilians on the islands needed workers, many of whom were teachers, more than 1,100 on just the island of Oahu were pulled into service. This was the first time in the history of the United States that mass fingerprinting of civilians was conducted.⁹⁵ In addition to teachers being pulled into service, the Superintendent of Schools encouraged all seniors who were not planning on attending college to drop out and get jobs,⁹⁶ the Military Governor's general orders also encouraged all children between twelve and sixteen to work, and the rules allowed them to work up to forty hours per week.⁹⁷

Once fingerprinted, all islanders were required to carry with them at all times an identification card bearing their fingerprints. According to historian Gwenfread Allen, "More than 400 Honoluluans were arrested on three consecutive nights in 1943 when everyone attending the theater was asked for their cards. Citizens without cards were fined \$5 or \$10 in police court,

⁹² "Transcript of Anna Walther's Hearing, December 1941-April 1942," *Records Pertaining to Anna Walther's Internment*, (College Park, MD: National Archives.)

⁹³ Suzanne Falgout & Linda Nishigaya. *Breaking the Silence: Lessons of Democracy and Social Justice from the World War II Honouliuli Internment and POW Camp in Hawaii – Social Process in Hawaii – Volume 4*, (Honolulu, HI: University of Hawaii Press.)

⁹⁴ Office of Internal Security, Territory of Hawaii, "Wartime Security Controls." Box 24, (Stanford, CA: Hoover Institution Library & Archives.)

⁹⁵ Ibid.

⁹⁶ E. Long, Superintendent of Schools, Department of Public Instruction, to Colonel Thomas H. Green. January 2, 1942 as quoted in Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 62.

⁹⁷ General Orders No. 113, June 5, 1942, Box 8, Folder 16, General Orders of the Military Governor, 1942 January 20 – September 25. (Honolulu, HI: University of Hawaii at Manoa Archives.)

and aliens, hailed before the provost court, were fined \$25 to \$50. Even the territorial governor on one occasion had to explain to an MP that his card was in the pocket of another suit.”⁹⁸

Government agencies used the identification cards more than 300,000 times and helped correctly identify roughly 200 killed or injured persons; even after the war, it was continued voluntarily because of its success.⁹⁹

The military also closed all bars and banned the selling of alcohol. However, this closure did not last long; bars were reopened in February, except for “enemy aliens,” who were not allowed to buy or even sell alcohol.¹⁰⁰ Another significant change was how the government-controlled currency. Three rules went into effect: First, no individual could hold more than \$200 cash. Second, businesses could not hold more than \$500 in cash. Third, all United States Currency was turned in and burned at the Aiea sugar mills, and a new currency bearing a “Hawaii” imprint was given; this was in fear that the Japanese would invade and control large amounts of United States currency. The “Hawaii” currency is still valid in Hawaii to this day.¹⁰¹

The military controlled all aspects of life, including implementing curfews and blackouts, ordered under general order number sixteen. All vehicles besides military vehicles had to be off the streets by 6:00 pm; all civilian personnel had to be vacated from the streets by 6:30 pm. Most businesses suffered under this regulation, and to comply with these regulations, they closed at 3:00 pm. The blackout began at 6:00 pm, though this did fluctuate with the varying sunset.¹⁰² Individuals tried numerous methods to cover windows to deal with the blackouts, such as black

⁹⁸ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 136.

⁹⁹ Ibid, 136.

¹⁰⁰ Desoto Brown, *Hawaii Goes to War: Life in Hawaii from Pearl Harbor to Peace*, (Honolulu: University of Hawaii Press, 1989), 69.

¹⁰¹ MacKinnon Simpson, *Hawaii Homefront: Life in the Islands During World War II*, (Honolulu: Bess Press, 2008), back of front cover.

¹⁰² Vern Hinkley, “Honolulu Regains its Normal Poise,” *New York Times*, December 21, 1941.

cloth, tarpaper, and black paint. The persistent humid nights were one major issue with having to cover and close your windows. In February 1942, the curfew was extended to 9:00 pm.¹⁰³

Numerous cases were sent to the provost courts due to curfew and blackout violations. Most of the violators were of Japanese descent early on, and heavy fines and jail sentences were imposed.¹⁰⁴

One of the main problems with many early orders was the time given to the civilian population to comply and become informed. Newspapers on December 8, 1941, announced that all unidentified ships and boats approaching the island of Oahu would not receive any warnings and would be fired upon, as the military feared a Japanese invasion. Of course, fishermen who had been out during the weekend or overnight were unaware of such an order. Historian, Gwenfread Allen stated, “One fisherman who put in Waianae Bay for the night of December 7 assumed that the darkness ashore was due to power failure. He was fired upon the following morning....On another boat in this vicinity, three men were killed and one was seriously injured...a Navy patrol plane fired on a sampan, setting it ablaze and burning all the crew.”¹⁰⁵ Even when following instructions, ships were still fired upon during the first couple of weeks, “On December 11, three Kohala emergency guards assigned to convoy a fishing sampan to Hilo had a narrow escape when shots from a Navy plane set the sampan afire, despite the fact that it was flying white flags in accordance with instructions.”¹⁰⁶ The fishermen on this boat were treated at the local hospital, listed as prisoners of war, and placed under armed guard.¹⁰⁷

¹⁰³ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 126-127

¹⁰⁴ Jan Jubulka, “Hawaii's Japanese,” *Chicago Daily Tribune*, January 9, 1944.

¹⁰⁵ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 44-45.

¹⁰⁶ *Ibid*, 45.

¹⁰⁷ *Ibid*. 45-46.

General Order Number 31 was also a severely punished offense and what many considered a violation of the First Amendment. Speech, writing, and public media were mandated not to include any negative publicity or comments about the war or the United States military, which included telephone calls, letters to families, cables, radio broadcasts, or newspaper articles. All phone calls had to be in English, so the censor listening to the conversation would understand.¹⁰⁸ Violation of this order was a misdemeanor crime, and sentencing was a year in prison, a \$1000 fine, or both.¹⁰⁹ In addition to General Order No. 31, was General Order No. 14, which stated, “effective at 8:00am December 12, 1941, the publication, printing, or circulation of all newspapers, magazines, periodicals, the dissemination of news or information by means of any unauthorized printed matter, or by wireless, radio, or press association.” Exceptions were made for six newspapers, four radio stations, and four associated presses, which could continue to publish, but with strict rules.¹¹⁰

Before General Order No. 14 was in place, the *Honolulu Star-Bulletin* released several extras on December 7. However, the editor Riley Allen was careful not to release any specific information as he believed specific information might provide the enemy with needed intelligence.¹¹¹ Though the other major newspaper, the *Honolulu Advertiser*, was not careful in releasing details that the military would deem damaging to the United States intelligence, Lieutenant Colonel Fielder of G-2 had a long conversation with the president of the *Honolulu*

¹⁰⁸ MacKinnon Simpson, *Hawaii Homefront: Life in the Islands During World War II*, (Honolulu: Bess Press, 2008), 42.

¹⁰⁹ Territory of Hawaii, Office of the Military Governor, General Order No. 31, December 17, 1941, (Honolulu, HI: Hawaii State Archives).

¹¹⁰ Territory of Hawaii, Office of the Military Governor, General Order No. 14, December 10, 1941, (Honolulu, HI: Hawaii State Archives).

¹¹¹ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 66.

Advertiser Lorrin Thurston regarding his actions, Thurston was quick to understand his mistakes, and the issue did not resurface.¹¹²

With mail censorship, individuals had to think very carefully about what they wrote; the censorship division opened all letters, sometimes letters were sent with no issues, some with redacted information, others were returned to the sender to rewrite the letter entirely, or they were thrown in the trash, and others resulted in fines and imprisonment. In February 1942, the wife of a dentist, Mrs. Ihos Standring of Hilo, HI, sent her family a letter regarding her feelings about the war:

There are many things happening back here and that are to come later, of which I have learned about which nothing can be said. However I do believe that in six to nine months we will be able to give those birds from the “land of the rising sun” something to remember us by and eventually clean ‘em out. The feeling back here is intense. Far more than against Hitler, but he too will be cleaned up.¹¹³

The mail censorship office operated under the War Department, which had a strict line of not allowing sensitive information to leave the islands. Most of the positions in the censorship office belonged to civilians; most jobs went to retired teachers and wives of soldiers, which allowed them to stay in Hawaii and not be shipped to the mainland. Even after martial law ended in Hawaii, the mail censorship office continued to censor mail till late July 1945.¹¹⁴

¹¹² Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 66.

¹¹³ “Dear Flow” Feb 18, 1942, *Kubo Family Papers*, AR18-4, Folder 3, (Hilo, HI: Lyman Museum and Mission House Archives).

¹¹⁴ J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 39.

As mentioned above, radio broadcasts were strict, even stricter than newspapers. Once radio stations were shut down, they did not return to broadcasting until December 10, 1941. Only four stations were permitted to begin broadcasting under General Order No. 14. Radio stations were mandated to submit radio scripts in advance, and no deviation was allowed once approved. At one point, radio jockeys were kept at gunpoint to ensure they did not go off script. Japanese language broadcasts were prohibited throughout the war.¹¹⁵

FOOD SUPPLY

Another area that was restricted was food supplies; in 1941, sixty percent of Hawaii's food was imported, and ninety-five percent of the rice was imported¹¹⁶, which is an essential food group to most Hawaiians; another area affected severely was fish, which became very limited, as most of the commercial fishing around Hawaii was conducted by the Nikkei, anti-Japanese legislation restricted fishing vessels of five tons or less to non-citizens, to carry more than five tons, you had to be a United States citizen.¹¹⁷ Boats were restricted to certain areas; most were not the best places to find fish. All boats also had to be back in port at night. All movements of boating activity had to be scheduled and approved by the military port director, and aliens were not allowed to be aboard, which was a significant issue; as mentioned above, the experienced fishermen were aliens. To make matters even worst, the large fishing vessels were

¹¹⁵ Jim A. Richstad, "The Press Under Martial Law: The Hawaiian Experience," *Journalism Monographs*, 17 (1970) 1-43.

¹¹⁶ Donald M. Schug, "Hawaii's Commercial Fishing Industry: 1820-1945," *Hawaiian Journal of History*, 35 (2001): 15-34.

¹¹⁷ Thomas H. Green, *Martial Law in Hawaii: December 7, 1941 – April 4, 1943*, (Washington, D.C.: Library of Congress), 392.

taken by the Navy and Army; in addition to losing boats, any boats which needed to be repaired could not, as all shipyards were now controlled and used by the Navy.¹¹⁸

In 1940, the food supply was already a severe problem. The new presence of the Naval fleet, the large number of defense workers,¹¹⁹ and the limited shipping space made the food supply shortage an even more significant problem. A committee was assigned, and several attempts were made to secure funds, but with no success. Even six months before the war, a livestock feed committee informed General Short that a severe shortage of cow feed threatened the fresh milk made by cows because of the shipping congestion. It was only when the war had started that the issue began raising red flags. The poultry feed got so low after the Pearl Harbor attack that backyard chicken raisers were told to kill their chickens except for the ones that could survive on kitchen scraps. Commercial raisers were told to market all meat birds and kill chickens less than five weeks old and turn off their incubators and remove the eggs for pig and poultry feed, during a ten-day period, all cattle slaughters were halted to help sell all the poultry.¹²⁰

An inventory was conducted, and results of Oahu showed it only had a thirty-seven-day supply of smoked meats and other staple foods, a seventy-five-day supply of flour, but only enough rice for thirteen days. Due to available shipping space and submarine-infested waters, this inventory caused considerable alarm within the Office of the Military Governor.¹²¹

¹¹⁸ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 181.

¹¹⁹ The Hawaii Sugar Plantation Association lost hundreds of plantation workers, reaching low employment totals not seen since before 1900.

¹²⁰ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 179.

¹²¹ *Ibid*, 166.

To combat the food shortage, the Office of the Military Governor issued General Order No. 56 on January 26, 1942, which created a Director of Planning and Priorities who supervised Civilian Defense, Land Transportation Control, Materials and Supplies Control, Cargo and Passenger Control, Labor Control, and Food Control.¹²² Unfortunately, the military officers in charge of the six divisions mentioned above were not experts in their areas. The military ordered potatoes and vegetables to be planted on pineapple and sugar plantations; pineapple and sugar soil is not suited for such use, resulting in “grotesque, futile and expensive.”¹²³ Following the disaster of this plan, the military hired a civilian committee, but the civilian committee’s advice was rejected. Another bad decision by the military was planting carrot seeds on a significant portion of Oahu, for which the seed’s life was insufficient. Eventually, the military gave more control to the civilians, and food production drastically increased.¹²⁴

The government also established a revolving fund to develop a food reserve in Hawaii, with a budget of \$35,000,000, ten times larger than the federal government refused to grant the Territory of Hawaii in a previous request. The Federal Surplus Commodities Corporation handled the fund, which fell under the War Food Administration.¹²⁵

The neighboring islands faced a higher disruption in their food supply and had severe shortages. In addition to shortages was a restriction from the federal government, which prohibited shipments of food and seeds from Oahu for three months after the start of the war. The Big Island even had to restrict food purchases to thirty-five cents per person daily. Maui

¹²² Territory of Hawaii, Office of the Military Governor, General Order No. 56, January 26, 1942, (Honolulu, HI: Hawaii State Archives),

¹²³ “Memorandum Regarding the Military and Civil Governments in Hawaii,” December 18, 1942, Farrington Papers, (Honolulu, HI: Hawaii State Archives,) (No author is provided on this memorandum).

¹²⁴ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 72.

¹²⁵ Gwenfread Allen, *Hawaii’s War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 166-167.

rationed imported foods and household items for seven months and had a restriction of two dollars per week per person. Molokai only had a two-day supply of food early in 1942; for weeks, the island was without flour, sugar, coffee, and milk was only made available for infants. On the island of Kauai, butter was rationed at a quarter pound per week per person. Also, rice was severely short, “A Kuai matron wrote in her diary on January 15, ‘They tried to be fair, but had a hard job. Haoles (Caucasians) could get more rice than they could ever use and the Japanese cried that they couldn’t live on so little.’ Kauai also had meatless Tuesdays and Fridays until meat substitutes became more scarce than meat itself.”¹²⁶

The initial start of the war also caused crops on the islands to go unharvested. In December, the Big Island had 500,000 pounds of cabbage rot in their fields. Even when crops were harvested, attempts to ship produce were frequently unsuccessful until the war was half over. Ninety percent of Hawaii’s truck farmers were alien Japanese, and restrictions caused them not to be able to move freely, they were not allowed to drive between sunset and sunrise, and on some islands, they were not allowed to drive at all. Also, numerous rumors of all Japanese being interned caused most farmers not to plant crops because of fear of being unable to harvest. Others saw their fields destroyed for military sites or trampled by maneuvering troops, destroyed by insects, as insecticides had poisons that required permits that the Japanese were not allowed to have.¹²⁷

Japanese farmers adjacent to the West Loch at Pearl Harbor were ordered to evacuate their farms on the second Thursday following the Pearl Harbor attack. The order was modified, which allowed the farmers to return during the day until livestock could be transported and the

¹²⁶ Gwenfread Allen, *Hawaii’s War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 177.

¹²⁷ *Ibid.*, 173-174.

crops harvested. Once completed, the framers were told to seek temporary housing with relatives and friends. Most of the farmers had invested their entire life savings. They had borrowed a substantial amount of money from the Farm Security Administration, and most of the farmers suffered heavy losses.¹²⁸

The farmers were not the only ones displaced; one of many stories was that an estimated 1,500 individuals were ordered to move out from Iwilei. The order was given on a Saturday, and families had until Monday evening to vacate the location. Gwenfread Allen's research revealed that "Social Workers rushed to the district to find some Japanese residents in near-panic because military police had told them that if they were not out by morning they would be shot."¹²⁹ Families and individuals who had nowhere to go were directed to Kaiulani School, where they slept on beds and benches; a year later, some individuals were still living in the same poor conditions with nowhere to go.¹³⁰

The Army Engineers also took over several locations; two facilities were extremely affected, one being the Pleasanton Hotel; the Engineers gave the guests, which included a Navy admiral and several other high-ranking officers from the Navy, orders to vacate the facility. The Engineers then threw tables and chairs out windows and took furniture from the Royal Hawaiian Hotel. The second location was the Engineers commandeered one of the most exclusive schools, Punahou. The Engineers were traveling to the University of Hawaii when they came upon the Punahou campus by accident at 1:00 am on December 8. Punahou had no notice that they were coming; the Punahou's President wrote the following:

¹²⁸ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 174-177.

¹²⁹ Ibid, 122.

¹³⁰ Ibid, 122.

The keys not coming fast enough, the doors in the various buildings were broken open and the United States Engineers entered...Buildings were ordered cleared of their contents...At 5 o'clock the director of the cafeteria and dining was called in order to provide breakfast for 750 men and was told that the facilities of her department were being taken over, including school supplies...The director of the boys' dormitory was told to get his boys out and to make his place ready for occupancy of officers. The director of Castle Hall received similar orders with respect to the girls.¹³¹

Two days later, the Army Corp of Engineers wrote a three-sentence letter to the school's President, stating that the Engineers would occupy the campus indefinitely. The Engineers broke down doors, broke windows, destroyed pianos, and occupied the school until the fall of 1944. During the summer of 1945, the U.S. Army Corps of Engineers returned to the campus and restored the school property to its pre-war condition. Though many volumes of books were lost and never replaced, the overall damage was minimal due to the military returning to correct their mistake.¹³² These types of actions by the military, damaged the relationship with the Territory of Hawaii.

There was also the Maui onion disaster as well. The Federal Surplus Commodities Corporation (FSCC) intended to store a three-month supply of onions, which equated to 900 tons; however, the FSCC failed to make sure they had adequate storage, so when 900 tons of onions were delivered and nowhere to store them, an onion week was declared, radio advertisements, newspaper announcements, all declaring their favorite onion recipes.

¹³¹ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 253-254.

¹³² "The Days After the Attack on Pearl Harbor," *Punahou, The Magazine of Punahou School*, December 1, 2016.

Unfortunately, seventy-five tons of onions rotted, and the onion farmers in Maui lost thousands of dollars. The FSCC was ready to learn from its mistake and vowed not to repeat the disaster. In August of 1942, in anticipation of a large crop of potatoes, the FSCC ordered none from the mainland. Tragedy struck again, and the crops failed. The islands were without potatoes for months.¹³³

When the Japanese began immigrating to Hawaii, it was first seen as a solution until conflicts began to surface. As the possibility of war with Japan continued to rise, a fear of the Japanese invading the Territory of Hawaii and using it as a forward position to wage war with the mainland. This fear caused the United States government to implement different security measures. The first was the Federal Bureau of Investigation reopening its office in Hawaii. The second was military intelligence working with the FBI to investigate and create a list of the most dangerous Japanese individuals residing in Hawaii, though “being dangerous” usually meant being a leader within the Japanese community. However, not all FBI personnel believed that the Japanese were outright dangerous. Agent Shivers, after developing relationships with several prominent Japanese members, helped create the Morale Section to protect the Japanese living in Hawaii. The attack on Pearl Harbor caused a cascade of civil rights restrictions, first the announcement of martial law, followed by military general orders that restricted American rights. What followed was a series of arrests, land seizures, the loss of businesses, and the mistreatment of Japanese living in Hawaii. In the initial months of martial law, there was not much uproar in the restriction of these rights or the treatment of the Japanese. Martial law would continue, and the outcry against it would slowly rise, which will be discussed in the next chapter.

¹³³ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, Honolulu: Pacific Monograph Publishing, 1999 (Reprint Edition), 183.

CHAPTER THREE

MARTIAL LAW

World War II drastically changed the social landscape of Hawaii. Martial law had many causes and effects; violations of civil rights, restrictions on Japanese residents, and government officials in Washington D.C. calling for mass internment, while the military command in Hawaii focused on attempting to protect the majority of the Japanese residents. The military command pushed for martial law to continue, while government officials in Hawaii and Washington D.C. became frustrated with the length and authority of martial law. Hawaii under martial law was a complicated situation. The United States government failed to have proper oversight of the situation, allowing the military to commit these violations. When the government intervened, martial law was severely outside the scope of Civil Rights. Prior to intervening, the Roosevelt administration was calling for more individuals to be unlawfully detained by the military in Hawaii. This was a failure of the Roosevelt administration.

As Hawaii was becoming the battlefield of the Pacific Theater, thousands of military and defense workers were pouring into the territory with shipping area shortages, food and housing at severely low levels. The army and navy ordered all dependents and requested and encouraged families with women and children to relocate to the mainland for safety and to reduce the strain on housing and food. An estimated thirty thousand individuals were evacuated from the islands and stayed on the West Coast.¹

¹ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 71-79.

The military embarked on a construction program to combat the strain of thousands of military soldiers pouring into Hawaii. It included building airfields, barracks, roads, warehouses, training facilities, oil storage facilities, and anything else to sustain 400,000 soldiers, twenty times the amount of personnel in the territory in 1939. To make this program successful, the plantation industry was called upon to supply the men, which had become the primary industry. After the Reciprocity Treaty was signed in 1876, the vast United States market finally opened to Hawaii for duty-free entry of its sugar and other products. Being connected to the United States allowed the Hawaiian economy to proliferate. By the time the United States entered the war, the Hawaiian economy had gone from insignificant in 1876 to one of the biggest plantation economies in the United States and the world. Hawaii was responsible for producing four percent of the world's sugar and sixty percent of the world's pineapple supply.² The Hawaiian economy during the plantation era grew almost three times that of the United States economy.³ In 1941, one out of three employees in Hawaii was being paid by either a sugar or pineapple company.⁴ This employment would lead to thousands of service hours provided to the military.

With a large amount of military construction, the military would call on assistance from local industries; according to historian Thomas Kemper, "The sugar industry alone provided the military with 66,000 man-days of labor in the last three weeks of December 1941 and another 390,000 in 1942. The plantations also provided trucks, tractors, medical supplies, water, and electricity to military installations; repaired barriers, gun mounts, and fuel storage tanks."⁵

² Thomas Kemper Hitch, *Islands in Transition: The Past, Present, and Future of Hawaii's Economy*, (Honolulu: First Hawaiian Foundation, 1992), 135-155.

³ United States Census Bureau, *Historical Statistics of the United States*. (Washington D.C.: U.S. Government Printing Office, 1975).

⁴ Robert C. Schmitt, *Historical Statistics of Hawaii*, (Honolulu: University of Hawaii Press, 1977), 327.

⁵ Thomas Kemper Hitch, *Islands in Transition: The Past, Present, and Future of Hawaii's Economy*, (Honolulu: First Hawaiian Foundation, 1992), 141.

Between 1939 and 1941, due to defense contracts, the sugar industry lost 20 percent of its employees. It fell an additional 21 percent between 1941 and 1945; by 1945, the industry had less than two-thirds as many employees as in 1939. In addition to losing employees, the industry also suffered the loss of cane fields in order for the military to produce airfields, bases, roads, storage, and other military essentials. The total acreage in 1941 was 238,000; by 1945, the acreage had dropped to 211,000, a loss of 11 percent.⁶

When Pearl Harbor was attacked on December 7, 1941, the United States entered World War II; 38.8% of U.S. Service members were volunteers, individuals who entered the war on their own accord, 61.2% of individuals were draftees, which accounted for 11.5 million civilians who were drafted.⁷ So at the start of the war, especially in the Pacific theater, where the United States was battling the Japanese, the United States sent a tremendous number of military members to the islands of Hawaii, either stationed on a base on one of the islands or on a ship stationed nearby which would frequently port at different Hawaii docks. What you saw for the economy of Hawaii was a giant boost in their economic fortune. With United States government spending, soldiers spending, and service members' families moving to the islands, you had a tremendous amount of money flowing into the islands. However, with money flowing into Hawaii, some unfortunate trends also offset what should have been an economic boost.

The attack on Pearl Harbor has been compared multiple times to the September 11, 2001 attacks. Both caught America by surprise and bear similarities in terms of severity. Though just like the attack on the twin towers on September 11, the United States was aware of a possible

⁶ Thomas Kemper Hitch, *Islands in Transition: The Past, Present, and Future of Hawaii's Economy*, (Honolulu: First Hawaiian Foundation, 1992), 141.

⁷ National World War 2 Museum Organization, *Research Starters: US Military by the Numbers*.

attack on Pearl Harbor, it was more of an intelligence failure than a complete surprise attack.⁸ Like 9/11, the stock market declined significantly and did not bounce back until the Navy's victory at Coral Sea, five months after the attack on Pearl Harbor, May 8, 1942, saw the stock market begin to recover.⁹ The win provided the needed confidence for people to reinvest in the United States; though Hawaii did not see those investments, they continued to struggle under the weight of the war.

Even with the loss of men and acreage, the plantations did survive the war, thanks primarily to what was frowned upon as an informal deal with the military. The informal agreement kept the army and navy from hiring plantation workers firsthand. The sugar and pineapple industries contracted with the military for their workers.¹⁰ This deal allowed the plantation companies to pocket the difference in pay rates which was forty-two cents per hour for field labor and sixty-two cents per hour for paid contractors.¹¹ By the end of the war, this resulted in the plantation owners receiving six million dollars from loaning their employees.¹² Other companies also benefited from their relationships with the military. Cannery workers and stevedores were loaned to the army between their shifts.¹³

Due to businesses' unique relationships with the military, this led to chambers of commerce becoming the ally of the military governor. In December 1942, the Honolulu

⁸ Witz, James J, "Déjà vu? Comparing Pearl Harbor and September 11," *Harvard International Review*, 24, no. 3, October 2002.

⁹ McCellan Financial Publications: Special Market Report. September 12, 2001, "Wars, Disasters, and Their Impact on the Market."

https://www.mcoscillator.com/learning_center/kb/special_market_reports/wars_disasters_and_their_impact_on_the_market

¹⁰ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 84.

¹¹ Edward D. Beechert, *Working in Hawaii: A Labor History*, (Honolulu: University of Hawaii Press, 1985), 287.

¹² Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 323-325.

¹³ *Honolulu Advertiser*, January 25, 1942.

Chamber of Commerce vice president was made aware of rumors from Washington D.C. that the military's control of the Hawaiian economy would be reduced. This led the leadership of the commerce to issue statements of support for the commanding General and martial law through cables to Washington D.C.¹⁴ This action by the Honolulu Chamber of Commerce led the Department of the Interior to believe that the army and the businesses in Hawaii were working together with patriotism and wartime loyalty to ensure the islands were under control.¹⁵

The military and civilian employers had labor shortages, and women and children were added to the workforce to try and balance the number of employees evacuated to the mainland. With employers competing, the Military Governor issued a series of orders to control the situation. However, most individuals saw the orders as an infringement of their freedoms. Less than half a month after the attack on Pearl Harbor, the military froze all prevailing wages and suspended all labor contracts. The orders also required all employees working for utilities, government contractors, federal and local government workers, and all government subcontractors, roughly 90,000 employees, to remain in their positions unless released by the employer.¹⁶ The general orders also required all unemployed men over the age of eighteen to register with the United States Employment Service. All businesses, both public and private, must report to the Labor Control Board upon employing or terminating employees. Failure to report this was a \$1,000 fine, a year in prison, or both.¹⁷ Women would also be required to register, in November 1942, any women over the age of sixteen, though with one exception,

¹⁴ Garner Anthony. *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 28-29.

¹⁵ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 85.

¹⁶ Thomas H. Green, *Martial Law in Hawaii: December 7, 1941 – April 4, 1943*, (Washington, D.C.: Library of Congress).

¹⁷ Territory of Hawaii, Office of the Military Governor, General Order No. 56, January 26, 1942, (Honolulu, HI: Hawaii State Archives).

women were only required to register once employed. Unemployed women could not be compelled to enter the labor force; however, once registered and working, if a woman was released from employment and offered a new job, she had to accept it within 72 hours.¹⁸

Another issue the military was concerned about due to the freezing of wages and locking down most employees until released was individuals being absent from work. In March 1942, General Orders No. 91 was released, changing employers, and absenteeism from work without permission from the employer was now considered a criminal offense. Violators were subject to fines or imprisonment for two months for unauthorized leave from work or attempting to switch jobs without permission.¹⁹ According to civilian testimonies, failing to show up to work was one of the most regulated and punished violations, usually resulting in a jail sentence. Initially, employers filed the charge with the provost courts, regulations changed and employers were to report the crime to the Labor Control Office. The provost courts set up a three-strike system; the first offense was a warning letter; on the second offense, they were interviewed as part of a criminal investigation; and on the third offense, the violator was prosecuted and sentenced. First-time offenders were usually only fined. Fines were between \$150 to \$200, roughly two weeks' pay.²⁰

THE PROVOST COURTS

The provost courts were a critical legal and constitutional issue in Hawaii. The suspension of habeas corpus is one of the foundational rights in the United States that allows a

¹⁸ Territory of Hawaii, Office of the Military Governor, General Order No. 152, November 5, 1942, (Honolulu, HI: Hawaii State Archives).

¹⁹ Territory of Hawaii, Office of the Military Governor, General Order No. 91, March 31, 1942, (Honolulu, HI: Hawaii State Archives).

²⁰ Provost Court Judges Conference Transcript, "Daily Newspaper Report of Provost Court Sentences for Absenteeism among Labor Under Military Control," Provost Court File, Government 9, (Honolulu, HI: Hawaii State Archives).

person taken into custody to be brought before a judge, and the court of law must determine if their detention is lawful. Article 1 of the Constitution states, “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it.”²¹ When Governor Poindexter declared martial law and suspended the writ of habeas corpus, he acted under the Hawaii Organic Act of 1900, which provided him with the legal authority to do so.²²

As mentioned at the beginning of this chapter, General Walter Short informed through his proclamation that anyone disobeying military authority would be severely punished or held until civil courts were functioning.²³ Though General Orders No. 4 allowed “military commissions and provost courts shall have power to try and determine any case,” which included any violations of military authority, Territory of Hawaii laws, and any laws of the United States. It further gave power to the provost courts to sentence within limits sanctioned by General Order No. 4, which was up to five years in prison and fines not to exceed \$5,000. Appeals of the provost court's decisions had to be requested through the Office of the Military Governor. The more serious offenses, which will be discussed shortly, were tried before a military commission, with some crimes punishable by death.²⁴

General Order No. 4 cast aside the legal procedures of the Territory of Hawaii and the United States. Military personnel acquired the civilian courtrooms and judicial facilities in Hawaii. The only other time this had occurred was in the cases when the United States occupied

²¹ U.S. Constitution, art. 1, sec. 9, cl. 2, (College Park, MD: National Archives.)

²² Organic Act, Ch. 339, 31 Stat. 141, 67 (1900).

²³ “Proclamation United States Army,” December 7, 1941, Military Governor Walter C. Short, (Washington D.C.: Library of Congress).

²⁴ Territory of Hawaii, Office of the Military Governor, General Order No. 4, December 7, 1941, (Honolulu, HI: Hawaii State Archives).

enemy lands; there was no precedent for this type of action in territories or states in the history of the United States. When civilians were found guilty of criminal offenses, they were denied their constitutional right to petition for a habeas corpus hearing that would allow a court to evaluate the legality of their case. General Emmons was adamant about the military authority and their ability to properly handle all court cases, “The administration of criminal justice is an essential element of martial law, as this is a theater of operations...the police power is not sufficient as it must have with it the power to punish the offender speedily.”²⁵

One of the most famous cases in Hawaii during the war was the *Otto Kuehn Case*. Bernard Julius Otto Kuehn was a German immigrant. Kuehn was arrested on December 8, along with his wife and two children. This was the first and last espionage case in the Territory of Hawaii. Before his arrest, Kuehn was investigated by the FBI for two years. After being detained, Kuehn admitted to being a paid spy for the Japanese. Shivers’s stated, “conclusive evidence that OTTO KUEHN and his wife, FRIEDEL KUEHN, were paid agents of the Japanese Government in Hawaii.”²⁶ After admitting to being a Japanese spy, Kuehn was charged with illegally obtaining and transmitting information to the Japanese regarding the national defense of the United States. However, Agent Shivers recognized jurisdiction issues and contacted FBI Director J. Edgar Hoover. Shivers questioned whether the jurisdiction belonged to the U.S. District Court, which had been suspended, or the military commission, the issue lying with Kuehn committing his crimes before the declaration of martial law. Shivers believed Kuehn should be charged publicly, as a public trial and conviction would be great for morale.

²⁵ Emmons to McCloy, July 1, 1942, Record Group 494, (College Park, MD: National Archives).

²⁶ Agent R.L. Shivers to Director, FBI, J. Edgar Hoover, January 7, 1942, FBI Records, Kuehn File, Part 1 of 4, <https://vault.fbi.gov/bernard-julius-otto-kuehn/bernard-julius-otto-kuehn/view>

FBI Director Hoover instructed Shivers to allow the military governor and United States Attorney to decide, and the FBI would follow their decision.²⁷ Hoover also sent a memorandum to the Attorney General, reciting the instructions:

It appears that a matter of policy is also involved in the proposed prosecution of the Kuehns, inasmuch as the evidence necessary to convict them in any court would show the activity in the field of espionage of the Japanese Consul General and certain members of his staff who have diplomatic immunity.

Instructions have been issued to the Honolulu Field Office of this Bureau to discuss this matter with the Military Governor and the United States Attorney at Honolulu and inform them that a decision as to the place of prosecution of Kuehn is entirely in their hands and this Bureau will defer to their judgement.²⁸

Attorney General Biddle's assistant Wendell Birge informed Director Hoover that he believed the military commission should be the entity conducting the trial; however, with one exception, the State Department was planning on exchanging the Japanese consular agents for American consular agents being detained in Japan. Therefore, no charges would be brought against the Japanese consular agents involved with Kuehn.²⁹

Kuehn's trial was held before the military commission on February 19, 1942, in Honolulu; two days later, Kuehn was found guilty and sentenced to death by being shot. The execution order was kept a secret due to Colonel Green wanting to wait on advice from the State

²⁷ FBI Director Hoover to Agent R.L. Shivers, January 15, 1942, FBI Records, Kuehn File, Part 1 of 4, <https://vault.fbi.gov/bernard-julius-otto-kuehn/bernard-julius-otto-kuehn/view>

²⁸ Memorandum for the Attorney General from John Edgar Hoover, Director of the FBI, January 19, 1942, FBI Records, Kuehn File, Part 1 of 4, <https://vault.fbi.gov/bernard-julius-otto-kuehn/bernard-julius-otto-kuehn/view>

²⁹ Wendell Birge, Assistant Attorney General to FBI Director Hoover, February 4, 1942, FBI Records, Kuehn File, Part 1 of 4, <https://vault.fbi.gov/bernard-julius-otto-kuehn/bernard-julius-otto-kuehn/view>

Department, War Department, and the White House on how to proceed. Washington feared that if they executed Kuehn, there would be reprisals against the United States nationals being held by both Germany and Japan.³⁰ Hoover provided Attorney General Biddle with the information, as it was the first death sentence for espionage since the war started.³¹ The judge advocate general, Colonel Myron C. Cramer, reviewed Kuehn's conviction. Cramer upheld the conviction of the military commission. The matter was eventually referred back to Attorney General Biddle for advice on how to proceed.³²

Biddle would delay his advice as the Supreme Court reviewed a saboteur case involving eight Germans. Biddle believed that the Supreme Court's decision would dictate his decision as the Supreme Court would express their opinion on the power of the military commission.³³ The Supreme Court ruled on July 31, 1942. Their ruling upheld the legality of the military commission's jurisdiction and authority to try the case. The saboteurs petitioned for a writ of habeas corpus, which was denied. The Supreme Court's opinion was not delivered until late October of 1942; six of the saboteurs had already been executed in the twelve weeks between the decision and the delivery.³⁴ While waiting on the Supreme Court's decision, President Roosevelt declared, "I won't give them up... I won't hand them over to any United States Marshal armed

³⁰ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 23.

³¹ J. Edgar Hoover to Attorney General, Memorandum, February 23, 1942, FBI Records, Kuehn File, Part 1 of 4, <https://vault.fbi.gov/bernard-julius-otto-kuehn/bernard-julius-otto-kuehn/view>

³² Gwenfread E Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 141-142.

³³ Oscar Cox, Assistant Solicitor General to J. Edgar Hoover, Memorandum, October 10, 1942, FBI Records, Kuehn File, Part 1 of 4, <https://vault.fbi.gov/bernard-julius-otto-kuehn/bernard-julius-otto-kuehn/view>

³⁴ *Ex Parte Quirin*, 317 U.S. 1 (1942).

with a writ of habeas corpus.”³⁵ The Supreme Court also rejected President Roosevelt’s alleged executive power to bar habeas corpus.³⁶

Ultimately Kuehn benefited from all the delays. On October 26, 1942, General Emmons commuted Kuehn’s sentence to fifty years in prison and transferred him to Fort Leavenworth on November 20, 1942. General Emmons did not advise the FBI of these decisions. On November 24, 1942, the FBI still awaited Attorney General Biddle’s decision.³⁷ Kuehn served four years and was shipped back to Germany after the war.³⁸

This was not the only critical case; the military commission tried and convicted a Maui laborer named Saffery Brown. The charge was for murdering his wife during a domestic dispute, though the grand jury indicted Brown before the war had begun.³⁹ There were numerous conflicting stories of how Brown’s wife was ultimately shot by Brown, a child hitting his hand, or the shotgun accidentally going off in a struggle with his wife.⁴⁰ The military commission sentenced Brown to death, denying him a trial by jury, allowing a nonlawyer to represent him, failing to recognize the different degrees of murder, and knowingly sentenced Brown to death with the murder not being premeditated. Of the five officers who were on the military commission, none of them were lawyers or judges.⁴¹

³⁵ Richard J. Ellis, *Judging Executive Power: Sixteen Supreme Court Cases that Have Shaped the American Presidency*, (Lanham: Rowman and Littlefield Publishers, 2009), 113.

³⁶ *Ex Parte Quirin*, 317 U.S. 1 (1942).

³⁷ FBI Report, “Bernard Julius Otto Kuehn,” December 15, 1942, FBI Papers, Kuehn File, Part 1 of 4, <https://vault.fbi.gov/bernard-julius-otto-kuehn/bernard-julius-otto-kuehn/view>

³⁸ MacKinnon Simpson, *Hawaii Homefront: Life in the Islands During World War II*, (Honolulu: Bess Press, 2008), 7.

³⁹ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 97.

⁴⁰ A.S. Spencer to Samuel W. King. May 5, 1942, King Papers, (Honolulu, HI: Hawaii State Archives).

⁴¹ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 103-105.

The case became more political when Hawaiian delegate Samuel King became aware of the information about the trial. King believed that the military commission was abusing its authority. King informed Secretary of the Interior Harold Ickes and requested that he request the War Department to stop the execution.⁴² The case was reviewed, and Secretary of War Stimson ordered General Emmons to hold the execution order.⁴³ With continued pressure from King to Washington, Washington pressured General Emmons into commuting Brown's sentence to a life term of labor.⁴⁴

The Brown case stirred up the emotions of the Hawaiian community as they began to fear the military authorities regarding how they would treat civilians in trial by military commissions.⁴⁵ Though eighty percent of the public still viewed martial law as a positive aspect, the pressure was beginning to mount for military authority to return to the use of civil courts.⁴⁶ Though the actions of the military during this trial began a political movement to return the civil courts by Secretary Ickes, Delegate King, Head of the Honolulu Chamber of Commerce Frank Midkiff, as well as Attorney Garner Anthony, who would become the territorial attorney general shortly after expressing the following opinions, Anthony believed that changes in military policy must change.⁴⁷ Anthony believed the civilian cases handled by the military were illegal and requested Washington D.C. to reestablish civilian courts.⁴⁸

⁴² Harold Ickes to Samuel King, May 13, 1942, *King Papers*, (Honolulu, HI: Hawaii State Archives).

⁴³ Stimson to Samuel King, May 13, 1942, *King Papers*, (Honolulu, HI: Hawaii State Archives).

⁴⁴ King to Pia Cockett, June 30, 1942, *King Papers*, (Honolulu, HI: Hawaii State Archives).

⁴⁵ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 105.

⁴⁶ Office of Censorship, Report on Civilian Morale, October 21, 1942, Record Group 165, (College Park, MD: National Archives).

⁴⁷ Frank Midkiff to Harold Ickes, May 28, 1942, *Papers of Governor Poindexter*, Public Morale Section, (Honolulu, HI: Hawaii State Archives).

⁴⁸ Garner Anthony to Samuel King, June 10, 1942, *Kings Papers*, (Honolulu, HI: Hawaii State Archives).

In addition to the military commissions, the provost courts were established to enforce all military regulations, most felonies, and all misdemeanors. After martial law was declared, two provost courts were established on Oahu immediately, and within the following weeks, the rest of the islands each had a provost court established. Two more additional provost courts were established on Oahu in 1942 and 1943 due to the population increasing significantly due to military and military contractors arriving on the islands.⁴⁹

General Order No. 29, issued on December 16, 1941, permitted civil courts to reopen to handle land settlements and the military seizing land for government use, equity cases, and juvenile cases.⁵⁰ An additional order was issued on January 27, 1942, which allowed civilian courts to be authorized agents of the military government, though with stifling exceptions, no jury trials, no writs of habeas corpus, no cases against military members or any individual who is engaged in work for the military governor, national defense, and those same members could not be subpoenaed to appear.⁵¹

After the Battle of Midway, the Japanese ability to attack Hawaii basically decreased to non-existent. The victory at Midway compelled Secretary Ickes, members of the Justice Department, and the War Department to call for a modification of martial law. The newly nominated governor, Ingram Stainback, also urged the restoration of the civilian government and the return of the civilian courts. In June 1942, Colonel Thomas Green wrote to Assistant Secretary of War John McCloy, “The criminal courts here should remain completely closed. For

⁴⁹ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 105.

⁵⁰ Territory of Hawaii, Office of the Military Governor, General Order No. 29, December 16, 1941, (Honolulu, HI: Hawaii State Archives).

⁵¹ Territory of Hawaii, Office of the Military Governor, General Order No. 57, January 27, 1942, (Honolulu, HI: Hawaii State Archives).

example, we now have detained here on Sand Island over a hundred persons who are citizens of the United States [more than four hundred issei had been shipped to the mainland]. Hence, if the criminal courts were open for any purpose the judges could rightfully grant writs of habeas corpus and we would be powerless to retain custody of these people whose loyalty we have seriously questioned.”⁵² Stainback continued to provide pressure; this political pressure forced General Green’s presence as requested in Washington, which resulted in an agreement.⁵³

In August 1942, Governor Stainback received a draft of a new general order from the Department of the Interior. Fortas informed Stainback that the Department of the Interior believed that the courts should function as civilian government courts, not as military agents.⁵⁴ As a result of political pressure, General Order No. 133, issued on August 20, 1942, stated:

Hawaii constitutes the main Pacific outpost of the United States, and accordingly must be regarded as a fortress to whose defense the entire population of the Islands is committed...The privilege of the writ of habeas corpus has been suspended and remains suspended...The measures of military control have from time to time been modified in the light of experience and as changes in conditions have dictated...It is now consistent with the public safety and the national defense that they be permitted more fully to exercise the powers normally exercised by them. They cannot however be allowed to interfere with the measures required by military security...1. The privilege of the writ of habeas corpus has been and

⁵² “Colonel Thomas Green to Assistant Secretary of War, John McCloy,” June 2, 1942, Box 839, Record Group 338, (College Park, MD. National Archives).

⁵³ Gwenfread E. Allen, *Hawaii’s War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 228-229.

⁵⁴ Abe Fortas to Governor Stainback, August 20, 1942, Government 9-22, *Interior Files*, (Honolulu, HI: Hawaii State Archives).

remains suspended. 2. No criminal proceedings shall be maintained against any member of the armed forces or any person employed or engaged in any occupation, business, or defense activity...3. No civil suit, action or other proceeding shall be maintained against any member of the armed forces of the United States...4 (a) No judgement by default shall be entered against any person who is in the Navy, Army, Marine Corps, or Coast Guard of the United States...8. The Military Governor may wave any restriction or limitation established by the foregoing paragraphs, with respect to any person, case or matter, or class of persons, cases...this order shall be subject to modification, or revocation, by the Military Governor whenever in his judgement such notion is necessary.⁵⁵

This general order expanded the limits of the civilian courts while maintaining the primary restrictions: the suspense of the writ of habeas corpus and no suits against armed forces members or defense workers. General Order No. 135 expanded on these restrictions, with no prosecutions for violations of general orders or against the war effort; those violations would remain within the jurisdiction of the military commission and provost courts. The provost courts would maintain jurisdiction over prostitution, flag desecration, public drunkenness, vagrancy, riots, and unlawful assemblies.⁵⁶ Governor Stainback objected to these restrictions, but the Military Governor ignored his objections.⁵⁷

⁵⁵ Territory of Hawaii, Office of the Military Governor, General Order No. 133, August 20, 1942, (Honolulu, HI: Hawaii State Archives).

⁵⁶ Territory of Hawaii, Office of the Military Governor, General Order No. 135, September 4, 1942, (Honolulu, HI: Hawaii State Archives).

⁵⁷ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 232.

The military's prewar plans for the provost courts were supposed to operate under the rules of summary for court-martials. When the war started, and the general orders were introduced, the provost courts created their own procedures, which allowed them to try more cases than just the basic court-martial. The provost courts' procedures violated constitutional rights, with no due process, no trial by jury, and no freedom from unreasonable searches and seizures without a warrant. Most of the time, no written charges were presented, and defendants were not allowed to cross-examine witnesses.⁵⁸ A Honolulu lawyer appeared for a client and requested that the bail for his client be reduced; this act caused the provost judge to threaten the lawyer with contempt of court.⁵⁹

After the war, the official history of the military government in Hawaii published by the Army would express the opinion that the provost courts were inadequate, hasty, and orderly trials were not present.⁶⁰ In some instances, the military-appointed managers of plantations as provost judges, with no military affiliation, no legal training, and even at some points trying cases involving their own employees. When questioned about the practice of plantation owners handling cases, General Green provided the following statement: "No Army officer was available and the number of white civilians was small. Plantation managers, generally, are of high type and in normal times exercise considerable control over plantation personnel. There is no legal or other objection to such a person serving as Provost Court."⁶¹

⁵⁸ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 105.

⁵⁹ "Provost Courts Opposed," *Honolulu Star-Bulletin*. April 7, 1944.

⁶⁰ Office of the Chief of Military History, "United States Army Forces, Middle Pacific and Predecessor Commands during World War II, 7 December 1941 – 2 September 1945: Civil Affairs and Military Government," Microfilm. (Honolulu, HI: Hamilton Library at University of Hawaii at Manoa).

⁶¹ "Green Notes," *Papers of General Thomas H. Green* (Charlottesville, VA: Judge Advocate General's School Library).

For a typical case, an individual was arrested and brought before the courts on the same day the offense was committed with no prep time to prepare to defend their case; the trial would last roughly five minutes, the defendant convicted, and the sentence carried out immediately with no review or appeal process. The official history of the military government acknowledged that, in most cases, citizens were convicted without sufficient evidence.⁶² Earnest Kai, the Secretary of the Territory, stated, “The military knew nothing about the law. You might be arrested for embezzlement and before you knew it you landed in jail without a jury trial...Traffic accidents were a farce. If you got into a traffic accident, it depended on who was sitting up there at the desk and whether he had a headache or how he felt. He’d probably say to give two pints of blood or he might fine you \$150 or he might...he might say anything. There was no rule by which he was governed.”⁶³

From 1942 to 1943, 99 percent of the 22,480 cases brought to the provost courts resulted in a conviction.⁶⁴ Since records were extremely mishandled during the war⁶⁵, only an estimate can be determined of the number of cases tried in the provost courts; roughly 55,000 to 60,000 cases were decided. An estimated 200 of these cases resulted in convictions with sentences of more than one year in prison, and approximately 50% of those sentenced served their full

⁶² Office of the Chief of Military History, “United States Army Forces, Middle Pacific and Predecessor Commands during World War II, 7 December 1941 – 2 September 1945: Civil Affairs and Military Government,” Microfilm, (Honolulu, HI: Hamilton Library at University of Hawaii at Manoa).

⁶³ “Interview with Ernest Kapuamailani Kai,” Watumull Foundation, (Honolulu, HI: University of Hawai’i at Manoa, Hamilton Library).

⁶⁴ *Duncan v. Kahanamoku*. 327 U.S. 304 (1946).

⁶⁵ “Oral Report by Frederick B. Wiener,” May 11, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute Library).

terms.⁶⁶ In the first eight months of the war, fines imposed resulted in \$500,000. Provost Courts tried children as young as fourteen-years-old.⁶⁷

The Office of the Military Governor's Legal Section would review random cases and request a shorter sentence, a re-trial, or clemency; however, those requests were only occasional recommendations. The Legal Section would only review cases once an individual had been confined for at least three months, except for instances where the sentence was longer than a year; the Legal Section would not review those cases until the individual had spent six months incarcerated.⁶⁸ Most individuals who were sentenced to incarceration were required to do hard labor. The Army also sentenced individuals to buy war bonds or required them to donate blood.⁶⁹ Eventually, both of these requirements were discontinued.⁷⁰ Future historical scholars such as Eugene R. Fidell, Elizabeth L. Hillman, and Dwight H. Sullivan would provide negative comments such as quoted below:

From all I have been able to learn, they were unfair, unjudicial, and unmilitary. If any officer ever ran a summary court the way these people ran a provost court you would fire them out to Canton Island or a little farther...It's very, very nasty, unpleasant picture, and you just cannot justify it in any way.⁷¹

⁶⁶ Commanding General Mid Pacific to War Department, December 4, 1945, *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library.)

⁶⁷ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 126.

⁶⁸ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 38-39.

⁶⁹ Each donation of blood would be a credit of 15 days against a sentence or \$30 credit on fines.

⁷⁰ Thomas H. Green, *Martial Law in Hawaii: December 7, 1941 – April 4, 1943*, (Washington, D.C.: Library of Congress).

⁷¹ Eugene R. Fidell, Elizabeth L. Hillman, & Dwight H. Sullivan, *Military Justice: Cases and Materials*, New York: LexisNexis, 2012, (Section B, Occupation).

Nearly every aspect of the provost courts was in disregard of constitutional law. They did not provide due process, trial by jury, the ability to cross-examine witnesses, and did not allow the individuals to have counsel. Completely violating the Fifth and Sixth Amendments and continued to do so after civil courts were ready to reopen.

RUMORS

After the attack on Pearl Harbor, one of the biggest struggles was rumors and fear. When Japan successfully attacked Pearl Harbor, there was a denial that Japan could do so unaided. The overall thought was that in no possible way could Japan have dealt that blow without assistance. With the high population of Japanese people in Hawaii, the answer was that individuals of Japanese descent in Hawaii had aided the rising sun. Individuals in Hawaii, the mainland, and the government agreed and presumed that this rumor was true. As early as September 1941, military reports and assessments concluded that significant damage could be dealt with either with submarine warfare or sabotage.⁷² General George C. Marshall also said he expected “a terrific effort to cripple everything out there by sabotage.”⁷³ Based on the evidence at hand, the military’s fear of sabotage was not reasonable, due to the complete lack of incidents and evidence.

The majority of American citizens never fully understood that it was not sabotage that was the enemy, but the fear of sabotage; one only has to look as far as General Marshall clustering fighter planes close together, as previously mentioned. The knowledge of the

⁷² Stetson Conn, Rose C. Engelman, & Bryon Fairchild, *Guarding the United States and Its Outposts*, (Honolulu: Pacific University Press, 2002), 42-48.

⁷³ Report of the Commission Appointed by the President of the United States to Investigate and Report the Facts Relating to the Attack Made by Japanese Armed Forces Upon Pearl Harbor in the Territory of Hawaii on December 7, 1941, “Attack Upon Pearl Harbor by Japanese Armed Forces,” January 23, 1942, (Honolulu, HI: Pearl Harbor Archives).

clustering of planes, Japan assigned 60 percent of the first wave to destroying the clustered planes.⁷⁴ Contrary to the rumors, after numerous investigations, the Army concluded that “The attack was such a surprise to the Japanese residents themselves that they were stunned and incoherent for a few days...There was no individual act, even fanatical, to indicate the slightest suspicion of any plans to carry out further acts of confusion or sabotage.”⁷⁵

Rumors would run wild for hours, days, months, and years after the attack. They included rumors such as “That arrows had been cut in the cane field by Japanese plantation men to guide the attackers to Pearl Harbor.”⁷⁶ Following the attack on Pearl Harbor, on December 8, plantation managers near Pearl Harbor were asked to search their fields for such arrows, but none were ever found. The military did find two bare spots in the field that pointed in the general direction of Pearl Harbor from a failed cane experiment that left the field bare in October 1941.⁷⁷ The military had the cane field recut to hide the bare spots; however, evidence showed that enemy planes would sight Pearl Harbor before they would find the tiny cane field.⁷⁸

A second rumor was “That Japanese drivers deliberately created blockades December 7 on the then-narrow Pearl Harbor Road.” Further investigation showed that the traffic was normally congested on the road during the time frame of the attack. A third rumor “That a milk

⁷⁴ Ibid.

⁷⁵ United States Congress, *Pearl Harbor Attack: Hearings Before the Joint Committee on the Investigation of the Pearl Harbor Attack, Congress of the United States Seventy-Ninth Congress, First Session Pursuant to S. Con. Res. 27: A Concurrent Resolution Authorizing An Investigation of the Attack on Pearl Harbor on December 7, 1941, and Events and Circumstances Relating Thereto, Part 34*, (Washington D.C.: United States Government Printing Office, 1946), 237.

⁷⁶ Gwenfread E. Allen. *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 58.

⁷⁷ United States Congress, *Pearl Harbor Attack: Hearings Before the Joint Committee on the Investigation of the Pearl Harbor Attack, Congress of the United States Seventy-Ninth Congress, First Session Pursuant to S. Con. Res. 27: A Concurrent Resolution Authorizing An Investigation of the Attack on Pearl Harbor on December 7, 1941, and Events and Circumstances Relating Thereto, Part 34*, (Washington D.C.: United States Government Printing Office, 1946).

⁷⁸ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 58-59.

truck on December 7 suddenly opened fire with machines guns on the Hickam Field defenders.” There was no fact to the rumor at all. A fourth rumor was “That Japanese plantation workers and others fired on soldiers from ambush.” The investigation proved that there was no evidence. A fifth rumor, “That paratroops had landed. The Honolulu OCD office received at least 20 such reports December 7 and 8 and the police switchboard received even more.” This rumor was caused by children on a Sunday hike on Oahu and dry eucalyptus tree branches hanging from the air on Maui.⁷⁹

Other rumors included enemy troops landing at various areas, enemy ships offshore of other islands, that the Japanese fleet had been found and bombed, that some of the pilots who were shot down were seen wearing Hawaii High School rings and jackets, that the local Japanese had poisoned the water supply, that a disease was running rampant, that military supplies such as ammunition were being located on properties owned by the Japanese. More rumors, such as Japanese residents using radio sets to jam airways and broadcast confusing messages.⁸⁰

Even the Secretary of the Navy, Knox, started providing support to the rumors:

They started in as soon as the attack began. And those stations which had not been in operation at all were extremely active as soon as the attack began. You were getting spurious messages that parachutes were dropping on certain parts of the island, that there were carriers off-shore in every direction except those where we feel now they were...As soon as this attack took place and got under way, the air

⁷⁹ Ibid, 58-59.

⁸⁰ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 53-64.

was full of Japanese conversation and our own language to the point where it was very difficult to carry on operations using the radio for that purpose.⁸¹

Secretary Knox's testimony was later disproven; Knox heard the rumors and took them as fact, which would become a common occurrence with Secretary Knox. There were numerous other rumors, such as cane fires being used as signals on the night on December 7 for a secondary attack, that the Japanese were using signal lights to communicate with the attackers, and that Japanese store owners would only sell to individuals of Japanese descent, or that a second attack would happen on December 20, then January 7, 1942, and February 11, 1942.⁸² Each of these rumors were investigated and proven false. However, many still made it into history books released in 1946 and 1947 and individuals even testified to the truth of these rumors during Hawaii's congressional hearings for statehood. Even new rumors popped up during the hearings, such as Japanese in Honolulu waving the Japanese flag or a uniform being located with writing on it that stated it was for the Japanese military governor of the islands.⁸³

The rumors were even supported by a congressional committee chaired by California congressman John H. Tolan; it became known as the Tolan Committee.⁸⁴ Which became the second investigation of the Pearl Harbor attack, the first being the Roberts Commission which

⁸¹ United States Congress, *Pearl Harbor Attack: Hearings Before the Joint Committee on the Investigation of the Pearl Harbor Attack, Congress of the United States Seventy-Ninth Congress, First Session Pursuant to S. Con. Res. 27: A Concurrent Resolution Authorizing An Investigation of the Attack on Pearl Harbor on December 7, 1941, and Events and Circumstances Relating Thereto, Part 34*, (Washington D.C.: United States Government Printing Office, 1946), 996.

⁸² United States Congress, *Pearl Harbor Attack: Hearings Before the Joint Committee on the Investigation of the Pearl Harbor Attack, Congress of the United States Seventy-Ninth Congress, First Session Pursuant to S. Con. Res. 27: A Concurrent Resolution Authorizing An Investigation of the Attack on Pearl Harbor on December 7, 1941, and Events and Circumstances Relating Thereto, Part 34*, (Washington D.C.: United States Government Printing Office, 1946), 996.

⁸³ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 53-64.

⁸⁴ National Defense Migration Committee, United States Congress, House Select Committee, Parts 29, 30, 31, 77th Congress, 2nd session.

was formed August 20, 1943. The Tolan Committee repeated all the allegations of sabotage in Hawaii and how it would become a threat to the West Coast. Most of the committee members took the allegations of sabotage, espionage, and other subversive activity in Hawaii as fact. The committee even stated they had over one hundred photographs that proved the local Japanese had purposely clogged the streets of Pearl Harbor. Tolan, the President of the San Francisco Japanese American Citizens League, said, “The sabotage at the time of the attack on Pearl Harbor and the disloyalty of the Japanese there were so widespread that the details have never as yet been fully given to the public.”⁸⁵

Samuel Wilder King became distraught when he heard the misinformation that the Tolan Committee took as fact. King demanded that the U.S. Attorney General provide a summary of the facts that the security agencies knew, but King was ignored.⁸⁶ The National President Japanese American Citizens League, Saburo Kido, also wrote King a letter. On the first night of the hearings based on the Tolan investigation, Kido understood that the committee would present their photos of the blocked roads as evidence of sabotage and told King, “We need facts on the matter if we are to avoid...persecution and recrimination. We are appealing to you as our last resort to retain our status as American citizens. We trust that you will not fail us.”⁸⁷ Kido and King were both concerned with the misrepresentation of facts regarding the attack on Pearl Harbor. Japanese Americans were already viewed in a negative light due to the war with Japan.

On the second day of the hearings in San Francisco, King messaged Tolan directly, asking Tolan to hold hearings in Honolulu to be fair to the Hawaii citizens. King further

⁸⁵ Ibid.

⁸⁶ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 159.

⁸⁷ “Saburo Kido to Samuel W King,” February 23, 1942, *Kings Papers*, (Honolulu, HI: Hawaii State Archives).

explained that if the committee could not travel to Honolulu, Tolan should at least get sworn statements from individuals such as Governor Poindexter, General Emmons, Colonel Fielder, Agent Shivers, and numerous others. Tolan ignored King's request. Tolan continued the third day of the hearings in San Francisco and moved on to Portland and Seattle for additional hearings on the investigation.⁸⁸

Day after day, King would plea with Tolan to solicit statements from the community members in Honolulu. Tolan asked King to gather them himself; King set out to do so. King also reached out to an attorney to speak with Tolan on his behalf, Herman Phleger spoke with Tolan several times, and Tolan assured Phelger that he would keep the record open until King's evidence arrived. Tolan concluded his hearings and transported the committee back to Washington D.C., without the statements from King.⁸⁹

King would continue to reach out to Tolan after he had returned to Washington D.C. to try and get more facts into Tolan's report. King then requested Honolulu Police Chief William Gabrielson to contact Tolan. On March 14, 1942, Gabrielson wired Tolan, emphasizing that there had been no sabotage in Hawaii. Luckily, the Associated Press also quoted Gabrielson and included King's continued requests to Tolan in their press releases. Tolan continued to maneuver around King, not taking Hawaii's account. King continued to contact Tolan's office, requesting him to hear testimony from the Hawaiian community. Eventually, the committee staff informed King's staff that Tolan was shutting down the committee within a week of April 1, 1942.⁹⁰ Roy

⁸⁸ "Samuel W King to John Tolan," February 25, 1942, *Kings Papers*, (Honolulu, HI: Hawaii State Archives).

⁸⁹ "Herman Phelger to Samuel King," March 5, 1942, *Kings Papers*. (Honolulu, HI: Hawaii State Archives).

⁹⁰ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 155-156.

Vitousek, a close friend, and House Committee member, helped King develop eleven sworn affidavits which were sent to Tolan on April 10, 1942.⁹¹

One of the best-sworn affidavits came directly from Chief Gabrielson, who stated that he had arrived at the police station a little after 8 am on Sunday, December 7, 1941, and was made aware that Pearl Harbor had been bombed. He drove to Pearl Harbor on Dillingham Boulevard, and at 8:22 am, he saw that his Honolulu Police Officers were directing traffic in the streets with little to no congestion. Gabrielson stated he drove up Kamehameha Highway until he reached a view where he could have oversight of what was happening; upon reviewing the situation, he drove back down and set up another traffic detail on Middle Street due to the growing congestion. Gabrielson stated he continued monitoring traffic until he finally fell asleep at his desk around 1:00 am Monday. Gabrielson's affidavit was supported by the Captain of the Patrol Division, Dewey Mookini, who testified that he recognized many Japanese drivers on the roads to and from Pearl Harbor and noticed they were all driving safely and with no behavior to cause confusion or panic.⁹²

Police Captain Burns also provided a sworn affidavit in which he described investigating allegations of sabotage and other subversive behavior, including allegations of sniping, paratroop landings, unauthorized radio transmissions, signal lights, and plots against the United States government. Each allegation was proven to be false.⁹³ Each sworn affidavit helped King provide

⁹¹ National Defense Migration Committee, United States Congress, House Select Committee, "Vitousek Letter" 77th Congress, 2nd session.

⁹² Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 157.

⁹³ United States Congress, *Pearl Harbor Attack: Hearings Before the Joint Committee on the Investigation of the Pearl Harbor Attack, Congress of the United States Seventy-Ninth Congress, First Session Pursuant to S. Con. Res. 27: A Concurrent Resolution Authorizing An Investigation of the Attack on Pearl Harbor on December 7, 1941, and Events and Circumstances Relating Thereto, Part 34*, (Washington D.C.: United States Government Printing Office, 1946).

facts into the Tolan investigation.⁹⁴ The *San Francisco Chronicle* ran an article stating, “All reports to the contrary, no acts of sabotage were committed in Honolulu or at Pearl Harbor on December 7 nor have any been reported to the Honolulu police department since that date.”⁹⁵

Besides the rumors, other strange stories would pop up as well, a case from the island of Kauai, H.T.T. a Nisei, who received his education in Hawaii and studied telegraphy in Philadelphia but had also studied for fifteen months at a prep school in Japan and three years at a Japan University would be the victim of one of these strange stories. After the attack on Pearl Harbor, H.T.T. served as a police officer until the middle of January 1942, when he was arrested and placed in a detainment camp. He was charged with being the head of a Japanese espionage unit on Kauai. Eventually, at a review hearing (review hearings will be further discussed later), when the captain who had claimed that fact was asked what his source of information was, the police captain explained to MID, “that his wife who prayed to God and had gotten this information from heaven.”⁹⁶ The military even went as far as to set up a trap for H.T.T., which led to no evidence or wrongdoing. Even with no evidence, H.T.T. would be detained until September 1943 on the evidence from God and was only released after a second review board examined his case.⁹⁷

Events and rumors led to individuals trying to persuade the public of the danger of the Japanese in Hawaii. In January 1943, a prominent anti-Japanese activist John A. Balch published a 38-page brochure, *Shall the Japanese Be Allowed to Dominate Hawaii?* Balch stated in the

⁹⁴ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 158.

⁹⁵ Floyd Healey, “The Tolan Committee,” *San Francisco Chronicle*, March 20, 1942.

⁹⁶ Military Intelligence Department Report, “Minutes of the Meetings of the Internee Review Board, April 1944 – August 1944,” Record Group 338, (College Park, MD, National Archives).

⁹⁷ Report on Review, May 18, 1944, “Minutes of the Meetings of the Internee Review Board, April 1944 – August 1944,” Record Group 338, (College Park, MD, National Archives).

brochure, “if the Japanese are left in their present numbers as the largest racial group in Hawaii, the position of all other racial groups and that of their descendants will be jeopardized, and as these people gain even greater political and economic control, we shall be forced out of our jobs and our homes.”⁹⁸ Balch also wrote a letter in 1942 to Admiral Nimitz, asking for the immediate and permanent removal of everyone with Japanese ancestry from Hawaii, citizen or not.⁹⁹

DISCRIMINATION

The military knowing that the fear of the Japanese would overwhelm U.S. citizens, especially if the Japanese were to attack the United States. Several general orders were drafted before the attack on Pearl Harbor. General Order No. 5 set the policy to be observed towards the treatment of the Japanese. The policy provided the following order:

- a. All such person are enjoined to preserve the peace towards the United States and refrain from crime against the public safety and from violating the laws of the United States and the Territory of Hawaii and to refrain from hostility or giving information, aid, or comfort to the enemies of the United States, and to comply strictly with the regulation which are hereby or which may from time to time be promulgated by the President of the United States or the Military Governor of the Territory of Hawaii; and so long as they shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives and their occupations and be accorded the consideration due all peaceful and law abiding persons, except so far as restrictions may be necessary for their own protection

⁹⁸ MacKinnon Simpson, *Hawaii Homefront: Life in the Islands During World War II*, (Honolulu: Bess Press, 2008), 87.

⁹⁹ Ibid, 87.

and for the safety of the United States. All citizens of the United States are enjoined to preserve the peace and treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States.¹⁰⁰

The widespread fear and confusion of the individuals living in Hawaii caused those of Japanese descent to fear that other ethnic groups would seek revenge against them. Those in military command also feared the same. General Orders No. 5 attempted to avoid any confusion regarding the Japanese living in Hawaii and their rights. Fear also surrounded espionage and further attacks from the Japanese; these fears were not without evidence. On December 14, 1941, a Norwegian motorship *Heough*, was attacked by the Japanese just outside of Hawaii, with only thirty-five survivors. On December 21, a Matson freighter *Lahaina* was attacked and sunk. On December 27, another Matson freighter *Manini* was attacked and sunk. On December 28, the freighter *Prusa* was attacked and sunk. In late December 1941, several islands were attacked by submarines, including the ports of Hilo, Kahului, and Nawiliwili.¹⁰¹ However, none of these attacks came from espionage or sabotage, each attack was conducted by the Japanese military.

Little known to the United States at the time, on December 9, 1941, Japanese Admiral Isoroku Yamamoto, commander in chief of the Combined Fleet and current hero in the Japanese Navy, ordered his men to prepare for an invasion of Hawaii. After the Japanese took Guam, Wake, and the Philippines, Hawaii was the ideal springboard for Japan to attack the West Coast. If Yamamoto and his forces could seize Hawaii, the United States military would have to fall back to Washington, Oregon, and California, leaving Australia, New Zealand, Alaska, and the

¹⁰⁰ Thomas H. Green, *Martial Law in Hawaii: December 7, 1941 – April 4, 1943*, (Washington, D.C.: Library of Congress), 119.

¹⁰¹ Gwenfreed E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 196.

Panama Canal as locations to be easily seized. However, Yamamoto did not see it as a springboard to attack the United States, but as a hostage situation to quickly make peace. Yamamoto believed that the public would force President Roosevelt to the peace table. Yamamoto knew Japan could not win a war of attrition against the United States.¹⁰²

The Japanese military believed the Issei were tied to Japan and insulated from Americanization. First, the language barrier; second, Japanese men brought brides from Japan; third, the Japanese knew most Issei were barred from the white community's social circles; fourth, Japanese who were already living in Hawaii before it became a U.S. Territory were barred from citizenship, and fifth, the Japanese believed that the Issei would have strong feelings of patriotism towards Japan. These beliefs fueled Yamamoto, who believed that the Issei would support their invasion if they were to land in Hawaii.¹⁰³

The plan for an invasion of Hawaii was not a new concept; even authors from the United States and Japan wrote about the Japanese invading Hawaii as a foothold against the United States. A book published in 1932, written by Commander Hironori Mizuno, superintendent of the Naval Archives, contained several; Mizuno declared Hawaii to be the key component of the outcome of the war between Japan and America. Mizuno knew the loss of Guam or the Philippines was insignificant and would not cause America to fear. The loss of Hawaii would shake America's fate and expose the United States to Japan's forces. He also estimated that if Hawaii had been seized, the American Naval Fleet would have been destroyed.¹⁰⁴

¹⁰² John J. Stephan, *Hawaii Under the Rising Sun: Japan's Plans for Conquest After Pearl Harbor*, (Honolulu: University of Hawaii Press, 1984), 2.

¹⁰³ John J. Stephan, *Hawaii Under the Rising Sun: Japan's Plans for Conquest After Pearl Harbor*, (Honolulu: University of Hawaii Press, 1984), 14

¹⁰⁴ Ibid, 82.

As early as 1936, a war plan at the Japanese Navy War College, titled “Strategy and Tactics in Operations against the United States,” stated if the American Naval Fleet were stationed in Hawaii that, Japan should open the war with an attack on Pearl Harbor, followed by a land invasion of Oahu to cripple the other islands. During the summer of 1941, Captain Kuroshima and Commander Watanabe made plans and analysis of an amphibious landing on three islands, Oahu, Maui, and the Big Island. They concluded that the attack would be successful as long as the landings were directly after the attack of Pearl Harbor. Upon further review, in September of 1941, Yamamoto rejected the land invasion immediately after the attack on Pearl Harbor but stated it would possibly be successful at a later date.¹⁰⁵

After the successful attack on Pearl Harbor, Yamamoto realized he was wrong and should have planned for a land invasion due to the weak response from American forces. This was why Yamamoto immediately instructed his staff to create plans for a land invasion on December 9. The plan was prioritized as it was a way to end the war quickly. Though this idea would bounce around quite a bit before finally becoming a real priority, on June 2, 1942, Japan began plans for an official land invasion in Hawaii; those plans were dashed only three days later, on June 5, the Japanese Imperial Navy would suffer a devastating defeat at Midway. The Japanese were using Midway to lure the U.S. Pacific Fleet to their destruction and believed an invasion of Hawaii was the next step in defeating the United States. However, thanks to a complex series of intelligence breakthroughs, the Americans led the Japanese into a trap of their own making.¹⁰⁶ Fear of a Japanese invasion of Oahu led to war hysteria, racism, and mistrust of individuals of Japanese descent.

¹⁰⁵ Ibid, 83.

¹⁰⁶ Craig L. Symonds, *The Battle of Midway*, (New York: Oxford University Press, 2011), 145-165.

This fear and mistrust of the Japanese would lead to roughly 10,000 Japanese Americans being investigated for possibly being disloyal, hundreds were interrogated, and review boards determined their loyalty to the United States.¹⁰⁷ Approximately 2,000 individuals were American Citizens and were incarcerated on the mainland or in a camp in Hawaii.¹⁰⁸ Most of these individuals detained from Hawaii lost their freedom and remained detainees for the entire war period. The detainees were kept in incarceration camps, behind barbed wire fences and armed guards, and for a long time, lived in tents while barracks were created.

Those not incarcerated lived in fear of searches, investigations, and arrests, especially after the forced relocation of all Nikkei from the West Coast. Immediately after the attack on Pearl Harbor, the general order required Japanese alien residents to turn in firearms, ammunition, flashlights, cameras, explosives, radio transmitters, portable radios, road maps, and many other items to their local police stations.¹⁰⁹ Some Japanese aliens feared the government to such a degree that they left the prohibited items at police stations and did not stay for receipts. As mentioned before, Japanese aliens were also required to submit to random house searches; items confiscated were rarely documented correctly, which made it challenging to collect items after the war ended. Years after the war, the military still held a significant amount of personal property that was never returned to the correct owner.¹¹⁰

Hardships would become a regular event for the Japanese; a large group of more than 1,500 Japanese was removed with less than a day's notice from areas near the Honolulu harbor

¹⁰⁷ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 157-162.

¹⁰⁸ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*. (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 143-155.

¹⁰⁹ Territory of Hawaii, Office of the Military Governor, General Orders No. 5, December 8, 1941, (Honolulu, HI: Hawaii State Archives).

¹¹⁰ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*. (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 153.

and the railroad terminal. They were not given time to remove furniture or make arrangements for the sick and elderly. A year after this event, many were still homeless.¹¹¹ Japanese fishermen also suffered vastly; most had spent their entire lives fishing and did not have other skills to find a different career path. The military seized entire fleets from certain Japanese groups. Individuals born in Japan lost their jobs, jobs they had held for years, and Japanese aliens were banned from employment with the federal government and defense contractors. The President of the United States froze Japanese assets, leaving many in Hawaii with extreme financial difficulties. Japanese could not take out loans, and loans getting ready to be disbursed were canceled.¹¹²

Another major issue with the discrimination against the Japanese was that other Asian communities were also affected. Koreans were specifically impacted. General Richardson provided the following statement for the War Department, “It is almost impossible to distinguish between Koreans and Japanese by sight alone, and Japanese who speak Korean might try to represent themselves as Koreans.”¹¹³ This discrimination forced Korean residents of Hawaii to be subjected to the same restrictions as Japanese residents. Koreans were considered Japanese subjects due to the forced Japanese annexation of Korea in 1910, though on the mainland, in February 1942, Korean’s status was changed to involuntary subjects of Japan and not citizens, which gave them back their rights; however, no exemptions were granted in Hawaii.¹¹⁴ Pro-Korean politicians and leaders attempted to convince the military in Hawaii to recognize the difference between Korean and Japanese. The *Korean National Herald-Pacific Weekly*, a

¹¹¹ Thomas H. Green, *Martial Law in Hawaii: December 7, 1941 – April 4, 1943*. (Washington, D.C.: Library of Congress.)

¹¹² Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 120.

¹¹³ Michael E. Macmillan, “Unwanted Allies: Koreans as Enemy Aliens in World War II,” *The Hawaiian Journal of History*, vol. 19 (1985): 179-203, 196.

¹¹⁴ Yong-Ho Ch’oe (Editor). *From the Land of Hibiscus: Koreans in Hawaii, 1903-1950*. (Honolulu: University of Hawaii Press, 2007), 197-198.

newspaper in Honolulu, also provided support, stating, “every Korean born is an enemy born for Japan.”¹¹⁵ The *Star Bulletin* also supported that the Koreans' negative treatment is an “injustice and a tragedy.”¹¹⁶

The Korean issue continued to pick up steam in March 1943. After the partial restoration of the civil government, the army again balled Japanese and Koreans into the same group. The issue became much more prevalent in May 1943 after a Korean was arrested for violating the curfew. The judge declared that Koreans were enemy aliens regarding enforcing regulations against the Japanese community. The decision was ultimately appealed, and the appeal process brought it to General Emmons.¹¹⁷ General Emmons rejected the appeals arguments, stating that Koreans had not endured harsh treatment at the hands of the Japanese. Emmons found the decision in the provost court just and sustained the guilty decision.¹¹⁸ This appeal decision was considered a severe insult to the Korean community, who believed that history has proven that the Koreans have suffered due to the Japanese treatment; however, this decision also brought forth the effort to make a change.

The Korean community began political appeals, using future Korean President Syngman Rhee; the appeals were heard by Secretary of War Stimson and President Roosevelt, who initiated an investigation by the MID. The Office of the Military Governor and the War Department prepared the following response for denying a non-enemy status to the Koreans in a Memorandum released on June 29, 1943, which listed six of the most significant reasons:

¹¹⁵ Ibid, 198.

¹¹⁶ *Honolulu Star Bulletin*, May 6, 1943.

¹¹⁷ *Honolulu Star Bulletin*, May 5, 1943.

¹¹⁸ *Honolulu Star Bulletin*, June 2, 1943.

- (1) Many alien Koreans were believed to have ties to Japan through families or relatives living in Korea or Japan; many of them were said to have made trips to Japan and Korea;
- (2) Many Koreans were said to have connections which might allow them to sell their services to the highest bidder. In particular, it was said that Kilsoo Haan was Known to have a private pipeline of information from Tokyo which could be assumed to work in both directions. Haan was reported to have worked as an informant for both the Japanese consulate in Honolulu and for the American military intelligence services, making him highly suspect;
- (3) Korean nationalist leaders were said to appear to be opportunists who are more interested in personal aggrandizement than they are in organizing a movement representing a sincere expression of a people who desire to maintain their own national integrity;
- (4) It was contended that language problems would make the work of counter-intelligence officers and police more difficult if alien Koreans were classified as friendly aliens. It is almost impossible to distinguish between Koreans and Japanese by sight alone, and Japanese who speak Korean might try to represent themselves as Koreans, it was argued;
- (5) A change of status for Koreans might provide an opening wedge for the Formosans, Okinawans, and other colonists not of pure Japanese blood;
- (6) Existing restrictions were not severe and affected only 2,500 people, but to exempt these people would unduly strain intelligence agencies by making it necessary to process them through alien hearing boards, as had been done

with many Japanese, and this, in turn, would only invite further unrest and give their leaders a stronger platform for protest.¹¹⁹

This memorandum was a failure by the military command in Hawaii and the Roosevelt Administration to properly analyze historical evidence and allowed for Korean Americans and aliens rights to be violated. Another failure of the Roosevelt administration to properly provide guidance to the military command in Hawaii.

Finally on December 4, 1943, a change would finally occur, change for the Koreans. General Orders No. 45 would reverse the restrictions on the Koreans.¹²⁰ This resulted from a meeting between President Roosevelt, Prime Minister Winston Churchill, and Generalissimo Chiang Kai-Shek in Cairo. The three political leaders believed Korea should be a free and independent country, which finally prompted the military governor to reverse the policy.¹²¹

The policy reversal was a relief to the Korean community, but the Japanese were still being discriminated against. Unable to practice their culture or religions. Yukiko Kimura stated, “My husband sent me a note from the Immigration Detention Quarter where he was interned, telling me that from that time on I must forget completely that I was the wife of an enemy alien and concentrate on being the mother of American children. He wanted me to sever all my connection with him and Japan and devote myself to helping our children to serve their country.”¹²² This letter was common among those interned, who lived in constant fear for their family, not wanting them to see the same fate and to show the Americans that they were devoted

¹¹⁹ Michael E. Macmillan, “Unwanted Allies: Koreans as Enemy Aliens in World War II,” *The Hawaiian Journal of History*, vol. 19, 1985, P. 196-197.

¹²⁰ Territory of Hawaii, Office of the Military Governor, General Order No. 45, December 04, 1943, (Honolulu, HI: Hawaii State Archives).

¹²¹ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 122.

¹²² Yukiko Kimura, *Issei: Japanese Immigrants in Hawaii*, (Honolulu: University of Hawaii Press, 1988), 226.

to American ideas.¹²³ Even simple petitions were turned away. One such petition was to hold Buddhist prayer services for Nisei soldiers who had been killed in the war or were still fighting. The petition was ultimately denied by Colonel William Morrison, Executive in the Office of the Military Governor provided the following statement, “The general policy in this office is to discourage the resumption of Japanese religious activities other than Christian. This attempt to revive Buddhist services should not be approved at this time,” Morrison went into further detail in his statement, stating that allowing Buddhist services would enable the Japanese to start subversive gatherings.¹²⁴

When it came to the Japanese, no differentiation was made between the Japanese living in Hawaii and the Japanese in Japan. A common phrase heard around the islands was “Once a Jap, always a Jap.” It was a clear message that anything Japanese was frowned upon as not being American. Families removed Japanese knick-knacks, books, photos taken in Japan, Shinto shrines, pictures of the Emperor or the Empress of Japan, Japanese artwork, or calligraphy scrolls; most of these items were removed by the Japanese themselves and burned, as they knew it would be seen as “unamerican.”¹²⁵ A Japanese resident, Tomi Kaizawa Knaefler stated, “I knew they would come to my house and search my place when the war started. Thus, I burned my Japanese textbooks and some pictures...Unfortunately, some of my friends who kept their

¹²³ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 177.

¹²⁴ William Morrison, Office of the Representative of the Military Governor, Statement regarding Buddhist services, April 24, 1944, Box 9, Folder 31, (Honolulu, HI: Japanese Cultural Center of Hawaii).

¹²⁵ Jane Okamoto Komeiji, “War” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II Hawaii*, (Honolulu: Watermark Publishing, printed in Korea, year not listed), 14

Japanese books and pictures were arrested.”¹²⁶ There were many posters around towns that the government had posted that stated, “Speak American. Don’t speak the Enemy’s language.”¹²⁷

As mentioned in chapter two, Agent Robert Shivers and his wife were convinced to home a Japanese-American student Shizue Kobatake. When Japan bombed Pearl Harbor, Agent Shivers, after receiving news of the attack at 8 am on December 7, before leaving the house, his last words to his wife were, “take Sue wherever you go and don’t let her out of your sight!”¹²⁸ Later that day, Agent Shivers sent a vehicle to pick up his wife and Sue and transport them to a home in Manoa. Upon arriving, Agent Shiver's wife and Sue were both handed guns and instructed, “at the sight of a Jap, shoot to kill.”¹²⁹ In the following days, Sue endured racial and hateful slurs directed at her because she was Japanese. It made no difference that she was staying with the Shivers, which almost everyone in town knew. In another instance, while standing in line waiting to watch a movie after some normalcy had returned, Sue overheard the remark coming from behind her, “if these damned Japs would stay home, we don’t have to stand in line.”¹³⁰

One particular group was extremely affected, the Issei, who were deprived of news sources due to the suspension of Japanese radio broadcasts and newspapers. Public use of the Japanese language was banned, and many Issei only spoke their native tongue. According to friends of the Issei, they were filled with fear and chose to remain at home, isolated from their

¹²⁶ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 124.

¹²⁷ Tomi Kaizawa Knaefler, “Our House Divided” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II Hawaii*, (Honolulu: Watermark Publishing), 82

¹²⁸ Ted. T. Tsukiyama, “Shizue “Sue” Kobatake Isonage” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II*, (Honolulu: Watermark Publishing), 29.

¹²⁹ Ibid, 30.

¹³⁰ Ted. T. Tsukiyama, “Shizue “Sue” Kobatake Isonage” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II*, (Honolulu: Watermark Publishing), 30.

former community members.¹³¹ The Issei were afraid of acting un-American, saying the wrong thing, and speaking in Japanese by accident in public; they feared they would lose their livelihoods or be spied on by the government. However, by isolating, they did not do themselves any favors, the isolating increased suspicion, and their isolation resulted in evidence of how untrustworthy the Issei were to others. The Issei also followed all orders nearly to the “t,” always carrying their gas masks, which was followed by rumors that they had advance notice of future Japanese attacks.¹³²

Not only did the Issei have to worry about their actions, but they also had to worry about the actions of others. The Hawaii Sugar Planters Association formed a quick and robust relationship with the military and submitted their own list of Japanese aliens they believed were pro-Japanese. The list was submitted on December 12, 1941. Increasing fears of military action on Japanese families, once a family was suspected of having pro-Japanese tendencies, and a family member was interned, the rest of the family was treated as pariahs. A Kona shopkeeper was interned, and his daughter wrote, “With father’s internment, Mother was left with seven young children without any means of support. Because of the dark cloud of suspicion hovering over our heads, the people did not patronize our store.”¹³³ Hisashi Fukuhara provided a summary of the Japanese, “The Japanese were scared to associate with us. They thought they would be arrested themselves. They just avoided us...They wouldn’t even talk to us....Even my friends would separate themselves from us and cut their ties. That was the harshest.”¹³⁴

¹³¹ Yukiko Kimura, *Issei: Japanese Immigrants in Hawaii*, (Honolulu: University of Hawaii Press, 1988), 217-225.

¹³² Thomas D. Murphy, *Ambassadors in Arms: The Story of Hawaii’s 100th Battalion*, (Honolulu: University of Hawaii Press, 1954), 102.

¹³³ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 124.

¹³⁴ “Interview with Hisashi Fukuhara,” Folder 232, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

Once an individual was detained and interrogated, he was questioned without counsel and without understanding the full extent of the questions being asked. Jack Yoshitami Tasaka was a clerk in his family's Sake company in Honolulu. Jack had recently returned from Hilo, Hawaii managing the branch at that location, mainly to sell the excess Sake after the previous manager had been interned, when he was arrested on April 3, 1943, the day after he returned. Over the next few weeks, he was interrogated gruelingly and intensely. "He was asked many questions, such as why he was a dual citizen ("I had no say because I was an infant"); why had he gone back to Japan ("I was only four years old"); why he had worked as a Japanese school teacher until the war started ("I had no other skills"); why was he corresponding with people in Japan ("My mother was still living there"); etc. No matter what he said, he was considered "disloyal to the United States." While interrogated, he was also asked to divulge information regarding the other dangerous Japanese he knew, but he refused to provide any names.¹³⁵

When the initial detainment of individuals on the FBI's list began in the first days and weeks after December 7, the number of arrests was deemed insufficient by prominent haoles and other officers within the military. These other military officers and their families were the sources of several confidential FBI reports which were dismissed as false regarding the loyalty of the Japanese-Americans.¹³⁶ The junior military officers and their families were also responsible for the numerous rumors that alleged sabotage and espionage by the Japanese population in

¹³⁵ Michael Okihiro and Jane Komeiji, "Jack Yoshitami Tasaka" in *Japanese Eyes...American Heart: Voices from the Home Front in World War II Hawaii*, (Honolulu: Watermark Publishing), 123.

¹³⁶ "Memorandum from Edward H. Hickey to James Rowe," April 6, 1943, *Papers of James Rowe Jr.* (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

Hawaii. These rumors also ran rampant on the mainland, especially after the arrival of thousands of Japanese women who had been evacuated from Hawaii.¹³⁷

When Japan attacked Pearl Harbor with such precision and knowledge of strategic locations, espionage was where most military minds pointed to. General Emmons, after the attack, told the *New York Times* that the Japanese “knew everything” while also stating in the same article that espionage was also stopped to reassure the American public.¹³⁸ As previously mentioned in this chapter, rumors of espionage of Japanese-American obstructing roads to Pearl Harbor, Japanese pilots wearing McKinley High School and University of Hawaii rings, arrows being cut into fields to assist Japanese pilots, signal lights being flashed to enemy ships and planes, etc. These rumors were given life by high-ranking officials in both the military and civilian government. Rear Admiral Kimmel stated, “Fifth column activities added great confusion.”¹³⁹ Secretary of the Navy Frank Knox said, “the most effective ‘fifth column’ work of the entire war was done in Hawaii, with the possible exception of Norway.”¹⁴⁰ Despite the complete lack of evidence among the initial detainees, a press release on December 22 concluded that 273 fifth columnists had been arrested, including all Japanese leaders of subversive activities, and that those detained had provided Japan with valuable information.¹⁴¹

The Navy’s leading expert on the Nikkei community added his assessment, Kenneth Ringle from the Office of Naval Intelligence:

¹³⁷ Gwenfreed E. Allen. *Hawaii’s War Years, 1941-1945*. (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 379.

¹³⁸ Robert Trumbull wireless, “HAWAII EXPANDING AS OFFENSIVE BASE; Now Ready to Repel Foe, it is Preparing to Carry War to Enemy, Gen. Emmons Says NEW POWER IS STRESSED Air and Sea Fleets Expected to Keep Japanese Away – Skilled Labor Is Needed, *New York Times*. January 10, 1942.

¹³⁹ Otto Friedrich, “A time of Agony for Japanese Americans,” *Time*, December 2, 1991.

¹⁴⁰ *Honolulu Star Bulletin*, December 15, 1941.

¹⁴¹ “Hawaii Holds 273 As 5TH COLUMNISTS; Those Seized Are Culled From 35,000 Japanese – U.S. War Department Clears Forces, *New York Times*, December 23, 1941.

That, however, there are among the Japanese both alien and United States citizens, certain individuals, either deliberately placed by the Japanese government or actuated by a fanatical loyalty to that country, who would act as saboteurs or agents....the most dangerous are either already in custodial detention or are members of such organizations as the Black Dragon Society...the most potentially dangerous element of all are those American citizens of Japanese ancestry who have spent the formative years of their lives, from 10 to 20, in Japan...These people are essentially and inherently Japanese and may have been deliberately sent back to the United States by the Japanese government to act as agents. In spite of their legal citizenship and the protection afforded them by the Bill of Rights, they should be looked upon as enemy aliens and many of them placed in custodial detention.¹⁴²

The American citizens who spent their formative years in Japan were known as Kibei. Japanese families sent some of their children back to Japan to be educated because they wanted to carry on the tradition of their culture and thought the best way to continue their culture was by sending at least one child to Japan who would return and continue educating future generations and carrying tradition. The United States government believed that the Kibei could be a possible danger, though evidence to support this statement among the Kibei living in Hawaii was non-existent, we will discuss this in more detail later in this chapter.

¹⁴² U.S. Department of the Navy, "Report on the Japanese Question," January 20, 1942.

The previous statements and rumors were denied by Governor Poindexter, the FBI, Mayor Lester Petrie of Honolulu, and many other leaders in the Hawaii community during their testimonies at a congressional investigating committee.¹⁴³ “In spite of what Admiral Kimmel or anyone else may have said about the fifth-column activity in Hawaii, I want to emphasize that there was no such activity in Hawaii before, during, or after the attack on Pearl Harbor. Consequently, there was no confusion in Hawaii as a result of fifth-column activities.”¹⁴⁴ FBI Director J. Edgar Hoover also released a memorandum on March 16, 1942, echoing the statements provided by Agent Shiver.¹⁴⁵ High-ranking military individuals knew that the turmoil was causing the Japanese emotional issues. In his diary, Colonel Thomas H. Green wrote that the Japanese were scared to death and feared that the locals would slaughter them.¹⁴⁶

DIFFERENT ISLANDS, DIFFERENT STORIES

The first months of martial law affected each island differently. The island of Kauai had numerous issues after the takeover of the Kauai County government. Unfortunately for Kauai, its position on the island chain placed it in the closest vicinity to Japan, and with the ramped rumors, it was the most likely island to be invaded and used as a Japanese military base. Kauai’s military force was also minimal, leaving it in imminent threat; it was nearly without military

¹⁴³ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 127-128.

¹⁴⁴ United States Congress. Hearings Before the Committee on the Territories House of Representatives Seventy-Ninth Congress, First Session Pursuant to H. Res. 236: A Resolution Directing the Committee on the Territories to Conduct a Study and Investigation of Various Questions and Problems Relating to the Territories of Alaska and Hawaii, (Washington D.C.: United States Government Printing Office, 1946).

¹⁴⁵ Federal Bureau of Investigation, “Memorandum from J. Edgar Hoover to Assistant Attorney General James Rowe,” March 16, 1942, *James Rowe Jr. Papers*, (Hyde Park, NY: Franklin D. Roosevelt Library).

¹⁴⁶ Thomas H. Green, “Diary,” *Papers of General Thomas H. Green Papers*, (Charlottesville, VA: Judge Advocate General’s School Library).

defense. To make matters worse, a Japanese submarine had positioned itself outside Nawiliwili Harbor; on December 30, 1941, the submarine shelled the island at will.¹⁴⁷

Residents of Japanese ancestry also began withdrawing from the public. Kauai's army commander commented that "through fear or misunderstanding," the Japanese residents withdrew psychologically and believed they were unwanted.¹⁴⁸ In fear that the Japanese community isolating itself would become dangerous, the FBI arrested forty-one leaders in the community, all consular representatives, Japanese language school teachers, and Japanese priests. The military continued cracking down on the Japanese community. Within fifteen minutes, the first provost court session on the island convicted eight people, evening sentencing one man to 5 years for his negative comments that the army and democracy were no good.¹⁴⁹

The island of Kauai saw the first four Japanese individuals ever voted to office pressured to withdraw. In 1900, only 3 percent of voters were of Japanese ancestry.¹⁵⁰ By 1930 with the number of immigrants, the Japanese were now the lead voters on the island. Norboru Miyake became the first American of Japanese ancestry to be elected to public office. By 1936 four Japanese individuals had won and were serving as elected officials.¹⁵¹ Though with the war drawing closer, the Chairman of the Kauai Republican Party, a Chinese American, suggested they withdraw from public office, his opinion was shared by the *New York Times*, *New York*

¹⁴⁷ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 196.

¹⁴⁸ Office of Military Intelligence Report, "Kauai Morale, Headquarters Kauai Service Command," October 10, 1942, written by Major Charles A. Selby, (Honolulu, HI: Romanzo Adams Social Research Laboratory).

¹⁴⁹ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 177.

¹⁵⁰ United States Department of the Interior, "Report of the Governor of the Territory of Hawaii, Secretary of the Interior, 1902.

¹⁵¹ United States Department of the Interior, "Report of the Governor of the Territory of Hawaii, Secretary of the Interior, 1936.

Daily News, and the *Garden Islands News*, all four shortly withdrew due to the mounting public pressure.¹⁵²

An incident that did not help to calm the rumors happened on the island of Niihau, which was only able to communicate via a sampan that made weekly trips. One of the Japanese bombers that had been shot down crashed on the island. When the plane crashed, the pilot was disarmed, and a local Hawaiian, Hawila Kaleohano, seized his Japanese military papers. After securing the pilot, Kaleohano sent for the only two Japanese residents on the island, Ishimatsu Shintani, an alien, and Yoshio Harada, a Japanese American citizen, to be a translator. Considering it was Sunday, the community kept the pilot under guard, waiting for the sampan to arrive Monday morning. The whole week passed with no sampan due to the Army orders preventing it from sailing. The islanders built a large fire, a prearranged signal to Kauai Island as a sign of trouble.¹⁵³

The pilot, unfortunately, was able to bribe Shintani, sending him with two hundred dollars to try and convince Kaleohano to burn his Japanese papers. The pilot then persuaded Harada to obtain firearms, and Harada and the Japanese pilot “started a reign of terror which continued through Friday Night.”¹⁵⁴ They searched the home of Hawila Kaleohano for the Japanese military papers but could not locate the documents. The two “terrorists” set up a machine gun pit on the wrecked plane and began to threaten the village if they did not produce Kaleohano. The villagers abandoned the village and hid in the woods. The two Japanese captured

¹⁵² Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 198.

¹⁵³ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 48-50.

¹⁵⁴ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 49.

one native, Kaahakila Kalimahuluhulu, tied his hands behind his back, and told him to retrieve Kaleohano. Kalimahuluhulu escaped and hid in the woods. Mrs. Kalimahuluhulu was next to be captured, and her hands were bound and sent to look for her husband. She escaped as well and ran into the woods. The two Japanese left their machine gun nest and began looking for Kaleohano. According to historian Gwenfread Allen, “They then found an elderly woman, too old to go with the others, and threatened to kill her if she would not divulge the whereabouts of Kaleohano. She replied that only God had power over life and death, and calmly went on reading her Bible, whereupon the exasperated Japanese turned to other matters.”¹⁵⁵

The Japanese captured two more natives on Saturday morning, Mr. and Mrs. Kanahele. They sent Mr. Kanahele to search for Kaleohano while holding his wife hostage. Mr. Kanahele did a brief search, but the concern for his wife drew him back quickly. Mr. Kanahele tried to convince Harada to take the Japanese pilot’s weapon, but Harada refused, convinced that if he betrayed the pilot, his family would be killed. As the pilot turned his back on Mr. Kanahele, he attempted to disarm the pilot himself. The Japanese pilot shot Mr. Kanahele in the chest, which did not kill the Hawaiian. Mr. Kanahele picked up the pilot into the air and struck his head against a stone until the Japanese pilot was dead. Mrs. Kanahele fought Harada, which ended with Harada taking his own life by shooting himself in the head. All the time, Kaleohano and a group of four other men had been rowing through the ocean Saturday night, a 16-hour trip to Kauai to inform the military of the situation. Mr. Kanahele was presented with the American Legion heroism medal, Purple Heart, and Medal for Merit. The Purple Heart was awarded to the civilians with special permission from Washington D.C. to do so. In 1946, after the war,

¹⁵⁵ Ibid, 49.

Kalehano was awarded the Medal of Freedom. Unfortunately, this incident provided support and “evidence” that the Japanese in Hawaii could not be trusted.¹⁵⁶

THE HAWAIIAN TERRITORIAL GUARD

From the initial attacks, the Japanese in Hawaii still felt called to serve, immediately following the attack on Pearl Harbor, Japanese-American members of the University of Hawaii’s ROTC were called into action to defend locations through Oahu. Several hours later, these ROTC members were asked to join the Hawaii Territorial Guard (HTG), which was formed on December 7, by Governor Poindexter as an initial response.¹⁵⁷ “In a famous incident, a squad of students was dispatched to secure a ridgeline above the University of Hawaii in the face of a rumored parachute invasion. The invaders turned out to be an illusion, but the incident provided anecdotal evidence that Japanese Americans would stand in defense against Japanese troops in the face of an invasion.”¹⁵⁸ Within the following weeks, more than 1,300 men were guarding roughly 150 locations. The HTG protected power plants, government offices, water pumping stations, and ‘Iolani Palace. HTG member Franklin Odo stated, “They issued everybody weapons and 90 percent of the guys never used a rifle before. They have a roll call at night, especially, and you hear guns going off all over the building there... We had rumors that the Japanese were coming in – like paratroopers... At night you would go out in a jeep with hardly any lights and make sure the guys aren’t sleeping and it scared the shit out of you. They say, ‘Halt!’ you know, and then you hear the gun go click... These were untrained, undisciplined –

¹⁵⁶ Gwenfread E. Allen, *Hawaii’s War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 49-50.

¹⁵⁷ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 2.

¹⁵⁸ Tom Coffman, *Inclusion: How Hawai’i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 183.

and they didn't know what they were doing.”¹⁵⁹ Though the HTG were not the only ones lacking training, one Japanese American reported for work on December 8, the day after the attack, and was Bayoneted at the Pearl Harbor gate because he looked Japanese.¹⁶⁰

Due to the HTG having armed Nisei, about a month after the attack, some of the non-Japanese living in Hawaii were growing uneasy. On January 16, 1942, E.D. Bourland of the Hawaii Electric Company stated that Hawaii needed a group of white men to guard against a Japanese uprising.¹⁶¹ Shortly after the memo, Bourland was placed in charge of the newly formed Businessmen's Military Training Corps (BMTC). The military provided Khaki uniforms, weapons, and military training by the army. The BMTC was exclusively white men and Hawaiian men with white blood.¹⁶²

General Short knew that most of the HTG consisted of Japanese Americans; however, he was confident they were loyal to the United States. One of the volunteers on the HTG was the son of an individual who had been arrested after the Pearl Harbor attack; this information did not bother General Short. He also estimated that the HTG freed up at least six infantry companies for active-duty combat.¹⁶³ Unfortunately, on January 19, 1942, nearly six weeks after the attack on Pearl Harbor, Japanese Americans were called out and dismissed from the HTG. Ted Tsukiyama provided the following statement about the details of the initial event: “While we were encamped at the Koko Head rifle range to learn how to shoot our rifles, we were roused at 3 a.m. by our

¹⁵⁹ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 125.

¹⁶⁰ *Ibid*, 125.

¹⁶¹ “E.D. Bourland to General Delos Emmons,” January 16, 1942, *General Emmons File*, Box 15. (College Park, Maryland: National Archives).

¹⁶² Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 139-140.

¹⁶³ Gwenfread Allen, *Hawaii's War Years, 1941-1945*, (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 162.

tearful commander. Orders had been received that all HTG guards of Japanese ancestry were to be released and discharged. If a bomb had exploded in our midst, it couldn't have been more devastating. We made the long truck journey back to the university armory where we were honorably discharged. When we parted, our officers cried. Our fellow guardsmen, our classmates, and friends for many years, cried too. And, of course, we cried.”¹⁶⁴ They had defended vital installations for a whole month; however, the absence of incidents generated suspicion rather than confidence in the Japanese members of the HTG.¹⁶⁵

The HTG provided a solution to Hawaii's defense problem in the first weeks following the attack on Pearl Harbor. The public was unaware of their lack of training and discipline and was initially too scared or confident enough to bring up the issue of large numbers of nisei being armed. The HTG pay was poor, and there was no public gratification for guarding hospitals and reservoirs. Still, the members of the HTG were proud and felt accepted by America during a crisis. Their dismissal left many feeling that their own government had attacked them silently and dishonorably, and they believed their hands were tied to fight back against injustice.¹⁶⁶

After the Nisei were discharged from the HTG, a group of men addressed the issue in a document titled “Propaganda Among the Japanese Aliens,” dated January 15, 1942. The document addressed a small faction of individuals loyal to Japan and dangerous; however, most of the Nisei were listed as fearful, insecure, humiliated and abandoned, appreciative of the treatment, law-abiding, and peaceful in their current situation.¹⁶⁷

¹⁶⁴ Ted T. Tsukiyama, “VVV” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II Hawaii*, (Honolulu: Watermark Publishing), 148.

¹⁶⁵ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 2

¹⁶⁶ *Ibid*, 126-131.

¹⁶⁷ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 126-131.

THE MORALE SECTION

With much negativity surrounding the Japanese community, there were voices trying to calm the situation and keep a level head. One of those voices was the Morale Section, previously mentioned in chapter two. The original six members were Shigeo Yoshida, Clifton Yamamoto, Masatoshi Katagiri, Jack Wakayama, Shunzo Sakamaki, and Thomas Kurihara. When the war broke loose, and General Emmons took over command, he emphasized that the role of the Council for Interracial Unit would be significant, that council would be created when a business executive and director of the Office of Civilian Defense, Frederick Simpich Jr., hosted a community meeting at 'Iolani Palace on December 15.¹⁶⁸ The meeting included Yoshida, Hung Wai Ching, Charles Hemenway Masatoshi Katagiri, Charles Loomis, and Dr. Miles Cary. The primary focus of this community meeting was to create a set of community advisers whom the martial law government would incorporate. Simpich's goal was to ease public panic, especially among the Japanese, and to assign one member as a full-time volunteer in the Civil Defense unit. Ultimately, due to the other members' political positions, Charles Loomis was chosen to represent the group in the initial proposal. Hemenway provided a second proposal that suggested Loomis, Yoshida, and Ching. This was accepted and created an interracial Morale Section.¹⁶⁹

The interracial composition was an essential factor to the Morale Section. Individual groups of Caucasians, Japanese, Hawaiians, etc., are easily ignored and had been the previous case. But the combination of the three allowed their numerous community connections to be the backbone of the morale section. The Morale Section was reassigned from the Civil Defense

¹⁶⁸ Miscellaneous Manuscripts, Morale Section, Box 2, (Honolulu, HI: Romanzo Adams Social Research Laboratory).

¹⁶⁹ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 130-131.

office to Army Intelligence. This was considered an important step in the eyes of the members because it made the Morale Section a crucial component of internal security. Internal security consisted of communities working together with confidence and trust. The official description of the Morale Section was to act as a liaison between the community and the government. Morale was described as consisting of economic security, good health, confidence in associates, psychological security, a common purpose, and loyalty.¹⁷⁰ The new head of Army Intelligence was Colonel Kendall Fielder, a Japanese American ally. He was a previous commander of the 298th Regiment of the Hawaiian National Guard. At the 35th Anniversary of the 100th Battalion, Fielder was the keynote speaker, “The point I want to make is that it was my privilege and duty to be serving in a position that permitted the 100th Inf Bn [Infantry Battalion] to come into being. In fact, I was ordered to Washington to convince General George Marshall that the formation of a unit of Americans of Japanese ancestry was a sound procedure.”¹⁷¹

When the Japanese ancestry members were dismissed from the HTG, it was Hung Wai Ching who met with a small group of the individuals who were dismissed, a total of five. This included Ted Tsukiyama. When Hung Wai Ching met with them, he could tell they looked depressed and angry. Ching asked them, “But what are you going to do about it? Are you going to sit on your asses and feel sorry for yourself the rest of the war? Are you going to lie down and be quitters?” Ching then proceeded to challenge them, “You think the only way to serve is to hold a gun? If they don’t trust you with a gun, they’ll trust you with a pick and shovel. Why not volunteer for a labor battalion?” The group of five was in disbelief as some had left plantations

¹⁷⁰ Territory of Hawaii, Office of the Military Governor, General Order No. 56, January 26, 1942, (Honolulu, HI: Hawaii State Archives).

¹⁷¹ Kendal Fielder, “The Keynote Message at the 35th Anniversary Banquet,” *100th Infantry Battalion Veterans Education Center*, Vol. 31, no. 4 (August 1977).

to seek college educations and a better life. Ching continued, “Damned right, labor battalion! You think you too good to do pick and shovel work when you behind the eight ball like now?”¹⁷²

VARSITY VICTORY VOLUNTEERS

On behalf of the students discharged from the HTG, Tsukiyama drafted a petition; it was a very emotional petition and was redrafted by Yoshida. It stated, “Hawaii is our home; the United States, our country. We know but one loyalty and that is to the Stars and Stripes. We wish to do our part as loyal Americans in every way possible and we hereby offer ourselves for whatever service you may see fit to use us.”¹⁷³ The petition was ultimately signed by 169 men and was successfully presented to the military governor. In February 1942, the men were organized into the Varsity Victory Volunteers (VVV).¹⁷⁴ This unit was seen as the inspiration that helped persuade the administration to create the legendary 442nd.

Many of the soldiers and community members of Japanese descent consider the formation of the VVV as the turning point in the unfair treatment of Japanese living in Hawaii. On Easter Sunday, 1946, the following address was presented at the memorial service:

The point I wish to reemphasize because its significance sometimes is not fully appreciated and can be easily forgotten with the passage of time, is that it was the VVV which marked the turning point in the treatment of the people of Japanese ancestry in this Territory and their acceptance by the rest of the community. What followed afterward – the record of the 100th, the formation of the 442nd and its

¹⁷² Chris Green, “Teds Corner: Pearl Harbor Aftermath: From Tragedy to Triumph,” *Sons & Daughters of the 442nd Regimental Combat Team*.

¹⁷³ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 185.

¹⁷⁴ Yutaka Nakahata Odo, *The Volunteer*, (Digital Database of Bancroft Library, UC Berkeley).

history of hard-won battles, the less publicized but equally important and impressive record of the interpreter groups, and the work of the civilians on the home front – was the natural result of the trend which was started in the early months of the war when to a suspicious and skeptical community that the Americans of Japanese ancestry were every bit as American and every bit as loyal to this country and to her ideals as any other group of Americans, whether they were white, yellow, black, or brown.

This statement lends to evidence that the military command in Hawaii were acting to protect the Japanese living in Hawaii. The influence of Agent Shivers and the Morale Section on the OMG had a direct impact on the treatment of the Japanese. Without their support and influence the Japanese may have faced a much darker fate.

The HTG was not the only unit with Japanese members in the military; when the War Department suggested that all Japanese-Americans serving the army in any capacity be discharged in February 1942, General Emmons resisted; he believed that removing all Japanese-Americans would cause a severe shortage.¹⁷⁵ General Emmons stated that “the Japanese were an irreplaceable labor force in Hawai’i.” Emmons stated that if they complied, it would cost the military roughly eighty percent of their construction workers.¹⁷⁶ Japanese Americans who were granted permission to work on military installations did have to wear a black badge that indicated they were of Japanese descent and banned from restricted areas. However, the idea of a labor battalion was received well in both Washington D.C. and Hawaii. Though each location had its reasoning, those in Hawaii believed it was a way to do their part in the war effort, and

¹⁷⁵ Roland Kotani, *The Japanese in Hawaii: A Century of Struggle*, (Honolulu: Hawaii Hochi Press, 1985), 108.

¹⁷⁶ John Tsukano, *Bridge of Love. The Story of the Japanese Immigrants and their Soldier Sons, One of the Most Bizare Chapters in American Jurisprudence*, (Honolulu: Hawaii Hosts Publishing, 1988), 78.

those in Washington saw the political side as a way of appeasing the Japanese public while giving eager Japanese Americans medial jobs, such as labor. General Emmons made it known that the unit would require at least 170 men to be viable.¹⁷⁷

To ensure they reached the 170-member requirement, Ching set out to find volunteers who were well-behaved, held strong opinions, and had prestige and not just young college students. Ching recruited Richard Chinen, a famous local boxer who brought prestige and influenced other local celebrities to volunteer. Ching's recruitment ended up being one shy of the 170, 169 men. Less than 50% of the number that was let go by the HTG. The VVV were told numerous times that the future of the Japanese community hung in the balance of their performance. On February 25, 1942, a little more than a month after their initial dismissal, the VVV were sworn in at 'Iolani Palace, the same week President Roosevelt issued Executive Order 9066.¹⁷⁸

To house and manage the unit, Ching contacted General Albert Kualii Lyman, one of the most distinguished Native Hawaiian soldiers. Without Lyman's support, the whole endeavor may have failed. Ching also arranged an officer's commission for Tommy Kaulukukui, a football star from the University of Hawaii. Kaulukukui was placed in charge of the athletic program for the VVV. General Lyman assigned a Chinese American, Captain Richard Lum, to command the unit. Captain Lum assigned Lieutenant Ralph Yempuku as his second in command to ensure a strong Japanese presence in the command chain. Lieutenant Yempuku was to serve as the older

¹⁷⁷ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 130.

¹⁷⁸ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 186.

brother to the Japanese in the unit and was urged by Charles Hemenway. Under Tempuku, Tsukiyama served as his second.¹⁷⁹

To ensure the unit would thrive, the Morale Section constantly visited, especially Ching. He often went to Schofield Barracks to check up on them and manage any problems before they became larger issues. John Young, another Morale Section member, also visited constantly, spoke fluent Japanese, studied theology, and provided encouraging words on a nearly weekly basis. Out of the 169 volunteers, only one left. The goal of the VVV was to work their way into a combat unit, and the Morale Section wanted to make that a reality as well.

The Morale Section saw the significance of the VVV, and in their “Third Progress Report,” the Morale Section brought attention to the formation of the VVV:

One of the most significant activities of the Morale Section has been the formation of the auxiliary labor corps stationed with the 34th Engineers under Colonel Lyman at Schofield Barracks. The preliminary stages in the organization of this corps which the boys have termed the triple “V” Corps required over two weeks of consultation and conferences. It was not an easy matter for the boys to make the decision they did because of uncertainty as to being acceptable to the military authorities. For many also this meant sacrificing their schooling just after they had reentered another semester.

Whatever qualms may have existed in the beginning, the experiment seems to have more than justified itself for there appears to be practically

¹⁷⁹ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 186.

unanimous praise from all quarters. The boys have been genuinely accepted by the engineers with whom they have become associated and they keenly enjoy their work. Public comment has also been on the whole favorable. There are a few skeptics who maintain a wait and see attitude but thus far no unfavorable comments have come to the attention of the Section.¹⁸⁰

On more than one occasion, the VVV was also contracted to help civilians. One story is of the VVV building furniture for a community child-care facility. Jane Albritton convinced the military and her superiors that establishing daycare centers would free mothers to work in the labor force. “We needed cots – oh we needed lots of things...And it was the VVV boys who made everything for us. They were wonderful...(who in the world would doubt that kids of any ancestry growing up in Hawaii were loyal.”¹⁸¹

The VVV was highly praised and viewed as a success, but the United States military also viewed them as a potential threat. Captain Richard Lum, the army liaison, was in direct command of the VVV and was also responsible for a covert order. Lum was to provide censorship to the VVV mail, observe the men and provide intelligence reports on their activities. Lum was ordered to observe for communist activity carefully. Lum had associates throughout Schofield Barracks who would spy and provide intel on all subversive activities. Though some communist activity was reported, none was ever substantiated.¹⁸²

THE SUCCESS OF THE MORALE SECTION

¹⁸⁰ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 164-165.

¹⁸¹ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 194.

¹⁸² T. Michael Holmes, *The Specter of Communism in Hawaii*, (Honolulu: University of Hawaii Press, 1994), 32-44.

The Morale Section was highly praised for their actions and numerous times were why some individuals changed their minds in having a positive view of the Japanese Americans. Some of the Morale Section helped keep them on a positive path. Colonel Kendall Fielder stated: “As I have said many times and I repeat tonight, my belief in their loyalty and integrity was somewhat influenced by Hung Wai Ching, Charlie Loomis, John Burns and most of all by General Short who strongly believed they would be 100 percent patriotic. He really planted the seed.”¹⁸³ Just like General Short, Fielder believed that loyalty was a two-way street.¹⁸⁴ Hung Wai Ching significantly influenced the success of not just the Morale Section but for the American-Japanese combat units that would serve in World War II. Ching was a man who knew “many shades and accents,”¹⁸⁵ He knew individuals in high society, the corporate executives, labor organizers, leftists, and society women; he also knew the low society individuals, your general labor, grocery clerks, and other individuals from all walks of life which made him successful. Ching’s nicknames were “Generalissimo” or “Gitmo,” he was the warlord who ruled China, which Ching did not mind. He knew that China needed to survive Japan’s attacks, for this would provide the United States with more options.¹⁸⁶

While Ching was the inside and outside man, Yoshida’s role was limited due to his Japanese ancestry, which would not allow him to get a security clearance of any level. So Yoshida set off to be the man behind the Morale Section. Yoshida knew his strength was his speaking and writing skills, which he would use to his advantage to impact how individuals thought. Ted T. Tsukiyama, a close friend of Yoshida, had this to say about him: “He saw the

¹⁸³ Kendal Fielder, “The Keynote Message at the 35th Anniversary Banquet,” *100th Infantry Battalion Veterans Education Center*, Vol. 31, no. 4 (August 1977).

¹⁸⁴ Tom Coffman, *Inclusion: How Hawai’i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 132.

¹⁸⁵ Ibid, 132.

¹⁸⁶ Ibid, 133.

moment, which he lived with intensity, while holding within himself the burden of history and the possibilities of the future.”¹⁸⁷ Though Yoshida was frustrated with both his race and the white elite class, he knew that he had to be relentless while also being able to have small talk with the elite, repeating his ideas over and over for them to become effective. Agent Shivers called Yoshida “The Samurai” because he was relentless. Yoshida also later admitted that in his family closet were two family swords, two samurai swords; there is no documentation that Yoshida ever told Shivers about the swords. Yoshida was the only individual of Japanese ancestry who directly influenced and advised the martial law government in Hawaii.¹⁸⁸

The three leaders of the Morale Section, Ching, Yoshida, and Loomis, began to influence the martial law government. The three advised General Emmons on the need for a reassuring message to the residents of Hawaii that mass internment or evacuation of the Japanese would cause severe issues of trust and that expressing confidence would reinforce individuals of Japanese ancestry to feel favorable towards the United States. They explained that the arrests, though small in number, were causing fear and anxiety in the Japanese Community. After speaking with the Morale Section, General Emmons spoke with Agent Shivers, who confirmed that no sabotage or espionage was at work by the Japanese in Hawaii.¹⁸⁹

After being advised by both the Morale Section and Agent Shivers, General Emmons agreed that a radio message to the public was a good idea. The message was broadcasted just four days after General Emmons arrived on the island. For the announcement, General Emmons asked Ching to create a seven-minute message, Ching then turned to Yoshida, and Yoshida

¹⁸⁷ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 133.

¹⁸⁸ Ibid, 132.

¹⁸⁹ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 134-135.

quickly wrote a draft that ran precisely seven minutes. In General Emmons's statement, he spoke to the public about how their approach to the community should be inclusive. He expressed concern about Japanese employees who have been fired only because of their ancestry. "While we have been subjected to a serious attack by a ruthless and treacherous enemy, we must remember that this is America and we must do things the American Way. We must distinguish between loyalty and disloyalty among our people."¹⁹⁰ General Emmons also stated, "As you have been told before, there is no intention or desire on the part of the Federal authorities to operate mass concentration camps."¹⁹¹ Overall the Japanese community was pleased with the announcement.¹⁹² Unfortunately for General Emmons, he was unaware that a cabinet meeting in D.C. had decided that all Japanese aliens in Hawaii were to be interned by the Army.¹⁹³

The Morale Section was not only influencing the Island of Oahu but also branching off into different islands to create a larger influence. The island of Kauai was hit hard by the first wave of arrests and internment. Nearly all the traditional leaders in the community had been removed. The Morale Section's goal was to create new ones. They contacted Masao Yamada, a United Church of Christ pastor, who was a part of Hung Wai Ching's list of contacts. With Yamada developing into a leader, the Kauai Morale Committee was a unit created to fill the leadership gap that the initial arrests created. With the Committee's push, those arrested and jailed at poor locations drastically improved. The Committee helped reestablish communication between those detained and their families. They set up a visitation system. One of the major

¹⁹⁰ Stephanie Hinnertshitz, "Japanese Americans and the Wartime Experience in Hawaii," *The National WWII Museum*, October 15, 2021.

¹⁹¹ Stetson Conn, Rose C. Engelman, & Byron Fairchild, *Guarding the United States and Its Outposts*, (Washington D.C.: U.S. Government Printing Office, 1964).

¹⁹² Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 134-135.

¹⁹³ Henry Stimson, "Stimson Diary," December 19, 1941 and December 20, 1941, Microfilm, Reel Seven, Volume 36, (New Haven, CT: Yale University Archives).

areas the committee assisted in was when properties were taken over by the United States Alien Property custodian. The committee intervened in the proceeds of the sales and was able to place the money into scholarship funds for students on the island.¹⁹⁴

The Morale Section also worked on the Island of Maui; after the attack on Pearl Harbor, most of the Japanese Community retreated into isolation, fearing that the others in their communities would seek a violent resolution; however, the Morale Section reversed that trend, they performed in the same manner as before, getting the Japanese community involved in the war effort, the morale of the Island of Maui significantly improved.¹⁹⁵

On the Big Island (BI) of Hawaii, the Island was primarily split into two sides, the east side, which centered around the town of Hilo, and the west side, which centered around Kona. The BI did not have the same success as the other islands. The east side quickly recovered from the arrests of the Japanese leadership and found a balance. On the other hand, the west side had racial issues between the community and the military. Responding to the tension, the military leaders set extreme restrictions. Any woman of Japanese ancestry was banned from the USO; to travel from North Kona to South Kona, you had to receive military permission, which was a complicated issue. Farmers were only allowed to burn trash on Fridays. At one point, a Japanese man who was quite elderly was arrested and fined \$700 for using a flashlight at night that was uncovered; he spent the next four years in jail for his single transgression. The Morale Section sent two members to try and create an extension group on the island. While the two members achieved a mild level of cohesion, data indicated that they did not have the same effectiveness as

¹⁹⁴ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 204.

¹⁹⁵ "Maui Emergency Service Committee File," October 16, 1942, Box 1, (Honolulu, HI, Romanzo Adams Social Research Laboratory).

the other islands, only able to soften the blow of martial law partly. After nearly two years of working on the island, the Morale Section on the BI made headway, removing the north-south boundary in Kona and increasing coffee labor wages. Once the military started opening for the Japanese to serve, it brought a new life to the BI and the other islands, and morale increased quickly.¹⁹⁶

The Morale Section was also concerned about how to show loyalty; the Japanese aliens must show support for defeating Japan. The Morale Section requested that newspapers and public articles stop requesting the “defeating Japan” as a statement of loyalty; rather, it should be that democracy should defeat imperialism or totalitarianism.

I think the ordinary Japanese here does not realize that the government of Japan has been, for years, taken out of legitimate civic channels and completely controlled, or increasingly controlled, by a right wing of the army. The community in Hawai’i thus had scant knowledge of the fact that most of Japan, even some within the army and navy, have long been eary of the activities in China and are eager for peace. To expect a first-generation Japanese, however long he has lived here, to show enthusiasm for ‘defeating Japan’ is expecting the emotionally impossible, I think. A different terminology could achieve it, however, without making him feel disloyal to the homeland.¹⁹⁷

The Morale Section was not just influencing and creating new leadership on other islands. They also influenced General Emmons, Agent Shivers, and Colonel Green, who also

¹⁹⁶ Tom Coffman, *Inclusion: How Hawai’i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 208-209.

¹⁹⁷ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 136.

credits the Morale Section for keeping him sturdy in his position against mass internment. “He confessed to moments of doubt but wrote that he relied on the three men for reassurance that his faith in the Japanese community was justified.”¹⁹⁸ Green also agreed with the Morale Section’s autonomy, though Green was considered a man who liked control. Green enjoyed the honest voice that the Morale Section provided and that each of the three principal members was paid by different organizations, keeping them in a more honest position. “The section operated with little supervision from us for the reason that the activity was as much a representative of the peoples concerned as it was of ours. Basically, it acted as a go between and served its purpose mighty well...Each was an outstanding representative of his group and all were dedicated to furthering the war effort of their country, the United States.”¹⁹⁹

With the continued success of the Japanese Americans serving in the VVV and the performance of the Morale Section, the political battle for Japanese Americans was gaining support and upward movement; however, the political battle for the Japanese Americans was only beginning.

¹⁹⁸ Tom Coffman, *Inclusion: How Hawai‘i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 135.

¹⁹⁹ Thomas H. Green, *Martial Law in Hawaii, December 7, 1941 – April 4, 1943*, (Washington D.C.: Library of Congress), 360.

CHAPTER FOUR

THE BATTLE BEGINS FOR JAPANESE AMERICANS

The performance of the VVV and the Morale Section were both highly praised for their performance and actions. Following their performances, the military leadership in Hawaii looked to use their outstanding performance as a step towards more freedom and military service. Though challenges would arise for the military command in Hawaii.

With General Emmons, Colonel Green, and Colonel Fielder reassuring the Japanese Americans in Hawaii that mass internment was not in the plans, they were unaware of the decision made in Washington. Not only did the cabinet discuss the removal of all the Japanese aliens from Oahu and then interned on a different island or mainland, but Secretary of the Navy Frank Knox was also pushing for all individuals of Japanese ancestry to be removed and interned, including United States Citizens.¹ Secretary of War Henry Stimson did not agree with Knox's suggestion; Stimson recommended that only the aliens be removed, which President Roosevelt agreed.² A few days after the cabinet decision, Harvey Bundy, special assistant to the Secretary of War, informed the FBI of Roosevelt's decision that all Japanese aliens in Hawaii

¹ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 31.

² Tetsuden Kashima, *Judgment Without Trial: Japanese American Imprisonment During World War II*, (Seattle: University of Washington Press, 2003), 71.

were also to be detained and interned immediately. The one caveat, the War Department would leave matters in the hands of General Emmons.³

Less than a month later, on January 10, 1942, Secretary of the Navy Knox requested information on how the order to detain, intern, house, and feed the Japanese on an island other than Oahu would be completed.⁴ In General Emmons's response, he made it quite clear that this request could not be met, that too many Japanese families were mixed with alien and U.S. citizens, and that to ensure the absolute protection of information would require all Japanese to be evacuated. Still, to do so would result in shipping delays, which would delay construction and labor. General Emmons also advised that he did not have the manpower to guard such a large number of Japanese, so to evacuate the Japanese, they would have to be transported to the mainland.⁵

With pressure mounting from Washington, General Emmons also had to contain the growing racism on the islands as well. General Emmons spoke at the annual meeting of the Honolulu Chamber of Commerce on January 15, 1942, "we must hold a close check upon our emotions and our tongue...There will be no witch-hunting or vigilante action against those suspected of disloyalty...Aliens in Hawaii, as well as citizens, will in every instance be judged by the military government on the basis of their individual conduct. There has been and will be

³ Secretary of War Memorandum, Secretary Henry Stimson to Assistant Director of FBI Edward A. Tamm, December 22, 1941, "Custodial Detention," FBI File No. 100-2-20, (College Park, MD, National Archives).

⁴ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 133.

⁵ Radiogram, General Emmons to Adjutant General, January 12, 1942, Folder A-5, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

no mass condemnation or mass punishment unless it is forced by military necessity. Those disloyal in design, words or action will be dealt with swiftly and severely.”⁶

On January 17, 1942, Emmons’s request to evacuate the currently detained Japanese to the mainland was approved.⁷ Though even with approval to do so, Emmons was not quick to act. Towards the end of the month, the report from the Roberts Commission was being discussed by the cabinet and turned to Emmons for his opinion on whether the Japanese should be evacuated from the islands.⁸ Emmons responded that for security and safety purposes, evacuating the Japanese from the island was a practical step; however, he cited that if they were to evacuate the Japanese, it would severely impact the war effort due to the labor shortage. Instead, Emmons stated that the priority of evacuation should be given to the roughly 20,000 women and children. Emmons believed this plan would be more effective and once a significant reinforcement of troops arrived, then they could reevaluate moving the Japanese, but until then, Emmons reassured the cabinet that security plans were in place to immobilize the Japanese on the islands.⁹

As General Emmons continued his strategy to slow the momentum to remove all the Japanese from the islands, it began to work in his favor as the removal request was slowing from Washington. On the Hawaii islands, though, there was still pressure building from residents.

⁶ By ROBERT TRUMBULL Wireless to THE NEW YORK TIMES, "FRONT LINE STATUS OF HAWAII DEFINED: GEN. EMMONS TELLS HONOLULU BUSINESS EMERGENCY CALLS FOR MANY SACRIFICES DEFENSES STEADILY ADDED MILITARY NECESSITY WILL RULE IN TREATMENT OF ALIENS IN ISLANDS, HE STATES," New York Times (1923-), Jan 16, 1942.

⁷ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 147.

⁸ Stetson Conn, Rose C. Engelman, & Byron Fairchild, *Guarding the United States and Its Outposts*, (Washington D.C.: U.S. Government Printing Office, 1964), 211.

⁹ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 192.

General Emmons released the following statement, “There are those individuals who are strongly anti-Japanese, and their influence must be countered whenever possible.”¹⁰

Even with calming the movement in Washington, General Emmons continued to have issues with those in the military chain of command calling for a mass detainment and concentration of the Japanese. On February 12, 1942, Army Chief of Staff George C. Marshall recommended that all Japanese residents, regardless of citizenship, be transported to the mainland and placed in a camp in a location that would be fit to properly guard them against being a threat to the United States.¹¹ During the same timeframe, Knox also wrote to the President, stating how the forces of Hawaii were basically operating in enemy territory, with most of the population being enemies. Knox seconded Marshall’s plan and called on the President for a mass evacuation and internment of the Japanese living in Hawaii.¹² As previously mentioned in chapter 3, Knox was a big believer in the Fifth Column activity that he believed was behind the success of the December 7 attacks. While Knox was giving statements to the media, President Roosevelt was getting a different side of the story. On December 16, 1941, the President received a briefing from his personal advisor, John Franklin Carter, which was based on the first-person reports of Curtis Munson. Munson reported there was no evidence of any Fifth Column activity and no danger of any in the future.¹³ As Knox gave statements of imagined Fifth Column activity, the President was being told the exact opposite.

¹⁰ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 134.

¹¹ “Memorandum to Joint United States Chiefs of Staff, Hawaii Defense Forces,” February 12, 1942, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

¹² “Secretary of the Navy Frank Knox to President Franklin Roosevelt,” February 23, 1942, *Franklin D. Roosevelt Papers*. (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

¹³ “John Franklin Carter to President Franklin D. Roosevelt, Memorandum on Summary of West Coast and Honolulu Report by Curtis Munson,” December 16, 1942.

However, the President's response was in agreement; Roosevelt explained that he had long been worried about the Japanese but was worried about the constitutional issues and stated that since the islands were under martial law if Knox could get agreement, the President would approve the removal of the Japanese as a military project.¹⁴ With the President backing the decision, the Joint Chiefs informed him that they also agreed that all Japanese, regardless of citizenship, was a danger and should be detained, transported to the mainland of the United States, and interned.¹⁵ Ultimately, President Roosevelt left it in the hands of General Emmons. Even though the President was dealing with conflicting intelligence information, he advised Emmons, "Only, repeat only, those persons ordered interned by you will be evacuated."¹⁶ Ultimately Roosevelt trusted Emmons's decisions.

Early in the war, the War Department ordered General Emmons to fire all Japanese civilians from their military jobs. General Emmons informed the War Department that more than four thousand workers of Japanese ancestry were working as civilians for the military, accounting for 95% of the skilled labor. Emmons continued to rebut the removal of the Japanese civilians, informing the War Department that it would ultimately delay the war effort, create resentment among the Japanese, and promote disloyalty to the United States. The War Department backed off their request but continued to ask for a mass evacuation.¹⁷

¹⁴ "Memorandum, President Franklin D. Roosevelt to Secretary of the Navy Frank Knox," February 26, 1942, *Franklin D. Roosevelt Papers*, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

¹⁵ "8th Chief of Naval Operations Harold R. Stark to President Franklin Roosevelt," March 11, 1942, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

¹⁶ "Memorandum, Assistant Chief of Staff General Dwight D. Eisenhower for Adjunct General for Dispatch to Commanding General Delos C. Emmons," March 18, 1942 as quoted in Harry N. Scheiber, Jane L. Scheiber, and Benjamin Jones. "Hawaii's Kibei Under Martial Law: A Hidden Chapter in the History of World War II Internments." *Western Legal History: The Journal of the Ninth Judicial Circuit Historical Society*. 22, No. 1-2, (2009).

¹⁷ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 211.

As the months continued to move on, other voices from large organizations began to speak out against the mass removal or incarceration of the Japanese. The Territorial Office of Defense Health and Welfare Services issued a report which concluded that the last five months have failed to prove a reason for the evacuation of the Japanese to safeguard Hawaii. With no attack or a single act of sabotage or espionage, it became clearer that General Emmons and Green were right in taking a calculated risk of not giving into mass internment, knowing that if they did, the economy and the war effort would have been drastically affected due to losing thousands of workers and skilled employees in different positions around the islands. That the best policy was strict control under the current state of martial law. Green also noted that mass internment was “illegal, unjust, and, of even more importance, it was impractical.”¹⁸

Another voice was that of a Morale Section’s Hemenway, who was irritated by his fellow Caucasians and his government. At his residence in July 1942, after the Battle of Midway win, he brought haoles, Japanese, Hawaiians, Filipinos, and Chinese men together for a meeting. He knew many Caucasians spoke a big game about supporting Japanese Americans but failed to practice what they preached. Hemenway wanted to reframe the war to help expand democracy. “We need to state our war aims in terms of the ideals we are fighting for... Washington leaders have failed to do this.” Hemenway went on to state that Congress should repeal the Japanese Exclusion Act. Hemenway brought a renewed spirit to those attending. Katsuro Miho, an attorney, and member of the ESC, said, “(this is) a war for all humanity, and it cannot be won by hatred alone. We need to kindle a real fire of idealism. Hawaii should show the world the real way to win the war.” Another attendant, Dr. Harold Looper, a volunteer in the martial law

¹⁸ “Thomas Green Manuscript Collection,” *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General’s School Library).

government, stated, “We know what we are fighting against but very few know what we are fighting for.”¹⁹

Even though General Emmons was against mass internment, he continued to approve the detention of the initial sweep of arrests made after the Pearl Harbor attack. He informed Washington D.C. that all Japanese considered threats had already been arrested and detained, including 518 citizens and enemy aliens as of February 8, 1942.²⁰ After the President signed Executive Order 9066, which authorized the exclusion of any or all persons who were prescribed threats, General Emmons began moving internees from the Sand Island Detention center to different internment camps on the mainland.²¹ The G-2 Counter Intelligence Division was selecting and moving internees.

The army soon realized that Executive Order 9066 did not provide legal authority to transport United States citizens to the mainland for detention, nor did the OMG have the authority. On March 3, 1942, the Adjunct General was advised by the Deputy Provost Marshal General, Colonel Archer Lerch, that detaining U.S. citizens in a Territory under the control of martial law could not be successfully questioned regarding the legal status; however, the legality of detention once on the mainland could be legally challenged.²²

Upon learning of the legal advisement of the Adjunct General, Secretary of War Stimson brought it to the President’s attention, who was unaware. With some U.S. citizens already

¹⁹ Tom Coffman, *Inclusion: How Hawai’i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 261.

²⁰ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 192.

²¹ Yasutaro Soga, *Life Behind Barbed Wire: The World War II Internment Memoirs Of A Hawai’i Issei*, (Honolulu: University of Hawaii Press, 2007), 51.

²² Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 194.

transported and detained on the mainland, the American Civil Liberties Union was working on writs of habeas corpus. In reviewing the evidence of the arrests, Stimson advised President Roosevelt to return the U.S. citizens to Hawaii so they could continue to be detained.²³

Stimson and McCloy, fearing the release of U.S. citizens detained on the mainland, contacted General Emmons. Emmons agreed to have them shipped back to Hawaii for their detention to continue.²⁴ A total of nineteen U.S. citizens were returned from the mainland to Sand Island; an internee recalled the event, even the internee realized the U.S. government was violating laws:

When I led the Oahu internees on March 1942 to San Francisco, we received cruel and inhuman treatment. We were taken to Camp McCloy in Wisconsin...transferred to Camp Forest, Tennessee...we went to Camp Livingston in Louisiana. The authorities then discovered it was a mistake to intern U.S. citizens in areas not under martial law so about 17 of us were shipped back to Hawaii because we were U.S. citizens.²⁵

With General Emmons commanding the Hawaii War Department, politicians in Washington D.C. did not believe General Emmons was doing enough to protect the United States. The President sent John McCloy to evaluate General Emmons's performance. McCloy was one of the pillars of the West Coast internment. When McCloy arrived on the island, he found General Emmons to be a calm and focused

²³ “Henry L. Stimson, Secretary of War to Franklin D. Roosevelt, President of the United States,” April 15, 1942, Folder 78, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

²⁵ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 142.

leader, in contrast to the leadership he had dealt with on the mainland. McCloy found General Emmons's second-in-command, Colonel Green, similar to McCloy himself. Green was involved with nearly every aspect of military involvement in Hawaii and found Green to take a strong stance against mass internment and was also the leading creator of General Orders No. 5, which promised fair treatment of loyal Japanese.²⁶

McCloy also observed firsthand how well the Morale Section worked with the different military departments and was the perfect liaison between the military and the Japanese community, cutting off significant problems before they became issues. McCloy was also impressed by the extension of the Morale Section into the Japanese American leadership committee, called the Emergency Service Committee or ESC. The ESC motivated the Japanese community to buy war bonds, roll bandages, dig trenches, donate blood, and demonstrate a significant loyalty to the United States. McCloy also got to meet and receive a tour from Hung Wai Ching. Being of Chinese descent, McCloy was surprised to see Ching helping the Japanese community. Ching took McCloy to the Schofield Barracks and guided him through the Varsity Victory Volunteers. Ching explained how most individuals had been discharged from the Hawaii Territorial Guard. However, they still desired to serve the United States in some capacity; what eventually formed was the VVV.²⁷

McCloy was extremely impressed by the display of loyalty of the Japanese, the VVV, and most of all, General Emmons. Before his arrival, McCloy believed that

²⁶ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 214.

²⁷ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 219.

Emmons was not the right individual for the job. Emmons seemed confused, constantly contradicting reports, avoiding giving into specific orders from D.C., and had been risking a discharge due to insubordination. General Thomas Green provided this statement regarding the meeting, “At a conference in my office General Emmons convinced him of the correctness of our view on evacuation. At that conference also General Emmons passed on to Mr. McCloy the suggestion that a provisional battalion comprising the remainder of the 298th and 299th National Guard Regiments be consolidated and sent to Europe.”²⁸

After the conference, McCloy agreed and vowed to take up the issue in D.C. when he returned. General Emmons and Colonel Green believed the meeting with McCloy was momentous. The next day the papers quoted McCloy “saying that mass evacuation of persons of Japanese ancestry was not practical and that it was not contemplated.”²⁹ Emmons and Green both believed that “of even more importance, this conference had the effect of convincing Mr. McCloy of the correctness of our policy concerning evacuation of the Japanese and enlisted his aid in our long and tedious efforts to employ our Japanese-American Provisional Battalion in combat in Europe.”³⁰

McCloy did a complete 180; it was an outstanding achievement and testament to the combined makeup of the military departments, the ESC, and the Moral Section. McCloy told the newspapers on the mainland that the stories of sabotage and espionage were false. McCloy believed that the story of sabotage was entirely off the table, and

²⁸ Thomas H. Green, *Martial Law in Hawaii: December 7, 1941 – April 4, 1943*, (Washington, D.C.: Library of Congress), 322.

²⁹ Ibid, 322-323.

³⁰ Ibid, 323.

McCloy turned his attention to mass internment, which he now thought was a constitutional issue.³¹

General Emmons believing he had turned the tide of mass internment, was surprised when he learned that both Secretary of the Navy Knox and President Roosevelt were still leaving the door open to mass removals. On April 20, 1942, Knox stated that all the Japanese should be removed from Oahu and placed in a concentration camp on a different island.³² General Emmons continued to quote labor needs; however, President Roosevelt was not concerned with labor needs and cared more for the security of the islands. Knox had continually warned the President of the threat of the Japanese, and Knox was supported by special intelligence reports, which stated that more than 600 Japanese were active agents and planned to engage in espionage or spy on the government.³³

Knowing that political pressure was rising, Assistant Secretary of War John McCloy informed General Emmons, “Both the President and the Secretary of the Navy continuously refer to the desirability of moving Japanese from the Island of Oahu to some other Island rather than to bring any numbers of them to the United States...the thought now is that if the number that were to be moved were to be limited, say, 10,000 or 15,000, the practicability of moving them to Hawaii would be apparent.” General Emmons responded, “I think we can counteract any such suggestions by logic when the time comes.”³⁴

³¹ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 217.

³² Stetson Conn, Rose Engelman & Bryon Fairchild, *Guarding the United States and Its Outposts*, (Washington D.C.: U.S. Government Printing Office, 1964), 214.

³³ “Secretary of the Navy, Frank Knox to President of the United States, Franklin D. Roosevelt,” April 20, 1942, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

³⁴ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 87-89.

General Emmons soon began working with his staff to implement a plan to remove additional Japanese from the islands. In June 1942, General Emmons proposed removing individuals affecting the war department's financial resources. Those individuals, along with those who were internees' family members, could be voluntarily sent to the mainland.³⁵ Those sent to the mainland would be relocated by the War Relocation Authority, which created room for up to 15,000 evacuees from Hawaii. Those being relocated would be placed in resettlement areas with housing facilities and jobs the government provided.³⁶ This plan worked effectively; it allowed General Emmons to relocate U.S. citizens of Japanese ancestry without detaining them on the mainland, which those individuals could apply for a writ of habeas corpus. Those citizens considered an actual danger would continue to be detained in Hawaii under martial law.

In August 1942, the first evacuees left the islands for the mainland, consisting of 37 women and 96 children of the husbands and fathers who were previously interned on the mainland and requested repatriation to Japan.³⁷ As evacuations continued, Emmons stated that he wanted the evacuations to now be voluntary only. Emmons had become concerned with the treatment of the evacuees. General Emmons began requesting information on the locations, such as types of shelters, schools, hospitals, and types of employment. Emmons was reassured that each site had proper facilities to house and care for those arriving from Hawaii.³⁸

Also, in October of 1942, the politicians in Washington D.C. wanted more Japanese Americans evacuated from Hawaii, and General Emmons was made noticeably clear of this

³⁵ Stetson Conn, Rose Engelman & Bryon Fairchild, *Guarding the United States and Its Outposts*, (Washington D.C.: U.S. Government Printing Office, 1964), 214.

³⁶ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 194.

³⁷ "Kendall J. Fielder, Assistant Chief of Staff, G-2 to Chief, Military Intelligence Services," August 17, 1942, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

³⁸ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 88.

demand. General Emmons informed Green to “Agree but stall.”³⁹ To assist, Secretary of War Stimson formally informed President Roosevelt that no individual of Japanese descent who would be considered a threat or dangerous was free and that all individuals were being interned or had been completely removed from Hawaii.⁴⁰ This did not resolve the President’s concerns. On November 2, 1942, President Roosevelt informed General Emmons “that the only consideration is that of the safety of the Islands and that the labor situation is not only not a secondary matter but should not be given any consideration, whatsoever. General Emmons and Admiral Nimitz should be advised of this. Military and naval safety is absolutely paramount.”⁴¹

General Emmons informed the war department that he would plan on continuing the evacuation of roughly five thousand residents of Japanese descent and provided the following information to Stimson regarding the Japanese residents to be evacuated:

When and if transportation becomes available, are not necessarily disloyal to the United States. This group will comprise those residents who might be potentially dangerous in the event of a crisis, yet they have committed no suspicious acts. It is impossible to determine whether or not they are loyal. In general the evacuation will remove persons who are least desirable in the territory and who are contributing nothing to the war effort.⁴²

³⁹ Thomas H. Green, “Diary,” Papers of Thomas H. Green, (Charlottesville, VA: Judge Advocate General’s School Library).

⁴⁰ “Henry Stimson, Secretary of War to Franklin D. Roosevelt, President of the United States,” October 28, 1942, *Franklin D. Roosevelt Papers*. (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

⁴¹ “White House Memorandum,” November 2, 1942, Folder A-22, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

⁴² “General, Hawaii War Department, Delos Emmons to Secretary of War Henry Stimson,” November 2, 1942, Folder A-22, (Honolulu, HI: Japanese Internment and Relocation Files, Hamilton Library, University of Hawaii Archives).

This memorandum from General Emmons is a prime example of how he protected the Japanese living in Hawaii by agreeing but stalling as much as possible.

Those targeted for removal were placed into the initial evacuation plan, released on December 1, 1942, almost a year after the attack. It was expected that 3,250 individuals would be exported to the mainland. The largest identified group was Japanese fishermen, who had been banned from going out to sea, as previously mentioned. The OMG was worried that since they had no other skills, they would become a financial burden to the government in Hawaii. The fishermen and their families estimated to be roughly 2,000 individuals.⁴³ The next identified group was the Kibei, primarily all that had returned from Japan in the three years leading up to the war. Regardless of their loyalty, this group and their families estimated a total of 475.⁴⁴ The final group was categorized as individual Kibei and a group of 225 aliens that had requested repatriation to Japan.⁴⁵

When families were evacuated together, they were provided with a form to sign, “Consent to Internment in Family Internment Camp.” This form was required if the family wanted to remain as a group; once the family signed, they stated they understood that they were to follow all restrictions that affected the primary enemy alien being interned and said they understood they were not allowed to leave the camp.⁴⁶ Overall only 1,040 individuals were

⁴³ “Captain Brian Blake, Contact Office of the Military Intelligence Division to Lieutenant Colonel George Bicknell, Memorandum regarding Evacuee Transfer,” December 1, 1942, Box 3, Record Group 210. (College Park, MD, National Archives).

⁴⁴ “History of G-2 Selection, Vol. 10 part 2 of the United States Army Forces Middle Pacific and Predecessor Commands during World War II (1941-42),” *Office of the Chief of Military History*, File 137, (Honolulu, HI: Hawaii War Records Depository, Hamilton Library, University of Hawaii Archives).

⁴⁵ Tom Coffman, *Inclusion: How Hawai‘i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), ch, 9.

⁴⁶ “Consent to Internment in Family Internment Camp,” Folder 204, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library. University of Hawaii Archives).

evacuated from Hawaii.⁴⁷ The program was eventually terminated in March 1943; no reason was provided.⁴⁸

Sally Tsuneishi testified at the Los Angeles Reparations Hearings on August 4, 1981, about her family's journey.

We did not see him (her father after he was detained) again for two and a half years...In November almost a year after Pearl Harbor, we were told to prepare for evacuation to the mainland...The army authorities never told us where we were going, we just blindly obeyed...after many months, my father still had not joined us as promised. We were very concerned for him. At the age of 16 I had assumed the role of the head of the household ...I was granted permission to visit my father, held in a prisoner of war camp in Camp Livingston, Louisiana, as I waited for his arrival at the guard house. I was shocked, to see my father...aged beyond his years, walking slowly towards with the help of a cane. If there ever was a time when I wanted to lash out at my country, it was then...how could you do this to us, we were innocent of any wrongdoing...after two and half years he was returned to us, broken in health and in spirit. After the war we were allowed to return to Hawaii, but there was no home for us, our store and our home was confiscated by the plantation...without funds the only place we could afford was under a house, not a basement, but underneath a home.⁴⁹

⁴⁷ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 197.

⁴⁸ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 148.

⁴⁹ "Sally Tsuneishi's testimony at the Los Angeles Reparations Hearing," August 4, 1981, *Speak Out for Justice: August 4, 1981 – Part 2*, Video Testimony by Vimeo.

This statement provided by Sally Tsuneishi was a repeated story at the reparations hearing. Story after story of individuals of Japanese descent explaining how their family Civil Rights were violated by the U.S. government. Individuals who did no wrong, who were subject to extremely poor conditions, destroyed the spirits of men, the family's perception of the U.S. government, and how they returned to no homes, no businesses, their lives completely torn apart with no assistance from their government.

The evacuation policy did not appease everyone. Naval Intelligence officers in Hawaii and others wanted a more robust policy for removal. Robert W. Horton, Special Assistant to the Secretary, wrote a letter to Harold Ickes, Secretary of the Interior, "There is considerable anti-Japanese sentiment throughout the Territory, much of it of long standing and one frequently hears expressions of impatience about the Government's "failure" to evacuate many more Japanese to the mainland."⁵⁰ Local politicians also got involved; J.A. Balch, Chairman of the board of directors of the Mutual Telephone Company of Honolulu, campaigned in the media and pressured public officials to evacuate a minimum of 100,000 Japanese Americans and give their jobs to Caucasian workers who could be moved from the mainland.⁵¹ United States District Attorney Angus Taylor, in April 1943, also pressed for the government to exert more pressure on the Japanese, as he believed there was extensive sabotage and espionage and felt the military was

⁵⁰ "Robert W. Horton, Special Assistant to the Secretary to Harold L. Ickes, Secretary of the Interior," May 1, 1943, 442nd Veterans Club Collection, Record Group 107, Box 57, Folder 3, (Honolulu, HI: University of Hawaii Archives).

⁵¹ "Removal of Isle Japanese Urged by J.A. Balch," *Hawaii Times*, January 18, 1943.

inattentive to their threat.⁵² However, Taylor's reports were viewed poorly because the FBI regarded Taylor as uninformed and unreliable.⁵³

Secretary of the Navy Knox would continue to push for the removal of the Japanese from Hawaii. Several weeks after the Battle of Midway, Knox became upset that the United States began to believe that the Pacific war was nearly over. Knox thought it was an extremely dangerous belief and one that was completely unjustified, plus he was "gravely concerned over the menace which is presented in Oahu by the very large number of unquestionably pro-Japanese who are still at large on that Island."⁵⁴

Due to the evacuation policy being attacked, Colonel Kendall Fielder defended the policy numerous times. At one point, he presented a speech at the University of Hawaii's convocation in April 1943. Stating, "We have removed, and shall continue to remove – for national and local security – the minority of aliens and citizens here who are considered dangerous... We did not impugn, because of race, the good name of the rest of them, alien or citizen... the Japanese element of the population... is an asset to the community."⁵⁵

Even with a continued defense and the Battle of Midway won, in March of 1943, Secretary Knox continued questioning the threat posed by the Japanese on Oahu. The Navy's Security and Intelligence Division took a similar stance and called up the army to remove

⁵² "Edward H. Hickey to James Rowe Jr., Assistant to the Attorney General," Memorandum for Mr. Rowe: Summary of Taylor Memorandum on Internal Situation in Hawaii, April 3, 1943, *Papers of James Rowe Jr.* (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

⁵³ "James Rowe Jr., Assistant to the Attorney General to Francis Biddle, Attorney General," Memorandum for the Attorney General: the Japanese in Hawaii, April 10, 1943, *Papers of James Rowe Jr.* (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

⁵⁴ "Frank Knox, Secretary of the Navy to Franklin D. Roosevelt, President of the United States," August 19, 1942, *Franklin D. Roosevelt Papers*, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

⁵⁵ Andrew Lind, *Hawaii's Japanese, An Experiment in Democracy*, (Princeton: Princeton University Press, 1946), 76-77.

thousands of Nikkei from three specific areas.⁵⁶ Once again, Colonel Fielder disagreed, believing that if the Navy's local security officers were allowed control, the military would lose "three years of effort to promote racial harmony, economic status quo, and domestical tranquility."⁵⁷

The continued pressure from Washington D.C. and the Navy would finally start to subside in 1944 due to the threat of a Japanese invasion vanishing. The pressure that began to build was calling for the end of martial law. While the OMG was facing pressure to evacuate more Japanese, it was also facing legal pressure from individuals being interned without the writ of habeas corpus. Since the start of martial law, the OMG believed that detention, internment, and evacuation of the Japanese would be a selective process, that selection would be based on loyalty and each individual's security risk. This selection process led to an issue of adequately determining loyalty, with most of the leaders on the islands entirely consisting of Caucasians, with a severe lack of knowledge of Japanese culture, resulting in racial profiling. According to the American Civil Liberties Union, "Racial Profiling" is "the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin."⁵⁸

HEARING BOARDS

Within the initial weeks after Pearl Harbor, the army was assigned responsibility for security, detainment, and internment under the rule of martial law. When the initial procedures were set, the army was assigned to apprehend all enemy aliens deemed dangerous or could

⁵⁶ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 150.

⁵⁷ "Kenneth Fielder, Assistant Chief of Staff, G-2 to the Office of the Military Governor," November 21, 1943, Record Group 494, College Park, MD, National Archives).

⁵⁸ American Civil Liberties Union, Definitions, "Racial Profiling."

threaten the safety of the United States. These enemy aliens included Japanese, Italians, and Germans; this was released in a radiogram from the war department, which was modified the next day to include dual citizens who were deemed threats. The radiogram also specified that hearing boards should determine if an individual should be interned or released. The committee would consist of at least three civilians; instructions also provided the following procedures, “Hearings shall be informal and expeditious. Hearings are not accorded as a matter of right but are allowed in order to avoid injustice and to obtain all available information concerning citizenship, loyalty and other activities of alien enemies apprehended. Aliens may appear personally or by counsel, testify in own behalf and bring witnesses to testify as to activities and loyalty.”⁵⁹

The hearing board was responsible for recommending the OMG to release, parole, or intern the suspect. Each hearing was kept confidential. When the board made its recommendation, it was forwarded to a military intelligence review board. It was later found that even when the civilian boards were recommending parole or release, the military intelligence board reversed the decision and interned nearly every individual.⁶⁰ At the beginning of hearings, which unfortunately would only be the first of many that detainees would be subjected to during the war, a government employee would present the case against the detainee, including the evidence gathered to this point. The detained individual was not allowed to be present during this initial presentation nor to review or argue against the evidence. The detainee would then be provided a summary of the charges with little to no details. The board would proceed to question the detainee, detainees were allowed to have an attorney present, but they would be responsible

⁵⁹ U.S. District Court, District of Hawaii, Case No. 730, *Exhibit B “Radiogram, War Department, December 10, 1941.*

⁶⁰ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 156.

for the cost⁶¹ and were also told it would not do the detainee any good even if they had an attorney.⁶² When attorneys did appear, they attempted without any success to obtain information regarding the specific charges.⁶³

Due to the issues, in 1943, Samuel Wilder King, Hawaii's delegate to Congress, issued a complaint to the Department of Justice:

Upon submitting the matter to the War Department I am referred to the Department of Justice and upon taking these cases with the Department of Justice I am referred back to the War Department. My only feeling is that some agency of the United States Government should accept the responsibility of safeguarding our principles of equity and justice by reviewing the circumstances under which they were place in custody.⁶⁴

Attempting to obtain information on why individuals were being arrested and detained was not disclosed due to the fact that after the war, investigations would reveal that the evidence was most of the time non-existent and was based on an individual's social group or leadership within the Japanese community.

The hearings varied in how they were handled in scope and procedures; they lasted as little as fifteen minutes to as long as several days. Most individuals stated that the hearings were a very hostile environment. One Kibei stated that after a hearing, he was questioned again by

⁶¹ "Control of Civilian Internees and Prisoners of War in the Central Pacific Area," Record Group 338, File 212, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

⁶² "Affidavit of Carol Armfeld," November 15, 1945, *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library).

⁶³ Gwenfread E. Allen, *Hawaii's War Years, 1941-1945*. (Honolulu: Pacific Monograph Publishing, 1999) (Reprint Edition), 206.

⁶⁴ "Samuel Wilder King to Edward J. Ennis, Director of the Justice Department's Alien Enemy Control Unit," August 24, 1943, *King Papers*. (Honolulu, HI: Hawaii State Archives).

officers at the Sand Island Detention Facility, “They put their guns on the table in plain view, like a threat. I felt they were interrogating me as though I were a spy.”⁶⁵ Another internee testified, “The hearings were in reality, merely individual interrogation of suspected “bad japs.” The officer asked several pointed questions which required a yes/no answer. If I answered affirmatively when asked whether I am loyal to the United States, they would accuse me of being a liar. But if I had said no, then I would be thrown in jail. I felt there was no way I could be considered a loyal American.”⁶⁶

When an individual was brought in front of a hearing board, they considered several areas to conclude to intern or release. Those factors included leadership roles within the Japanese community, Japanese martial arts, and other Japanese organizations. Had they visited Japan, the board did not care if it was to visit family, a vacation, or business, had they been educated in Japan, did they register their children with the Japanese consulate, had they ever served in the Japanese military, did they own property in Japan, did they have money in Japanese banks, had they failed to learn English or adapt to the ways of America? Those were the adverse factors, the factors that would assist an individual was, had they purchased war bonds, made donations to the Red Cross, were they fluent in English, were they Christian, did they become a naturalized citizen, would they serve in the United States military, and had their children join any American clubs, such as boy scouts. The last question is, would they fight against Japan and invade their previous country?⁶⁷

⁶⁵ Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians*, (Published by the National Archives, 1982).

⁶⁶ Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians*, (Published by the National Archives, 1982).

⁶⁷ “Minutes of the Internee Review Board, Military Governor’s Reviewing Board,” June 1943 – December 1944, Record Group 338, (College Park, MD, National Archives).

Examinations of the internee case files by Professor Okihiro, Harry Scheiber, and Jane Scheiber found that “completely unsubstantiated allegations were quite consistently made the basis of the decisions...the records clearly show that some detainees had lost their sense of loyalty to America precisely because of their treatment by the army.”⁶⁸

In a memorandum sent from Major Louis F. Springer to Colonel John E. Morrison with statements from Kibei, who had been detained and questioned, the first Kibei was asked if the military released him would he serve in the United States military? The Kibei answered that it was too late to ask that question. The board’s clarifying question, “In other words you are not a loyal American citizen. Is that correct?” The Kibei answered that no Japanese American would volunteer for military service after being detained in Sand Island. The second Kibei was asked whom he wanted to win the war. His response, “I was born in America...I wanted to be an American; but since I have been detained...my feelings have changed...I don’t feel that I am an American citizen if I am treated this way, and I can’t believe that I will ever be an American citizen if I am let out; so I think in that case it is better that I return to Japan, and I will cut off my American citizenship.”⁶⁹

The Kibei was considered such a danger that the military issued two manuals on how to question them. One of the central contradictions was that the manual stated clearly that there was no such thing as a typical Kibei.⁷⁰ However, in the reports submitted by interrogators or board members, you would continually find the phrase, “No evidence of any subversive activities was

⁶⁸ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 163-164.

⁶⁹ “Memorandum from Major Louis F. Springer to Colonel John E. Morrison,” December 31, 1943, Box 26, *Richardson Papers*, (Stanford, CA: The Hoover Institution Library & Archives).

⁷⁰ Donald E. Collins, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans During World War II*, (Westport: Greenwood Press, 1985), 72.

presented. However, this is a typical Kibei case.”⁷¹ The manual provided an analysis of the Kibei’s Japanese culture. The manual stated that the Kibei are far more pro-Japanese and that the Japanese community itself considers them the most dangerous of all classes. The manual also told investigators that Kibei would lie when questioned to keep their liberty.⁷²

One Kibei described one of the questions he received, “He asked me if my parents were attacking, would I shoot them. I told him I couldn’t do it. Sitting at the next desk over was a Japanese FBI agent. He told me that it was because of people like me that rest of the Japanese in Hawaii would suffer.”⁷³

This Kibei, who explained that he was given no reason for his arrest and tried to emphasize the fact that his parents took him to Japan to be educated and was incarcerated until April 1946, eight months after the war had concluded, also stated:

Just that I received my education in Japan. But I didn’t have a choice in receiving my education in Japan. My parents returned to Japan and took me with them. I told them (Hearing Board) that but they said didn’t you receive military training while attending school there? That military training was compulsory...Wasn’t that the same as taking ROTC here? Yet they said I received military indoctrination.⁷⁴

⁷¹ Case files located in “Minutes of the Meeting of the Internee Review Board, April 1944-August 1944,” Record Group 338, (College Park, MD, National Archives).

⁷² Navy District Intelligence Office, Fourteenth Naval District, Record Group 389, (College Park, MD, National Archives).

⁷³ “Interview with Iwao Kasaka,” File 237, (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

⁷⁴ Ibid.

General Dewitt, who was in charge of the Western Defense Command and the leading proponent for the internment of the Japanese Nikkei on the West Coast, believed that all Kibei were loyal to Japan; he believed that all Kibei should be interned for the entirety of the war, stripped of their U.S. citizenship status, and deported to Japan after the war.⁷⁵ Dewitt also stated, “There isn’t such a thing as a loyal Japanese and it is just impossible to determine their loyalty by investigation – it just can’t be done.”⁷⁶ Major Louis Springer, head of the Alien Processing Center, believed that it was unfortunate that the Kibei were born in the United States, as they were Japanese citizens at their cores.⁷⁷ Colonel Slattery, Chief of the legal section at the OMG and one of the officers in charge of the majority of loyalty assessments, stated that legislation should be passed which would remove the United States citizenship of the Kibei due to them spending years in Japan.⁷⁸

The three common items that showed up in the hearings of the Japanese-Americans, they were interned without any real evidence, Kibei were arrested for being Kibei, and the attitude of the Japanese American individual. Evidence as small as a police captain telling the hearing board that his wife had prayed to God and found that a Nisei was the head of a Japanese espionage unit in Hawaii, which was previously discussed in chapter 3, the story of H.T.T.

⁷⁵ Greg Robinson, *By Order of the President: FDR and the Internment of Japanese Americans*, (Cambridge: Harvard University Press, 2001), 182.

⁷⁶ Eric Muller, *American Inquisition: The Hunt for Japanese American Disloyalty in World War II*, (Chapel Hill: University of North Carolina Press, 2007), 33.

⁷⁷ “Memorandum from Major Louis F. Springer to Colonel John E. Morrison,” December 31, 1943, Box 26, *Richardson Papers*, (Stanford, CA: The Hoover Institution Library & Archives).

⁷⁸ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980).

INTERNMENT

When they were not in hearings, the internees were kept in concentration camps; some of the Japanese were aliens, some were U.S. citizens, and some were let go after a few days, but most were held for the entirety of the war. When those individuals who had gone through the hearing process and internment was decided, most detainees found themselves initially at the Sand Island detention facility. The facility was described as highly primitive. There were no barracks, restrooms, or washrooms. When an individual first arrived on the island, they were stripped searched and had to put up their tents; each tent was assigned eight people. The use of tents lasted for six months until barracks were finally erected.⁷⁹ The provost Marshall controlled the internment camp; however, day-to-day responsibilities were placed on the camp commander. The military police organized the security of the facilities. Several internees described their treatment of authority figures at the camps. The camp commander was abusive and threatened daily that his men were ready to machine-gun down all the internees once orders were received. Another described the commander as abusive, making men stand in the rain in only a shirt and underwear. The initial descriptions of the commander were describing Carl F. Eifler, a large man, former Los Angeles police officer, and U.S. Customs Officer from the Mexico border before he was transferred to command Sand Island.⁸⁰

Conditions were approved once Eifler was removed; his replacement was Louis F. Springer. Springer allowed family members to bring personal clothing for those being interned. The barracks were completed under the supervision of Springer, they were well-ventilated, had

⁷⁹ Japanese Cultural Center of Hawaii, *Never Again, Executive Order to Honouliuli: 65th Anniversary*, (Honolulu: Japanese Cultural Center of Hawaii: Japanese American Citizen's League Honolulu Chapter, 2008).

⁸⁰ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 186.

electricity, and there was plenty of food, though; it was not consistent with the diet of the Japanese Americans; due to their diet restriction, Springer allowed the internees to grow their own vegetables for consumption as a way to deal with the diet issues. Springer also allowed married couples to share tents and let their children visit over the weekend. Detainees were allowed to work in different facilities around the camp, including laundry, tailor shop, clerks, and barbershops, to earn wages.⁸¹

When the detainees were first brought to the camps, they were informed by the staff that they were considered prisoners of war; however, after General Emmons took command, he told them, “You are neither criminals nor prisoners of war, but merely detainees. Thus you are not governed by military rules.”⁸² Though most detainees were not kept in the Sand Island detention area very long due to being considered too vulnerable to attack, it was used as a temporary holding facility until a detainee was transferred to the mainland or Honouliuli.⁸³ There were also temporary detainment sites on the other islands as well. The Big Island had the Kilauea Military Camp, initially built as a training facility for the National Guard in 1916. In Kauai, the internees were originally held in the Waimea Jail and Wailua County Jail, though eventually, a two-story facility was constructed in Wailua to house the internees before they were transferred. On Maui, detainees started in the Maui County jail and were sent to Sand Island; no permanent facility was created.⁸⁴

⁸¹ “Sand Island (Detention Facility)” Densho Digital Repository.

⁸² Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 187.

⁸³ “Sand Island (Detention Facility)” Densho Digital Repository.

⁸⁴ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 185.

In March of 1943, with Sand Island completely closed, detainees were housed at the newly constructed Honouliuli Camp. The military felt that Sand Island was too close to the shoreline and thought an internment camp should be moved further inland due to the possibility of an enemy landing or a direct attack.⁸⁵ Moving the camp further inland caused the military to seize additional land, and more sugar-cane fields were destroyed for the camp to be constructed.⁸⁶ The internment camp was divided into seven barbed wire areas on 160 acres of land. This allowed prisoners of war to be separated from civilian internees, and the internees were separated between male and female, and families were kept together when possible. The Japanese interned in Hawaii, including a large amount of U.S. citizens. U.S. citizens outnumbered resident aliens who were interned at Honouliuli. Some historians have concluded that prisoners of war were treated better than civilian internees, evidence such as Italian POWs being allowed to work alongside civilian workers in different areas of the camp, including being allowed to use the laundry facilities. In contrast, civilian internees were only allowed to use the washboards in their huts. Even after the war was over and the POWs had been released, civilian internees were still being held at the camp as late as September.⁸⁷

Not only were the internees treated poorly by the government, but their life inside the camps also had pro-Japanese gangs of detainees who subjected individuals to poor treatment based on their views of the situation. Reverend Naitoh, an internee, explained how gang leaders

⁸⁵ Ibid, 188.

⁸⁶ Suzanne Falgout & Linda Nishigaya, *Breaking the Silence: Lessons of Democracy and Social Justice from the World War II Honouliuli Internment and POW Camp in Hawaii – Social Process in Hawaii – Volume 45*, (Honolulu, HI: University of Hawaii Press), 16-39.

⁸⁷ Suzanne Falgout & Linda Nishigaya, *Breaking the Silence: Lessons of Democracy and Social Justice from the World War II Honouliuli Internment and POW Camp in Hawaii – Social Process in Hawaii – Volume 45*, (Honolulu, HI: University of Hawaii Press), 74.

would force the Nisei to give up their United States Citizenship.⁸⁸ At the Tule Lake detainment camp, many Japanese-Americans renounced their American citizenship. In August 1945, approximately fifty-five renounced their citizenship for the United States.⁸⁹ This procedure was allowed due to the Nationality Act of June 1944, which allowed United States citizens to renounce their citizenship by writing a letter during war.⁹⁰ Anti-Japanese sentiment provided government leaders and officers working within intelligence agencies to see this as evidence that the Japanese-Americans who renounced their citizenship as proof of their disloyalty vindicated their internment and removal as dangerous subjects to wartime security.

Those closest to the situations at the internment camps observed a far more complex story. They saw the story as multi-faceted, with Japanese internees driven by either true disloyalty or pro-Japanese sentiments driven by dangerous gangs such as the Hoshi-Dan. Proof of the fear of physical attacks and hostile environments can be shown when the mass exclusion order was rescinded in December 1944. The detainees not only had a fear of pro-Japanese gangs but also had to deal with the confusion brought on by the fear and hostility inspired by the command running the camp. Fearing for their lives, many of the detainees chose to renounce their citizenship to remain at internment camps rather than move to a hostile community.⁹¹

Those civilians who were detained and transported to the mainland faced a different reality. An estimated 1,900 enemy aliens and citizens were transported from Hawaii to the mainland. Unlike the internment camps in Hawaii that allowed families to stay together, those

⁸⁸ Kyojo Naitoh, "Revered Kyojo Naitoh's Journal," *Gladys Naitoh Archival Collection*, AR4, Box 5, Folder 6, (Honolulu, HI: Japanese Cultural Center of Hawaii).

⁸⁹ Donald E. Collins, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans During World War II*, (Westport: Greenwood Press, 1985), 109.

⁹⁰ 18 United States Code Annotated, Section 801, 58 Stat. 677 amended in 1944, originally passed in 1940.

⁹¹ Barbara Takei & Judy Tachibana, *Tule Lake Revisited: A Brief History and Guide to the Tule Lake Concentration*, (San Francisco: Tule Lake Committee Publishing, 2012), 87.

transported to the mainland were separated from their families.⁹² Most individuals detained at the camps in Hawaii were not even told they were being transported to the mainland. They assumed they were being relocated to another camp or returned to Honolulu's holding facilities. When they discovered they were being transported to the mainland, "they felt as if a bomb had been dropped on them." They were not even allowed to say goodbye to their family members. They were loaded up on transport ships and taken to the mainland, weeks went by before they could write letters to their families and inform them of the situation.⁹³

Though they were eventually allowed to request that their wives and families join them on the mainland, most decided they did not want their wives to go through the same misery they were experiencing and never made any requests. One particular individual, Otokichi Ozaki, was among the first enemy aliens sent to the mainland and arrived at Camp McCoy in Wisconsin. By December 1945, Ozaki had been detained in eight different camps: the Kilauea Military Camp, Sand Island, Angel Island in California, Fort Sill in Oklahoma, Camp Livingston in Louisiana, a camp in Santa Fe, New Mexico; Camp Jerome in Arkansas, and Tule Lake in California. Beginning in May 1942, Ozaki asked his wife and four children to join him on the mainland. His wife responded, "I would like to go where you go, and I would like the children to come with me, for I believe a family belongs together." In January 1943, Ozaki's wife, Hideko, and the children arrived in Arkansas. They were disappointed not to be reunited with her husband immediately, as the family was unprepared for the cold weather. Hideko began second-guessing her decision, "I made a foolish decision in coming here...it would have been so much simpler if

⁹² Harry N. Scheiber & Jane L. Scheiber. *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 192.

⁹³ Soga, Yasutaro, *Life Behind Barbed Wire: The World War II Internment Memoirs of A Hawai'i Issei*, (Honolulu: University of Hawaii Press, 2007), 53.

we had remained in Hawaii.” It was not until 1944 that the family finally reunited when they caught up with each other in Jerome, Arkansas.⁹⁴

This was not the only case of families trying to reunite. A similar story of a Buddhist priest arrested on December 7, 1941, Reverend Kyojo Naitoh. Naitoh was also moved from camp to camp and had requested his wife and daughter to join him; they left Kauai in December of 1942 and were transported to Jerome, Arkansas as well, where they waited until April 1943 to be reunited as a family.⁹⁵ With all the turmoil of the mistreatment, the Japanese Americans in Hawaii could have responded negatively to the events they were experiencing. Instead, they did their best to change the narrative.

RISING ABOVE RACISM

Even Japanese students had to deal with prejudice and racism when schools finally began reopening in February 1942 after a very long vacation for students. However, enrollment at most schools dropped significantly. McKinley High School originally had 3,860 students; when classes returned, that number had dwindled to 2,156. Most students who did not return to school were still busy working on defense projects. When students returned to school, they found that many things had changed, especially the price of goods, lunch went from 5 cents to 10 cents, and air-raid trenches were dug around most of the school. McKinley High School saw the ethnicity of their school change; when the war began, Chinese and Korean students took defense jobs at Pearl Harbor and other bases, and most of the students who remained were Japanese, who were

⁹⁴ Gail Honda, *Family Torn Apart: The Internment Story of the Otokichi Muin Ozaki Family*. (Honolulu: Japanese Cultural Center Publishing, 2012), 19-20 & 90-91

⁹⁵ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 194.

not eligible to work on defense projects. The community on Oahu began to label McKinley High School as “Tokyo High.”⁹⁶

The label “Tokyo High” was even alluded to nationally by *Time* magazine on January 19, 1942, when it published an article titled “U.S. At War: The Stranger Within Our Gates.” In the article, it stated, “Islanders who remember that Jap high-school boys from Hawaii had helped pilot the planes that attacked Pearl Harbor looked uneasily at Hawaii’s Japanese thousands going freely, imperturbably about their business.”⁹⁷ This article struck a nerve with the students at McKinley High, especially after one of the teachers, Mr. Kirkpatrick asked, “if this charge was correct and if not, what we were going to do about it.”⁹⁸ In response to Mr. Kirkpatrick’s challenge, each student wrote a letter to *Time*, protesting their article. To the surprise of many students, *Time* responded by thanking the students for their letters and published a rebuttal article, which included some of the student’s letters in an article titled “Letters, Mar. 30, 1942,” with the first words of the article being “Ugly Rumor” in which *Time* emphasized that the words of their first article circulated around the towns on Honolulu, upon further investigation they found “no confirmation or proof of such a happening.”⁹⁹

Others were just passengers on airplanes; passengers who had reservations arrived early for departure and waited for approval to officially come from the provost marshal from the military governor’s office. After securing the required clearance to fly, “the airlines agent called off passengers for that flight. It became clearly evident that the names were called by race... first

⁹⁶ Richard H. Kosaki, “Uncommon Opportunities and Challenges” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II*, (Honolulu: Watermark Publishing), 68-69.

⁹⁷ “U.S. At War: The Stranger Within Our Gates,” *Time*. Monday, January 19, 1942.

⁹⁸ Richard H. Kosaki, “Uncommon Opportunities and Challenges” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II*, (Honolulu: Watermark Publishing), 69

⁹⁹ “Letters, Mar. 30, 1942,” *Time*, Monday, March 30, 1942.

the Haoles, then Portuguese, Chinese, Hawaiians, Filipinos, and lastly, the Japanese, in that order. If a Haole came in at the last minute, he was accommodated, and the Japanese at the bottom got bumped with no explanation or apologies. This practice was a daily occurrence.”¹⁰⁰

JAPANESE-AMERICANS BREAKTHROUGH

General Emmons and Colonel Fielder were heavily influenced by the Morale Section and the Japanese community around them. The performance of the VVV also allowed General Emmons and Colonel Fielder to continually push for creating a Japanese-American combat unit. The 100th Battalion training record was also quite impressive. Assistant Secretary of War McCloy, Secretary of War Stimson, Chief of Staff General George C. Marshall, and General Emmons all provided their endorsements for a Nisei combat unit.¹⁰¹ After McCloy’s visit to Hawaii and his press conference stating that there was no evidence of espionage or sabotage, two days after the press conference on April 6, 1942, General Emmons made an official request to the war department to create a Japanese-American combat unit and have them shipped to the mainland to be trained to fight in the European Theater.¹⁰²

Washington D.C. disagreed with General Emmons; Brigadier General H.R. Bull responded that Japanese Americans could only serve in a non-combat role, citing policy created by the War Department. Four members of General Marshall’s staff commented the same. This included the future commander of the European forces and future President Dwight Eisenhower. Eisenhower believed that the Japanese Americans could not be trusted in combat, “they cannot

¹⁰⁰ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 198

¹⁰¹ Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians*, (Published by the National Archives, 1982).

¹⁰² “General Emmons to the Adjunct General’s Office,” April 6, 1942, Box 147, Folder 1, (College Park, MD, National Archives).

gain valuable information, or be in a position to execute damage to important installations.”¹⁰³

This did not deter General Emmons, who continued to push for a Japanese American combat unit.

The Morale Section pushed for a combat unit; Fielder was sent to D.C. to also advocate for a combat unit. General Nimitz also provided support for a combat unit. With approval from Washington, Emmons undersold the number of Japanese Americans he planned on sending to the mainland for combat training, he told the command he expected to send 1000 men, and he sent 1300. General Emmons took a rapid pace to get Japanese American troops to the mainland to ensure there would be no turning back. The new unit was designated the 100th Battalion.¹⁰⁴ Not quite a complete unit, General Emmons knew it was a good start. The battalion was attached to the 34th Infantry Division; the battalion entered combat on September 27, 1943, near Salerno in Italy. The battalion fought bravely and suffered heavy casualties; their bravery in combat allowed the War Department to recommend an all-Nisei combat unit.¹⁰⁵

In November 1942, the Japanese American Citizens League encouraged and petitioned the President of the United States to allow Japanese Americans to serve in the United States military with a complete Nisei combat unit. After continued pressure from numerous fronts, President Roosevelt agreed partly due to the idea's positive public relations. In January 1943, an

¹⁰³ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 218.

¹⁰⁴ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 221.

¹⁰⁵ James C. McNaughton, “100th Infantry Battalion in World War II,” *U.S. Army Center of Military History*. May 16, 2000.

all-Nisei combat unit was created.¹⁰⁶ When President Roosevelt announced the formation of the unit, he did so in a poetic and memorable word:

No loyal citizen of the United States should be denied the democratic right to exercise the responsibilities of his citizenship, regardless of his ancestry. The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not, and never was, a matter of race or ancestry. A good American is one who is loyal to this country and to our creed of liberty and democracy. Every loyal American citizen should be given the opportunity to serve this country wherever his skills will make the greatest contribution -- whether it be in the ranks of the armed forces, war production, agriculture, government service, or other work essential to the war effort.¹⁰⁷

The formation of the Nisei unit was set to be a smaller unit, roughly 4,500 men. It would consist of three infantry battalions, an artillery battalion, an antitank company, a marching band, and a medical detachment. It would be three and a half times larger than the 100th battalion; it became designated as the 442nd Regimental Combat Team. The recruiters set out to find Japanese American volunteers; the question came about how many should come from internment camps and how to determine their loyalty.

To assist in determining the loyalty of the Nisei who were to serve in the military, a loyalty questionnaire was created. The questionnaire was mandated to be completed by all Nisei

¹⁰⁶ Greg Robinson, *By Order of the President: FDR and the Internment of Japanese Americans*, (Cambridge: Harvard University Press, 2001), 170.

¹⁰⁷ Franklin D. Roosevelt, President of the United States, "President Franklin D. Roosevelt Speech," February 1, 1943, (College Park, MD, National Archives).

who were of draft age. The questionnaire was designed to conclude if a Nisei was disloyal or loyal to the United States.¹⁰⁸ The FBI and military intelligence reviewed the questionnaires; then, a joint board decided if the individual was allowed to serve in the military. One of the primary issues the military and the United States government were concerned about was the call for volunteers, as those deprived of their freedom might resent the United States. The United States set out with promotional speeches, explaining that the government was setting out to restore the United States to a place of normalcy and that the Japanese Americans were an essential part of that restoration, as well the government would not take these steps unless it intended to restore their previous privileges and obligations as United States citizens.¹⁰⁹

The War Relocation Authority also saw this as an opportunity as well. The WRA had been working with the government to provide clearance for evacuees to leave the camps and get work outside them. The WRA created another questionnaire, "Application for Leave Clearance," which only varied slightly from the military's.¹¹⁰ The questionnaire did have an initial negative effect on the Nikkei, who were afraid of how the information would be used, and the Issei were fearful of being trespassed from camps; the Nisei thought it was a way to force them to serve in the military and help a country which had imprisoned them without due process and cause. Some thought it was a way to separate families. Some individuals also saw the all-Nisei combat unit as a form of discrimination.¹¹¹ When the loyalty questionnaires were first being handed out, the

¹⁰⁸ Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians*, (Published by the National Archives, 1982.)

¹⁰⁹ U.S. Department of the Interior, War Relocation Authority, *Impounded People: Japanese Americans in Relocation Centers*, (Washington D.C.: Government Printing Office, 1946).

¹¹⁰ Dillion S. Myer, *Uprooted Americans: The Japanese Americans and the War Relocation Authority During World War II*, (Tucson: University of Arizona Press, 1971), 180-182.

¹¹¹ Donald E. Collins, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans During World War II*, (Westport: Greenwood Press, 1985), 24-27, also see, Harry Scheiber and Jane Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 170-176.

WRA mishandled the situation by providing incorrect information regarding the criminal actions that would be taken on individuals who did not complete the questionnaires. This led to a feeling of coercion by some and others who resisted the leadership efforts.¹¹²

With recruitment beginning, the decision was made that two-thirds of the force would be from the mainland, while the other one-third would come from the islands of Hawaii. To ensure that 1,500 men were recruited, the Morale Section once again assisted in recruiting and talking to the press to ensure the quota was met. Knowing that individuals in Hawaii, especially those not of Japanese descent, had concerns and anxiety about an entire Nisei unit. To help ease some of the anxiety, Yoshida provided the following statement to the press, “The treacherous sneak attack on Pearl Harbor was the work of a band of military martinetts who have a strangle clutch on the Japanese nation. We Americans of Japanese descent may have a similar ancestry with Tojo and his brigands, but you can bet our values, hopes, and desires are vastly different. We welcome the chance to strike a blow against the Axis.”¹¹³ The Morale Section started to pull in all the favors that had been gathered over the previous years; they pulled the ESC and other representatives who had become allies and met for two days straight as they mapped the recruiting campaign to ensure they had more than enough Japanese Americans to serve. The ESC and Morale Section held hundreds of community meetings, stressing the historical event that was taking place in America. They told the community that if the Nisei failed, it would affect not only the service members but their parents, their children, and future generations.¹¹⁴

¹¹² Harry Scheiber and Jane Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 172.

¹¹³ *Honolulu Advertiser*, “Volunteers Ready to Serve Country,” January 30, 1943.

¹¹⁴ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 271.

The enlistment goal in Hawaii was reached and then surpassed six times over. On the mainland, recruitment goals were faltering, especially in the concentration camps—a prime example of inclusion versus exclusion. One of the primary issues for getting recruits on the mainland was the loyalty questionnaire. Recruits in Hawaii were eager to serve and volunteer; they did not recall the loyalty questionnaire in the mounds of paperwork they signed, “we would have signed any paper they put in front of us, so eager were we to volunteer.”¹¹⁵ With the VVV being one of the main reasons behind the successful creation of a combat unit, the members of the VVV were informed that the “Army intends to give preference to the boys of the V.V.V. in the Volunteer Combat Regiment.”¹¹⁶

The primary issue with the Loyalty Questionnaire was two questions, questions 27 and 28. Question 27 asked, “Are you willing to serve in the armed forces of the United States on combat duty, wherever ordered?”¹¹⁷ With most Nisei saying no, as they believed they might have to fight against family members from Japan, they also took issues that their civil rights had not been restored and their family members were still interned. Question 28 asked, “Will you swear unqualified allegiance to the United States of America and faithfully defend the United States from any or all attack by foreign or domestic forces, and forswear any form of allegiance or obedience to the Japanese emperor, or any other foreign government, power, or organization?”¹¹⁸

¹¹⁵ Ibid, 239.

¹¹⁶ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 222.

¹¹⁷ “Statement of United States Citizen of Japanese Ancestry,” Budget Bureau No. 33-R045-43, United States Government Printing Office.

¹¹⁸ “Statement of United States Citizen of Japanese Ancestry,” Budget Bureau No. 33-R045-43, United States Government Printing Office.

With many individuals being forced to give up their citizenship and many Issei who had been denied citizenship, their primary concern if answering yes, they would become stateless.¹¹⁹

In the first two weeks of recruitment, roughly 4,000 Japanese Americans had signed up from Hawaii, ten times as many as the mainland. By March 8, nearly two months of recruitment completed, Army Intelligence reports showed 829 applicants from the mainland and 9,500 applications from Hawaii.¹²⁰ The internment camps on the mainland recruitment issue relied upon the family component, family members would talk family members out of serving, and those who did decide to serve in the military from the camps ultimately split apart from their families and had sibling arguments, set neighbor against neighbor, child against parent. The combat unit was in jeopardy; in response to the poor recruitment from the mainland, the military turned towards Hawaii and suggested that Hawaii's quota be raised to meet the demand.¹²¹

The once-excluded Japanese-American community in Hawaii became the saving grace to the combat unit, and the quota in Hawaii rose twice. The quotas essentially reversed, with the islands of Hawaii providing nearly 3,000 individuals to serve and the rest of the United States providing roughly 1,000 recruits. Hawaii's recruitment levels reached 10,000 individuals willing and ready to serve; providing three thousand members for the unit was not a hard quota to reach. Thousands of young Japanese Americans were turned away, disappointed they were not selected, while on the mainland, finding a recruit was substantial work.¹²²

¹¹⁹ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 239.

¹²⁰ "David G. Erskine, Counter-Intelligence to George V. Strong, Assistant Chief of Staff," May 8, 1943, (College Park, MD, National Archives).

¹²¹ Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 231.

¹²² Tom Coffman, *Inclusion: How Hawai'i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 231.

The former assistance project director at the Tule Lake Center provided the following statement concerning the poor recruitment levels on the mainland. “by living abnormal, regimented lives in an abnormal, regimented government center...lack of privacy in the community...the concentration camp atmosphere of the daily routine; and the feeling that the “rights of man” as applied to other citizens and other aliens did not apply to them.”¹²³

With the creation of the 442nd, McCloy began to push back against the creation of specific policies. McCloy wanted to close internment camps and reopen the western United States to Japanese Americans again. On February 11, 1943, McCloy wrote a letter to General Dewitt. Informing him that the War Department’s policies were being revised and the goal to release loyal Japanese Americans from internment was being accelerated and requested that General Dewitt reverse one of his major policies, which forced individuals in mixed marriages out of the West Coast.

At present instead of denying spouses of mixed marriages residence in the military area solely on the arbitrary establishment of racial background, would it not be better to establish the loyalty or disloyalty of the individual as a guide to granting a clearance?...I appreciate that you are concerned with taking adequate measures to guard against dangerous or potentially dangerous Japanese from enter Military Area No. 1; but where evidence is conclusive that the spouse of a mixed marriage is not only not potentially dangerous but actually is loyal to the United States, would it not be desirable to accept that conclusion as the basis for approving an application for return?...My concern is this matter is actuated by the

¹²³ Donald Collins, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese American During World War II*, (Westport: Greenwood Press, 1985), 136.

influence your policies will have on the related War Department policy which recognizes the loyalty of individuals rather than assuming disloyalty to a group as a whole.¹²⁴

Dewitt's response was not in agreement; he stated that "voluntary migration had to be abandoned because of danger to Japanese...Although certain individuals are prone to believe that persons of Japanese ancestry would be acceptable to the communities from which they were evacuated, I am convinced that this belief can be regarded only as wishful thinking." Dewitt continued his response by stating that if they let Japanese wives return, that would open the door for all Japanese to return to the area, "it will pave the way for large numbers of Japanese women to return to the evacuated areas, and has no relation to the original objective of protecting mixed blood children and adults...it is unwise to initiate any policy which will lead to the return to the evacuated Pacific Coastal area of any persons of Japanese ancestry."¹²⁵

Though Dewitt disagreed with McCloy, the creation of the combat unit had propelled the way for the Japanese to fight for their freedom. It helped pave the way for more individuals to become involved in promoting Japanese inclusion in society. Colonel William P. Scobey wrote to Dillion Myer at the War Relocation Authority that in regards to the ten thousand Japanese volunteers, Myer should contact Secretary of the Navy Frank Knox and ask him to withdraw his advocacy for the mass evacuation and incarceration of the Japanese from Hawaii, "It is requested that you secure from the Navy an agreement to withdraw their demands the large evacuation

¹²⁴ "John J. McCloy, Assistant Secretary of War to Lieutenant General J.L. DeWitt, Commanding General, Western Defense Command," February 11, 1943, Box 8, Folder 1, Item 20, (Honolulu, HI: University of Hawaii Manoa Archives).

¹²⁵ "Lieutenant General J.L. DeWitt, Commanding General, Western Defense Command to John J. McCloy, Assistant Secretary of War," February 15, 1943, Box 8, Folder 1, Item 18, (Honolulu, HI: University of Hawaii Manoa Archives).

from Hawaii to be carried out. With the Navy's concurrence in suspending evacuation, it is believed that General Emmons will agree to your proposal."¹²⁶

In the fall of 1944, the Governor of Hawaii requested statistics of those who sacrificed their lives in the war who were from Hawaii. The report revealed "that Japanese Americans, about one-third of the population, comprised 60-65 percent of armed-services personnel from the territory. They were also dying in wildly disproportionate numbers as well; about 400 nisei had been killed in action in the single year between September 1943 and August 1944, while a total of 72 Hawai'i non-Japanese were killed in the three years between December 7, 1941, and August 1944." Japanese Americans were killed at more than twice the rate of other ethnic groups.¹²⁷

Japanese Americans served with distinction in World War II; the 442nd became the most decorated unit in U.S. military history. One particular story of bravery from a Japanese nisei from Hawaii happened on July 4, 1944, during the vicious battle for Hill 140, which overlooked a main coastal highway in Italy. Sergeant Howard M. Urabe, later awarded a Silver Star posthumously, "crawled 25 yards through sparse undergrowth to reach a position in front of an enemy machine gun...Urabe suddenly stood up and fired a rifle grenade into the nest, killing the machine gunner and destroying the gun." Urabe was able to destroy another machine gun nest before being killed by a sniper.¹²⁸ There is story after story of the bravery of the Japanese Americans from Hawaii, including several members of the VVV.

¹²⁶ "Colonel William P. Scobey to Dillion Myer," March 11, 1943, Densho Digital Repository.

¹²⁷ Franklin S. Odo, *No Sword to Bury: Japanese Americans in Hawaii during World War II*, (Philadelphia: Temple University Press, 2004), 234.

¹²⁸ Dorothy Matsuo, *Boyhood to War: History and Anecdotes of the 442nd Regimental Combat Team*, (New York: Mutual Publishing Co. 1992), 164.

BEGINNING OF THE END

As the war began coming to an end, the military and the federal government were aware that releasing Japanese Americans would be complex and very hard to legally justify. Before being released from internment, every internee had to sign a waiver of the right to sue the government for their detention:

In consideration of being released as herein requested and of being detained, confined, or interned no longer, and for other value received, for myself, my heirs, executors, administrators and assigns, hereby remise, release, and forever discharge the United States of America all departments, officers, agents, and representatives thereof, the Army of the United States, all departments, officers, agents, and representatives thereof, the United States Navy, all departments, officers, agents, and representatives thereof, and all other persons, and each of them, from any and all manner of action or actions, cause and causes of action suit, controversies, trespasses, damages, judgements, executions, claims, claims for damages, and demands whatsoever, in law or equity.¹²⁹

Most internees were reluctant to sign the statement, as they knew it would waive their right to be reimbursed for any loss of personal property or freedom. In a court hearing after the fact, General Emmons was asked if he would have signed it; Emmons replied, “I would not have signed it...I don’t think anybody else would have signed it.”¹³⁰ A special investigator for the Justice Department also wrote in 1946 that such a statement would have no legal authority in

¹²⁹ “Release” (Honolulu, HI: Japanese Internment and Relocation Files. Hamilton Library, University of Hawaii Archives).

¹³⁰ *Zimmerman v. Poindexter*, 225F.2d 97. (1949).

court.¹³¹ However, only a few individuals refused to sign the waiver. “They did sign it, however, as the only means of obtaining their freedom, but were left with a feeling that they had received injustice not only by being interned but even in the manner of release from internment.”¹³²

Individuals who did sign the form felt as if they were being forced or coerced, “I was coerced – intimidated – into signing the statement. I was told that if I didn’t sign, I would again lose my freedom.”¹³³

Japanese-Americans in the military found it ironic that they were risking their lives to defend their country while their own government imprisoned their parents. The soldiers petitioned but were not very successful. “I have been troubled by this unusual situation – I in the Army – my father in internment... I believe in the government and democracy for which it stands...How could a man who sends his son to the services of his country...possibly attempt to harm the country of his children?”¹³⁴

One case, in particular, was a fifty-five-year-old enemy alien who had owned a grocery store and had lived in Hawaii since 1906. The individual had only visited Japan once to see his family; he had also been a consular agent and admitted owning a Japanese flag and a picture of the Japanese emperor. He was found loyal to Japan, and the hearing board unanimously decided on his need for internment. In September 1943, he requested that General Richardson in Honolulu review his case. “As a father of a loyal American soldier, I feel it rather sad and

¹³¹ “Oral Report by Frederick B. Wiener,” May 11, 1946, *Richardson Papers*. (Stanford, CA: The Hoover Institute Library & Archives).

¹³² Office of the Chief of Military History, “United States Army Forces, Middle Pacific and Predecessor Commands during World War II, 7 December 1941 – 2 September 1945: Civil Affairs and Military Government,” (Honolulu, HI: Hamilton Library at University of Hawaii at Manoa).

¹³³ Tetsuden Kashima, *Judgment Without Trial: Japanese American Imprisonment During World War II*, (Seattle: University of Washington Press, 2011), 85.

¹³⁴ Military Intelligence Department Report, “Minutes of the Meetings of the Internee Review Board, April 1944 – August 1944,” Record Group 338, (College Park, MD, National Archives).

inconsistent to remain as an internee and my present status is a dishonor to my son who is performing his duty to his country.” The military Governor’s Review ultimately decided to recommend release; however, the individual was required to stay on the mainland for the duration of the war. After the war, the individual would be allowed to return to Hawaii.¹³⁵

The FBI arrests and martial law marked the beginning of disregarding individual rights, abandoning constitutional law, and mistreating Japanese Americans. War brought on a multifaceted cultural struggle. In Hawaii, teams of individuals were rising up to secure a genuine multiracial and inclusive territory. The Morale Section's primary goal was to create a territory where everyone was respected, and every ethnic group and every culture on the islands of Hawaii was to be weaved together. To achieve this goal, the Morale Section repeatedly used advanced strategies of looking at the long-term goal rather than a short-term solution. Proof of this can be seen through the disbandment of the Hawaii Territorial Guard when the Japanese American members were devastated by first being included in the protection of their country, and all of a sudden, the tables completely turned; the Moral Section stepped up and helped the Japanese Americans create a solution, that solution was the VVV, serving as just engineers. The Moral Section’s goal was a combat unit; the 100th and 442nd achieved that goal. A goal that took years to complete. The Morale Section was not the only one that wanted a peaceful, inclusive Hawaii.

FBI Agent Robert Shivers came to the islands of Hawaii to find and investigate individuals who could be dangerous or would be dangerous if war were to come to the Pacific. Upon arriving, one of the first things he did was help create the Morale Section and ESC. He also

¹³⁵ “Minutes of the Internee Review Board, Military Governor’s Reviewing Board,” June 1943 – December 1944, Record Group 338, (College Park, MD, National Archives).

homed a Japanese American student, who became like a daughter to Shivers. Ultimately Shivers transferred away from Hawaii midway through the war due to health problems and was placed on light duty on the mainland. Shivers was a calm voice in the middle of an overwhelming situation; his cool head and decisions were the primary reasons Japanese Americans were treated as fairly as his power would allow.

Colonel Green and General Emmons were strong allies to the Japanese Americans throughout the war; however, their loyalty also caused them to be reassigned, both making enemies in Washington D.C. Green was reassigned in April 1943, and General Emmons followed shortly in June 1943. “We were all the defensive all the way, but in the face of tremendous odds, we succeeded in a major degree in preventing the plan of ruthlessly tearing all the Japanese of whatever station or origin from their homes and placing them in detention camps.”¹³⁶

Although it was General Emmons, who dismissed the individual of Japanese ancestry from the HTG in January 1942, he proved to be a valuable asset. He was determined to see the Japanese treated fairly. Emmons was one of the most effective opponents of the racism developing across the United States. He pushed back against Secretary of the Navy Frank Knox and even stonewalled President Roosevelt on removing all the Japanese from Hawaii through strategic arguments. Many individuals within Washington D.C. believed that General Emmons would eventually be court-martialed for his insubordination.¹³⁷ With World War II coming to a close, more challenges for these leaders would await and will be discussed in the next chapter.

¹³⁶ Thomas H. Green, “Martial Law in Hawaii, December 7, 1941 – April 4, 1943.” (Washington D.C.: Library of Congress), 305.

¹³⁷ Harry Scheiber and Jane Scheiber, *Bayonets in Paradise*, (Manoa Valley: University of Hawaii Press, 2016), 132.

CHAPTER FIVE

LEGALITY OF MARTIAL LAW

As the war began coming to a close, Japanese Americans who served in the armed forces and the Japanese internees began returning to Hawaii. On November 7, 1945, 450 internees left Seattle on board SS *Yarmouth* and 900 more left from Los Angeles on USAT *Shawnee* on November 30, 1945, including 40 Nisei soldiers. However, the last internees did not leave for home until April 1946, except for those held at Tule Lake.¹ Returning was just a start for many; some individuals would seek retribution through civil suits.

The hundreds of individuals who were interned in Hawaii under martial law were without question the victims of injustices by the United States government. Most of the internees were arrested and held with ridiculous evidence or without any evidence at all. When they were first arrested, they were not told what they were being detained for, were tried without proper representation, and could not testify on their behalf or confront their accusers. Even after the government decided to hold special screening boards, many of the decisions to release internees were overturned by the military, which had the final say. Possession of a Japanese flag was enough to hold an individual for the entirety of the war. Upon being interned, most were sent to Sand Island on Oahu, where mistreatment was a daily occurrence. Families of those interned were given incorrect information and misled about the whereabouts of those interned. Once

¹ War Relocation Authority, United States Department of the Interior, *The Evacuated People A Quantitative Description*, (Washington D.C.: U.S. Government Printing Office).

families were allowed to join, they were given false information about the voluntary evacuation and still had to wait months and sometimes more than a year before they rejoined a member of their family or several members who were interned.

Many arrests were also illegal when the war department authorized the internment of enemy aliens and dual citizens. Still, the army command decided that anyone suspicious, including naturalized and born United States citizens, would also be arrested and detained. This issue was retroactively fixed by the inspector general in June of 1943 when records were corrected to state that citizens were arrested under the general terms of martial law, not the authorization of the War Department.²

The large population of Japanese residents would also be used as a key argument to continue imposing martial law, even after the decisive battle of Midway. During a telephone conversation between Lt. Colonel W.F. Durbin and Colonel Fielding on November 9, 1942, about the continued arrests and detainment of Japanese residents, both aliens and citizens, and the evacuation process. It was stated that the evacuation was a way to relieve pressure from Washington and certain leaders in Hawaii. Durbin and Fielding also said, “They [meaning the Japanese evacuees] really aren’t dangerous and not bad at all.”³ However, the military continued to use this as part of their two-part argument. First, on Hawaii’s islands, there was a continual internal threat to security. Second, the army was alert and aware of its existence. This argument would be seen continually in the legal battles after the war ended as part of the military’s legal

² Office of the Chief of Military History, “United States Army Forces, Middle Pacific and Predecessor Commands during World War II, 7 December 1941 – 2 September 1945: Civil Affairs and Military Government,” (Honolulu, HI: Hamilton Library at University of Hawaii at Manoa).

³ Michi N. Weglyn, *Years of Infamy: The Untold Story of America’s Concentration Camps*. (Seattle: University of Washington Press, 1996), 88.

argument that Japanese residents, aliens, and citizens constituted a serious threat to the security of Hawaii.

With the American victory at the battle of Midway, the threat of a Japanese invasion in the eyes of many seemed to no longer be a threat to Hawaii. Starting in early 1942, the military began receiving court challenges to end martial law; however, it was not until 1943 and 1944 that the legal battles would increase substantially. The restoration of civilian control of Hawaii was a process fought between the United States military on one end and the other, the Department of the Interior, the Department of Justice, and the territorial governor. The departments of the interior and justice, as well as the territorial governor, argued that since the threat of Japanese invasion was over, that martial law and the suspension of the writ of habeas corpus were no longer necessary for the security of Hawaii. The military's argument on the other end, which the War Department also supported, was that Hawaii was a fortress and civilian life must be regarded as part of the war effort and military effort and was vital to maintain the efficiency of operations. General Emmons's memo to the assistant secretary of war supported this. Emmons stated that the importance of military control of martial law was a part of the "closely integrated war functions of this fortress."⁴

The Department of the Interior set forth its legal position that the mere fact of declaring martial law does not constitute it a legal necessity:

The duly constituted civil authorities are ready and able to perform not only their ordinary functions, but also to undertake the administration of any emergency

⁴ "Radio No. 284, From General Emmons to Assistant Secretary of War, John McCloy," January 3, 1943, *McCloy Files*. (College Park, MD: National Archives).

controls of civilian activities which may be necessary, such as rationing, price controls, food production and so forth.

It is felt that while the responsibility for the security of the islands rests with the Commanding General, the actual administrative functions should be carried out to the greatest extent possible by the civil government. Moreover, although military necessity may require the establishment of military tribunals to try civilians for offenses against the security of the territory and the military forces, there is every reason to restore the jurisdiction of the criminal courts in all other cases and to infringe as little as possible on constitutional guarantees.⁵

Territorial Governor Stainback was aligned with the Department of the Interior's view. Stainback believed that the civil courts should open immediately, as well as the military authority and its jurisdiction stepping back. Stainback also provided a long list of complaints to Secretary Harold Ickes regarding the military's policies.⁶ Stainback was a strong political opponent who would not back down; in a face-to-face meeting with Colonel Archibald King, a Judge Advocate General Officer, Stainback stated in substance that Governor Poindexter had no legal authority under section 67 of the Hawaii Organic Act to abrogate civil authority. The United States Constitution applied as much to Hawaii as it did to any other state or territory under the Union. Although emergency authority had to be executed by the military following the attack on Pearl Harbor, there were limits to how far that authority was allowed to go.⁷

⁵ "Memorandum from Assistant Secretary, Department of the Interior, E.K. Burlew to Assistant Secretary of War, John McCloy," May 28, 1942, *McCloy Files*, (College Park, MD: National Archives).

⁶ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 217.

⁷ "Memorandum from the files from Archibald King," June 16, 1942, *McCloy Files*, (College Park, MD: National Archives).

Another major proponent of ending martial law was Hawaii's territorial delegate to Congress, Samuel Wilder King. King initially became worried about martial law after the case of Saffery Brown. As Stainback was initially called to interview for the territorial governor, King wrote to the Secretary of the Interior Ickes, "For a civilian community to live for months under what is in effect a military government is detrimental to the maintenance of self-government and repugnant to every principal for which we are fighting."⁸ Since the Brown case, King had been very outspoken against the need for martial law and the treatment of Japanese residents living in Hawaii, so outspoken that King had suffered politically; however, this did not stop King from his push for equality. King was true in the faith of his beliefs, in a statement about the American democracy, "is based on the assumption that every person is entitled to a square deal, regardless of race, creed, color or class."⁹ King responded about his political mistreatment and suffering, "as a matter of principle, knowing that my position would be misunderstood and severely criticized even by many of my best friends. Once racial intolerance is permitted, there is no saying where it will end."¹⁰

When King lost re-election, Joseph Farrington Jr replaced him in November 1942 as Hawaii's delegate in Congress. Farrington was the son of a former governor and publisher of the *Honolulu Star-Bulletin*. Farrington reported upon succeeding King that the transition went smoothly thanks to King's cooperation.¹¹ Farrington's stance was immediately similar to King's. Farrington called for the return of civil courts and argued against using such terms as military governor. However, Farrington did not ask the civil government to return to full power. He

⁸ "Samuel Wilder King to Secretary of the Interior, Harold Ickes," November 17, 1942, *King Papers*. (Honolulu, HI: Hawaii State Archives).

⁹ "Samuel Wilder King to Henry Holstein," May 14, 1942, *King Papers*, (Honolulu, HI: Hawaii State Archives).

¹⁰ *Ibid.*

¹¹ "John Farrington to Riley Allen," January 25, 1943, *Farrington Papers*, (Honolulu, HI: Hawaii State Archives).

believed that martial law had validity. Farrington's primary issue with martial law was the legal power it was allowed to wield. Farrington disagreed with closing the courts and denying the writ of habeas corpus. He believed the military should worry about military agents, not civilians.¹²

On December 21, 1942, Joseph Farrington provided the following statement regarding his support for the attorney general and Territorial governor in their efforts:

To restore constitutional government under a reign of law in the Territory of Hawaii and to reestablish civil authority and responsibility consistent with the defense of the Islands....Continuance of military rule and complete domination over civilians and civilian affairs not only is contrary to every tradition of America since the earliest days of this nation but is in fact a positive detriment to the total war effort.

The military rule is without precedent in history except in conquered or rebellious territory and is without constitutional or legal foundation.¹³

Besides Farrington, the other political figures who aligned with him wanted all power to return to the civilian government, except for defense and security, which the military should continue to maintain. The issue lied in how one defined the legal boundary between military and civilian control versus the islands' security.¹⁴

Another individual who was determined to see martial law and the military authority be reduced was Secretary Ickes. After the Japanese lost at the Battle of Midway, Ickes bombarded

¹² Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 220-221.

¹³ *Honolulu Star-Bulletin*, December 21, 1942.

¹⁴ "Garner Anthony to Joseph Farrington," August 27, 1943, *Farrington Papers*, (Honolulu, HI: Hawaii State Archives).

the War Department with letters. Ickes argued against military provost courts, stating that the courts act as violence against the concept of American civil rights.¹⁵

The military was not without public support. When the territorial governor, the attorney general, and Farrington were in Washington D.C., pressuring for a return to constitutional government. Military authorities asked for public support. On December 27, 1942, the Honolulu Chamber of Commerce sent a wire to President Roosevelt, Secretary Ickes, and many others:

Because of the fact that the issue has been publicly raised concerning the operation and extent of martial law in Hawaii the chamber of commerce of Honolulu with a membership of 950 including all classes of business and professions wishes to state that we feel there need be no essential conflict between local military and civil authority believing fullest cooperation and united effort between all parties absolutely essential to win this war. Civil military and naval authorities have cooperated with outstanding results this past year with due respect to the rights of each... we recognize that full responsibility for the safety and welfare of this territory and our country rests on the commanders of our army and navy and that we cannot afford to hamper their efforts in any way...do not believe that martial law should be suspended at this time...¹⁶

Though the wire implicates all 950 businessmen and “all classes of business and professions,” this information was never approved by the membership and was not presented to the members; it was merely the views of the chamber’s executive committee. Though the President of the United States did not reply, the Secretary of the Interior, Harold Ickes did. Ickes

¹⁵ “Harold Ickes to Henry Stimson,” August 5, 1942, *McCloy File*, (College Park, MD: National Archives).

¹⁶ J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 29.

stated “The president referred to the Department of the Interior your telegram...full agreement that there need be no conflict...however, that the primary responsibility of the military authorities is for the security of the islands and that the judicial and executive functions affecting civilian affairs can best be carried on by the regularly constituted civil authorities acting in full cooperation with the Commanding General.”¹⁷

As World War II continued, martial law became more of a focus, even in academics. Garner Anthony published his article, “Martial Law in Hawaii,” in May 1942 in *California Law Review*. In his article, Garner argued that the *Milligan*¹⁸ case was not substantial enough to allow the military to act without their determinations being submitted to the federal courts for review. One of his primary contentions, “The framers of the Constitution and the Bill of Rights were not “summer soldiers” or “sunshine patriots”, they built a frame of government intended for all exigencies, not simply a fair-weather ship of state.” Garner continued to argue, “The courts would have opened for business in their free and unobstructed scope on the Monday following the attack but for the order of the Military Governor...The Constitution does not contain the term “martial law.” Nor is that expression used in any existing federal statute which has come to the author’s attention, other than the Organic Acts governing Hawaii, the Philippines and Puerto Rico. The legislative basis for military tribunals erected for the trial of civilians is, as might be expected, rather slender.”¹⁹

¹⁷ J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 29.

¹⁸ Mentioned in chapter, 1, the Supreme Court declared that an individual’s rights, as stated in the United States Constitution, must be respected during periods of war unless certain conditions, such as actual invasion, and if the civilian courts were closed and unable to function due to a war emergency.

¹⁹ J. Garner Anthony, “Martial Law in Hawaii,” *California Law Review*, Vol. 30, No. 4 (May, 1942), 371-396, 376 & 378.

Anthony was not against all military sanctions that were taking place; however, he took significant issue with no checks and balances for military decisions. Anthony explained that the powers given to the military during the emergency should still receive authorization from a congressional statute. That decisions should require a review by the federal courts to ensure that the military choices are within the scope of the Constitution.²⁰ Anthony also conceded that Governor Poindexter acted within his legal authority under the Organic Act to suspend the writ of habeas corpus and enact martial law. Anthony did clarify that after the emergency had passed, not even the President of the United States was authorized to have military trials of citizens.²¹

To combat Anthony, Colonel Archibald King published the view of the military. King's article was also published in the *California Law Review* in September 1942. King's first argument was that the attack on Hawaii was a clear military emergency requiring immediate action. Second, the terms of Hawaii's Organic Act and its requirements for martial law. King also believed the use of *Milligan* as an argument was invalid due to the air power that Japan was capable of and deserved strong consideration in defining an imminent invasion. He wrote, "No one knows more about these matters than Lieutenant General Emmons, who succeeded General Short in command in Hawaii. That he considers an attack upon Hawaii possible or even probable is clearly inferable from the facts that in December he sent army wives to the mainland and in the middle of June he issued orders for the evacuation of all women and children."²² King clarified further, "Who will be so bold as to deny that Hawaii has been in imminent danger of invasion every hour of every day since December 7, 1941?... Japanese submarines have shelled Santa Barbara, California, Vancouver Islands, and the coast of Oregon. Every such shelling was, as a

²⁰ J. Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 86.

²¹ J. Garner Anthony, "Martial Law in Hawaii," *California Law Review*, Vol. 30, No. 4 (May, 1942), 371-396.

²² Archibald King, "The Legality of Martial Law in Hawaii," *California Law Review*, Vol. 30, no. 6 (September, 1942) 599-633, 626

matter of law, an invasion...In view of foregoing considerations, it cannot be doubted that there has been continuously since December 7th “imminent danger” of hostile invasion of Hawaii. It follows that the continuance of martial law in Hawaii is lawful.”²³

King received additional support from Charles Fairman, who published an article, “The Law of Martial Rule and the National Emergency” in the *Harvard Law Review* journal. In very broad terms, Fairman defended the army’s martial law rule in Hawaii, stating, “The proclamation of martial law is not a generating source of power, but only evidence of the necessity for the commander’s assuming control of the functions of civil government. It will be the emergency which called it forth, not the fact of proclamation, which justifies the extraordinary measures taken.”²⁴ Effectively declaring that in times of a wartime emergency, only military leaders had the competence to determine what actions should be taken, to which the civilian courts must defer to military judgment.²⁵ “This may sound startling, but it is about what one acquainted with such situations would expect. A “military commission” is traditionally the tribunal set up during martial rule or military government by the armies of the United States; it is recognized by Congress in the Articles of War.”²⁶

Fairman also defended the removal and internment of the Japanese population. Whether they were a citizen or alien, it was warranted for the safety of the United States. “If on the one hand the matter to be found was whether the person had displayed active disloyalty to the United States, it is probable that only a relative few could be held for evacuation...The Japanese,

²³ Archibald King, “The Legality of Martial Law in Hawaii,” *California Law Review*, Vol. 30, no. 6 (September, 1942), 599-633, 626

²⁴ Charles Fairman, “The Law of Martial Rule and the National Emergency,” *The Harvard Law Review Association*, Vol. 55, no. 8 (June, 1942), 1253-1302, 1288.

²⁵ *Ibid*, 1295-1296.

²⁶ *Ibid*, 1296.

including most of the Japanese Americans, have lived among us without becoming a part of us...Fundamental differences in morals have made them inscrutable to us.”²⁷ Fairman called the removal and internment an “inconvenience” but “only one of the unavoidable hardships incident to the war.” In regard to the legality of martial law, “From time to time, picking one’s way through this maze, one comes upon a clear view of the essential truth, that martial law, so far as now consistent with the English constitution, is simply an application of the common-law principle that measures necessary to preserve the realm and resist the enemy are justified.”²⁸

Anthony declared that martial law was effectively against the Constitution in Hawaii due to the legal decisions of the military and that an imminent invasion was no longer possible. With his article circulating quickly around the United States and the Territory of Hawaii, the army believed it had to justify its decisions in public as well. The army essentially declared the *Milligan* doctrine invalid due to the era’s technology. Citing *Milligan’s* inapplicability, there was no constitutional limit to military authority regarding the definition of their powers under the declaration of martial law.

General Emmons understood the need for academic debate regarding martial law in Hawaii:

Academic discussion regarding the legal technicalities involved in martial law is, of course, the inherent right of a free and independent people...No doubt the history and operation of martial law in Hawaii will be the subject of many interesting legal debates years to come...It is, I believe, sufficient to say that in

²⁷ Charles Fairman, “The Law of Martial Rule and the National Emergency,” *The Harvard Law Review Association*, Vol. 55, no. 8 (June, 1942), 1253-1302, 1301.

²⁸ *Ibid*, 1259.

this theater of operations we are not going to question the wisdom of our Congress in passing the Organic Act nor question the judgment of our President in approving the declaration of martial law by the civil governor.²⁹

General Emmons responded to Anthony's article publicly because he felt the need to address the legal issues Anthony was presenting. General Emmons felt that the Organic Act and President Roosevelt's approval of martial law provided full legal authority for the military actions in Hawaii. Emmons did not comment or attack Anthony's argument that the President's approval of martial law did not authorize complete military control of all civilian life, which was regarding the provost courts being held instead of the civilian courts being allowed to reopen in a normal capacity. When asked about easing martial law in Hawaii, Emmons responded that even surrendering the title of military governor could undermine his authority, thus placing Hawaii in further danger, that the civil authorities did not have the ability to control the civilian population properly.³⁰

In June 1942, the pressure on martial law began to put leadership in D.C. on alert. The military in Hawaii showed no indication of reducing the authority of martial law. The pressure was placed on the war department, which led to a proposal that, at the minimum, a timetable should be agreed upon.³¹ General Green was ordered to Washington in August 1942 and told to begin discussions with the civilian government on whether the military could modify the rule of martial law.³²

²⁹ *Honolulu Advertiser*, May 16, 1942.

³⁰ "General Delos Emmons to Assistant Secretary John McCloy," July 1, 1942, *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library).

³¹ Green was promoted from Colonel to Brigadier General on May 24, 1942.

³² "Green Notes," *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library).

When General Green arrived in Washington, he was confronted by several individuals from the Department of the Interior and individuals from the attorney general's staff. The goal was to create an agreement on the reduction of martial law. Green was unhappy with the confrontation. "The very purpose of the present controversy is to divest the Military from control."³³ Leading the Department of the Interior in the discussions with General Green was Secretary of the Interior Harold Ickes. General Green defended the military decisions made under martial law, such as the provost courts, and denied that General Short promised Governor Poindexter that the necessity for martial law would be short. Green informed the officials that if the army withdrew martial law, it would place a hardship on the territory.³⁴

Secretary Harold Ickes did not appreciate the stonewall Green put up; Ickes believed Green's behavior was proof that the army was violating the civil liberties of individuals living in Hawaii. Ickes complained to Secretary Henry Stimson that nowhere in the history of the United States could he find evidence of a military leader having complete control with martial law, shutting down courts, holding military tribunals for civilians, and having complete control of the civil government. Stimson was also in disbelief that General Green stated that the military was better at handling civil government and that it would be better for the residents of Hawaii if the military remained in control.³⁵

Secretary Ickes was supported by Benjamin Thoron, director of the Office of Territories, "From my conversation with Colonel Green...that the powers of the Military Governor under martial law are absolute and all inclusive...and it seems to me dogmatically, that the control of

³³ "Green Notes," *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library).

³⁴ Ibid.

³⁵ "Harold Ickes to Henry Stimson," August 5, 1942, *McCloy Files*, (College Park, MD: National Archives).

civilian authorities acting with the approval and support of the military authorities is not feasible.”³⁶

In August 1942, General Green, the Department of Justice, the Department of the Interior, and the War Department reached an agreement regarding restoring the civilian courts. On August 31, General Orders No. 133 was released:

The civil courts are now authorized to exercise their normal jurisdiction, subject, nevertheless, to the following restrictions and limitations:

1. The privilege of the writ of habeas corpus has been and remains suspended.
2. No criminal proceedings shall be maintained against any member of the armed forces of the United States...
3. No civil suit, action or other proceeding shall be maintained against any member of the armed forces...
4. No judgment by default shall be entered against any person who is in the Army, Navy, Marine Corps, or Coast Guard of the United States.³⁷

With General Orders No. 133 being released, officials and the public believed that the restoration of the civil government was just around the corner. However, on September 4, 1942, General Emmons and General Green issued General Orders No. 135, which became known as the delineation order. “This General Order is issued to define the criminal jurisdiction to be exercised by the Federal and Territorial Courts and the courts established

³⁶ “Memorandum from Benjamin Thoron to the Secretary of the Interior, Harold Ickes,” May 25, 1942, *Papers of Thomas H. Green*, (Charlottesville, VA: Judge Advocate General’s School Library).

³⁷ Territory of Hawaii, Office of the Military Governor, General Orders No. 133, August 31, 1942, (Honolulu, HI: Hawaii State Archives).

by the military Governor, in accordance with General Orders No. 133.”³⁸ General Green stated that the general principles agreed upon in Washington needed to be clarified for both provost and civilian courts because it allowed too much unpredictability.³⁹ General Orders No. 135 essentially reversed all the responsibility back to the military, and all provost court processes would continue as before order No. 133. General Orders No. 135 stated, “The United States District Court for the Territory of Hawaii shall not exercise jurisdiction over the following crimes and offenses.” These crimes and offenses included: traffic violations, drunk driving, prostitution, and numerous others.⁴⁰

General Green, when asked about General Orders No. 135, stated that he spoke with several individuals, including attorneys, various judges, and one specific judge who had convinced him not to hand over common criminal misdemeanors and felonies. The particular judge who convinced Green was never revealed.⁴¹ Those who were present in the Washington meetings were unhappy with the changes. General James Rowe stated that Emmons and Green saw the meeting “as an invitation to further encroachments upon civil jurisdiction.” General Rowe wanted General Green transferred immediately. He believed Green was giving General Emmons poor legal advice.⁴² Others involved in the negotiations believed General Orders No. 135 showed complete and utter disregard for the agreement.⁴³

³⁸ Territory of Hawaii, Office of the Military Governor, General Orders No. 135, September 4, 1942, (Honolulu, HI: Hawaii State Archives).

³⁹ “Memorandum, Notes Regarding Issuance of General Orders Nos. 133 and 135,” September 24, 1942, *Papers of Thomas H. Green*, (Charlottesville, VA: Judge Advocate General’s School Library).

⁴⁰ Territory of Hawaii, Office of the Military Governor, General Orders No. 135, September 4, 1942, (Honolulu, HI: Hawaii State Archives).

⁴¹ “Memorandum, Notes Regarding Issuance of General Orders Nos. 133 and 135,” September 24, 1942, *Papers of Thomas H. Green*, (Charlottesville, VA: Judge Advocate General’s School Library).

⁴² “Memorandum from General James Rowe to Assistant Attorney General Samuel O Clark,” October 5, 1942, *Papers of James H. Rowe Jr.*, (Hyde Park, NY: Franklin D. Roosevelt Library).

⁴³ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 230-231.

The army's legal officers in Washington could not defend the general order, as they were not consulted before the release. Secretary McCloy asked for the legal opinion of the order from Major General Myron Cramer, Judge Advocate General. General Cramer was also unable to defend the order, citing that it stood no legal ground because the military governor had final authority over all court proceedings, whether they were violations of federal laws or the territory's laws.⁴⁴

In response to General Orders No. 135, Governor Stainback was distraught with how the military had first handled martial law and second when the civil government believed it was taking steps to regain civil authority. The military squashed those steps with the release of the order. To combat the military, Governor Stainback recruited Garner Anthony to the position of territorial attorney general. Anthony was the author of the *California Law Review* article "Martial Law in Hawaii," which stated that military decisions in Hawaii should be the subject of federal review to determine their legality, which was discussed earlier in this chapter.

One of Anthony's first orders was to prepare an analysis of the legal authority of martial law in Hawaii:

There is no basis either in federal or territorial law for the use of the term "military governor." This phrase is unknown to our law even in times of direct emergency...you will observe that for all practical purposes there is nothing to be done by the Governor of Hawaii...All of the affairs of the government are placed under the direction of the executive of the so-called "military governor."...At the

⁴⁴ "Memorandum from Major General Myron Cramer, Judge Advocate General to John McCloy, Assistant Secretary of War," October 23, 1942, *McCloy Files*, (College Park, MD: National Archives).

present time, the “military governor” exercises control over almost every civilian activity whether governmental or private...In place of the criminal courts this Territory there have been erected on all the islands provost courts and military commissions for the trial of all manner of offenses from the smallest misdemeanor to crimes carrying the death penalty. Trials have been conducted without regard to whether or not the subject matter is in any manner related to the prosecution of the war. These military tribunals are manned largely by army officers without legal training. Those who may have had any training in the law seem to have forgotten all they ever knew about the subject...The situation can be clarified by reaching an agreement on the following points: (1) The restoration of the courts to their normal functions...(2) A restoration to the territorial government of all civilian functions...(3)The abolition of the assumption of military governorship by the Commanding General. (4) A rescission of all general orders heretofore issued which are not based upon military necessity...In the event such a program cannot be agreed upon, the only alternative would seem to be the issuance of a proclamation terminating martial law.⁴⁵

Garner Anthony’s arguments would be and still are used as primary examples of the military command in Hawaii overstepping its authority. The arguments by Anthony also support how the Roosevelt administration failed to properly guide the military in Hawaii.

After the release of this report by Garner Anthony, Territorial Governor Stainback, and his attorney general flew to Washington D.C. for the second set of meetings regarding martial

⁴⁵ “December 1, 1942, report, completed by Garner Anthony reported to Territory Governor Ingram M. Stainback,” *Ingram M. Stainback Papers*, (Honolulu, HI: Hawaii State Archives).

law in Hawaii. Secretary Ickes called for the discussion and asked all interested parties to attend. Present at the first meeting in early December 1942 was Francis Biddle, Attorney General; Lieutenant General Delos C. Emmons, Commanding General of Hawaii; James Rowe, the Assistant to the Attorney General; Abe Fortas, Under Secretary of the Department of the Interior; Samuel Clark, Assistant Attorney General; Warner W. Gardner, Solicitor of the Department of the Interior; Ingram Stainback, Governor of Hawaii; Garner Anthony, Attorney General of Hawaii; B.W. Thoron, Director of the Division of Territories; and John McCloy, Assistant Secretary.⁴⁶

Secretary Harold Ickes opened the meeting, “Gentlemen, the business before us is the emancipation of Hawaii.” Ickes also reminded everyone of the agreement reached in August 1942 regarding the restoration of civil power regarding the courts and stated that he believed the army had acted in bad faith with the release of General Orders No. 135.⁴⁷ He also called for the re-assignment of General Green. Before calling for the meeting, Secretary Ickes communicated with the War Department. Stating that he no longer trusted General Green and believed it was primarily Green who had acted with poor intentions and poorer legal advice to General Emmons. He believed any future decision or agreement with Green could not be trusted.⁴⁸ Secretary Ickes also declared, “There must be an end to the trial of civilians in drum-head courts...the Army would have to account for all fines and liquor permit fees collected by the military government.”⁴⁹

⁴⁶ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 234-235.

⁴⁷ Ibid, 235.

⁴⁸ “Harold Ickes to Henry Stimson,” November 20, 1942 and “Harold Ickes to Henry Stimson,” November 30, 1942, *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General’s School Library).

⁴⁹ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1995), 28.

Of course, not everyone present agreed with Ickes. McCloy, who had recently returned from his visit, was pro-martial law. McCloy believed that, in public opinion, the civilians in Hawaii were highly pleased with the military control of the islands. He thought the only ones wanting change were lawyers, Stainback, and other “Starry-eyed” individuals in Washington.⁵⁰

After the meetings in Washington, newly replacement of Samuel King, Joseph Farrington, provided a public announcement:

To restore constitutional government under a reign of law in the Territory of Hawaii and to reestablish civil authority and responsibility consistent with the defense of the Islands...Continuance of military rule and complete domination over civilians and civilian affairs not only is contrary to every tradition of America since the earliest days of this nation but is in fact a positive detriment to the total war effort.⁵¹

This public announcement was a typical statement from the civil government in Hawaii. They believed that after the Battle of Midway at the latest, the civil government should have been restored to pre-attack status. That the military pushing to keep martial law was in direct violation of the Civil Rights of individuals living in Hawaii.

A joint memorandum was completed by the Department of Justice and the Department of the Interior. Governor Stainback, Garner Anthony, James Rowe, Samuel O. Clark, Angus Taylor, (acting U.S. Attorney for Hawaii), and Abe Fortas were involved in the creation of the memorandum. The memorandum described three conditions: first, modifying martial law, which

⁵⁰ Henry L. Stimson, “Stimson Diary,” (New Haven, CT: Yale University Press).

⁵¹ *Honolulu Star-Bulletin*, December 21, 1942.

restores civilian government to pre-attack status. Second, violations of the general orders issued by the OMG would be tried by civilian courts, not provost courts. Third, civilian courts would return to having jurisdiction over all crimes, except crimes violating the Articles of War. The memorandum also agreed that some areas of martial law would need to continue, which included suspension of the writ of habeas corpus.⁵²

Attorney General Biddle personally delivered the memorandum to the Secretary of the President of the United States. Several days later, he included his own memorandum informing the President of the events that took place:

For the past week, Harold Ickes, Abe Fortas, Governor Stainback, and I have been working with Jack McCloy, General Emmons and the letter's executive officer, General Green, to agree on a satisfactory proclamation turning the civilian government of Hawaii back to Stainback, but leaving the military job (including martial law, suspension of habeas corpus, and special emergency powers) in the military... This seems to be the situation: Emmons has styled himself Military Governor, and through a generous issue of military orders (we have been through 180) establishes the law and enforces it... Much of the administration appears to be autocratic, wasteful, and unjust... The situation was the makings of a lurid Congressional investigation... The matter may come to you for decision if the Army cannot agree to our suggestions, and I thought you should have this background.⁵³

⁵² "Memorandum for the Attorney General," December 9, 1942, *Papers of James Rowe Jr.*, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

⁵³ "Confidential Memorandum for the President, Re: Hawaii," December 17, 1942, *Papers of James Biddle*, Box 56. (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

Upon receiving the group's initial memorandum, President Roosevelt responded to Biddle. The President declared that the war department needed to clean up the situation and that General Green should be transferred out of Hawaii due to the massive amount of issues concerning him.⁵⁴ This situation was an example of the Roosevelt administration failing to oversee the decisions the military in Hawaii was making; it intervened too late. The OMG decisions should have been reviewed in detail by the federal courts, as suggested by Garner Anthony.

With the President's involvement, the parties involved continued discussions into January 1943; General Emmons returned to the islands of Hawaii; however, he left General Green in his absence. Green informed Emmons that the talks were not going in their favor, "In the first place, the propaganda of our opponents has been severe and not refuted. In the second place, our opponents have worked hard to get the ear of the President, and it looks as if they had succeeded. In the third place Mr. McCloy seems to feel that the civilians should run civilian activities."⁵⁵ This would not be the only legal issue the military in Hawaii would face.

Another wrench in the military's actions was the Supreme Court decision regarding the *Quirin* case. The United States captured eight German-born U.S. residents. The eight individuals entered the United States for hostile acts of sabotage and espionage, violating the law of war. The United States President stated they were to be tried before a military tribunal under the Articles of War. The eight Germans challenged and said they had protection under the U.S. Constitution, which provided them the right to demand a jury trial in the civil courts. The

⁵⁴ "Memorandum from Franklin D. Roosevelt, President of the United States to Francis Biddle, Attorney General," December 13, 1942, *Francis Biddle Papers*, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

⁵⁵ "General Thomas Green to General Delos Emmons" January 1, 1943, (College Park, MD: National Archives).

Supreme Court decided in favor of the President; however, it also declared that it is up to the courts to preserve constitutional liberty in times of war or peace.⁵⁶

After numerous meetings and telephone conferences, a plan was finally decided, functions and powers would return to the territorial, local, and federal governments according to the law. The civilian government would regain control of controlling prices, rationing of commodities, control of hospitals, food production, control of rent, control of transportation and traffic by land (except during blackout hours), public health, licensing businesses, control of imports, censorship of mail for civilians, control of liquor, schools, custody of alien property, collection of garbage, banking, control of employment, and the significant one judicial proceedings, both criminal and civil, except those cases against members of the armed forces. The writ of habeas corpus would remain suspended, and the military would retain authority to regulate employment and labor under direct military control. The military also maintained control over prostitution. These new regulations would take effect thirty days after their declaration; the declaration was February 8, 1943.⁵⁷

The agreement did leave a clause, which stated: “Whenever the Commanding General, in the light of an existing military emergency or in anticipation of any military emergency, considers it necessary for the security of the islands...shall have power, upon a written declaration...to resume such functions and jurisdictions” that was transferred to the civilian government.⁵⁸ McCloy agreed with this clause, “there is a fundamental principle to which the

⁵⁶ *Ex Parte Quirin* 317 U.S. 1 (1942).

⁵⁷ “Proclamation by the Governor of Hawaii,” February 8, 1943, (Washington D.C.: Library of Congress) and “Proclamation United States Army,” February 8, 1943, (Washington D.C.: Library of Congress).

⁵⁸ “Proclamation United States Army,” February 8, 1943, (Washington D.C.: Library of Congress).

military properly adhere: namely, that one man must be the final authority in the Islands and that he should be military rather than civilian.”⁵⁹

President Roosevelt also added his opinion on the proclamation, “I can readily appreciate the difficulty in defining exactly the boundaries between civil and military functions. I think the formula which this proclamation applies meets the present needs. I know that General Emmons will do all that he can, consistent with his military responsibility, to refrain from exercising his authority over what are normally civil functions...I hope also that there will be a further restoration of civil authority as and when the situation permits.”⁶⁰

The proclamation was officially enforced on March 10, 1943, which would be declared “Restoration Day.” There was a festive party in the throne room of Iolani Palace, attended by the legislature, military officials, and civilian officials. However, those who attended stated that tension was still present between the civilians and the military, especially when the army scheduled an anti-aircraft gun drill at the same time as the celebration. “The only note of war that sounded during the transfer of authority was the thud of anti-aircraft guns in practice firing.”⁶¹ The other act on March 10 was 181 General Orders related to civilian affairs, revoked and replaced by new military general orders issued under the civilian governor.⁶²

Shortly after restoration day, General Green was transferred out of Hawaii in April 1943. Ultimately, his reassignment did not damage his reputation to an irreparable degree. Two years later, Green would be promoted to Major General and appointed as Judge Advocate General for

⁵⁹ “Memorandum from John McCloy to Henry Stimson,” December 16, 1942, *McCloy Files*, (College Park, MD: National Archives).

⁶⁰ “Franklin D. Roosevelt, President of the United States to Henry Stimson, Secretary of War,” February 1, 1943, *McCloy Files*, (College Park, MD: National Archives).

⁶¹ William Ewing, “A Unique Experience in Government,” *Paradise in the Pacific*, April 1943.

⁶² Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 102.

the Army.⁶³ General Emmons was also reassigned, though this was a previously scheduled move in June 1943. Succeeding Emmons was General Robert C. Richardson Jr.

COURT CASES

As martial law in Hawaii began to wind down, legal cases started. A strategy emerged during the court cases; the army legal teams continually avoided habeas corpus hearings. As mentioned in chapter 3, one of the army's strategies was moving Japanese Americans from location to location; this strategy made it extremely difficult to file a petition for a writ of habeas corpus. The primary purpose of this strategy was to avoid losing a legal case that could undermine the entire security of the islands.

One of the first cases involved a German American, Hans Zimmerman, who began his legal battle while being held at Sand Island. Zimmerman, like most internees, was arrested with no formal charges filed, no chance to review evidence, and no ability to cross-examine witnesses. The evidence presented to the hearings board was given by three FBI agents, who essentially stated that Zimmerman was pro-Axis and pro-Nazi. Zimmerman's defense was several prominent individuals who testified to Zimmerman's character. Testimony was provided by Nolle Smith, the territorial government's budget director; Frank Thompson, a local attorney; Alvah Scott, president of the Mutual Telephone Company; John Fleming, vice president of the Bishop Trust Company; several of Zimmerman's patients (Zimmerman was a naturopathic physician), and Joseph Farrington Jr. future Hawaii territorial delegate to congress. Even after all the positive testimony, the board recommended that Zimmerman be interned.⁶⁴

⁶³ Ibid, 116.

⁶⁴ *Zimmerman v. Poindexter*, 225F.2d 97, (1949).

After the initial board hearing, Zimmerman's attorney began preparing a petition for a writ of habeas corpus. The only flaw in Zimmerman's initial plan was that the army was aware of this action since the military censored all mail and read every detail listed in the correspondence between Zimmerman and his attorney. Preparing for the petition, the army decided to transfer Zimmerman to the mainland to avoid having to defend the suspension of the writ of habeas corpus.⁶⁵ On February 19, 1942, the petition was received by Judge Delbert Metzger, U.S. District Court in Honolulu. The petition presented to Judge Metzger alleged that Zimmerman, a U.S. citizen, was unlawfully imprisoned. That his imprisonment was based on hearsay statements of unknown individuals. Zimmerman never observed or heard his accusers speak.⁶⁶

That same day, Zimmerman was transported to a military ship to be moved to the mainland. His transport to the mainland would be deemed unnecessary because Judge Metzger declined to accept the petition due to the army's General Orders No. 57, which prohibited issuing a writ of habeas corpus.⁶⁷ Zimmerman was temporarily transported to Camp McCoy, Wisconsin; however, Zimmerman would come to the American Civil Liberties Union's (ACLU) attention. While the ACLU discussed petitioning for a writ of habeas corpus in Wisconsin, the military again transported Zimmerman back to Hawaii to avoid the jurisdiction in Wisconsin.⁶⁸

Once back in Hawaii, Zimmerman filed for an appeal with the U.S. Ninth Circuit Court of Appeals since Judge Metzger's initial decision was not to hear Zimmerman's request. The government's defense of Zimmerman's appeal was simple. It rested on two principles, the first

⁶⁵ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 64.

⁶⁶ *Ibid*, 64.

⁶⁷ Territory of Hawaii, Office of the Military Governor, General Order No. 57. January 27, 1942, (Honolulu, HI: Hawaii State Archives).

⁶⁸ *Zimmerman v. Poindexter*, 225F.2d 97, (1949).

being the necessity during emergencies that threatened the public and the second, the military necessity during wartime. The military believed that when Judge Metzger initially decided not to hear the petition was direct evidence of the situation still being considered an emergency. Due to martial law being declared, it would be inappropriate for the court of appeals to take authority and review the military's decision during wartime.⁶⁹

The Ninth Circuit Court rejected Zimmerman's appeal. The courts ruled in favor of the government. "We may say at once that in our opinion the denial of the writ was proper. The averments of the petition plus facts of which the court has judicial knowledge required that action...Zimmerman was being subjected to detention by the military authorities after an inquiry related in some way to the public safety, in an area where martial law was in force and the privilege of the writ had been lawfully suspended. The futility of further inquiry was apparent on the face of the petition."⁷⁰

After the circuit court's decision, the ACLU decided to represent Zimmerman and take an appeal to the Supreme Court. A petition for certiorari was then filed with the Supreme Court; however, the military knowing that any further appeal moving forward may favor Zimmerman, had released Zimmerman the day prior. The Supreme Court declined to hear the case because "Hans Zimmerman, on whose behalf the petition is filed, has been released from the respondent's custody."⁷¹ Before releasing Zimmerman, the military attempted to protect itself from further civil suits by asking Zimmerman to sign the waiver of liability, but Zimmerman declined.⁷²

⁶⁹ *Zimmerman v. Walker*, 319 U.S. 744, (1943).

⁷⁰ *Zimmerman v. Walker*, 132 F.2d 442, (1942).

⁷¹ *Zimmerman v. Walker*, 319 U.S. 744, (1943).

⁷² "Hans Zimmerman to Joseph Farrington," November 26, 1942, (Honolulu, HI: Hawaii State Archives).

More cases would come to the forefront; two would grab national headlines, including the *LA Times* and *New York Times*, due to Judge Metzger's and new "military governor" General Richardson's public battle. The *Glockner* and *Seifert* cases involved two naturalized Germans who filed petitions for writs. The petitions alleged that both individuals were United States citizens held in custody under military authority. No charges were presented to them; they violated no law or military order. The government wanted the petitions dismissed. However, Judge Metzger overruled the motion to dismiss based on two facts. The first was that the governor's proclamation of February 8, 1943, which took effect on March 10, restored the right of the writ of habeas corpus. Second, although a war still existed, there was no imminent danger of invasion. Judge Metzger ordered the writ and gave General Richardson forty-eight hours to present the defendants.⁷³

General Richardson refused to comply with Judge Metzger's order. Richardson declared that he would not recognize the court's jurisdiction.⁷⁴ Richardson was not alone in making this decision; he was supported by his superior, Chief of Staff, General Marshall, who ordered him not to release the prisoners, stating to "not repeat not to produce the prisoners."⁷⁵ A U.S. marshal arrived at General Richardson's office to serve the writ. Upon arriving, the marshal was told that the General was in a meeting. The marshal waited, and when General Richardson tried to leave his office, the marshal was "manhandled" by military police and unable to complete his

⁷³ *Ex Parte Seifert*, 296 (D. Hawaii 1943) and *Ex Parte Glockner*, 295 (D. Hawaii 1943).

⁷⁴ "General Robert C. Richardson to Judge Brian Montague," September 2, 1943, *Richardson Papers*, (Stanford, CA: The Hoover Institution Library & Archives).

⁷⁵ "General George Marshall to General Robert Richardson," August 17, 1943, *McCloy Files*, (College Park, MD: National Archives).

service.⁷⁶ This situation made headlines worldwide; Garner Anthony wondered how “anyone could be so stupid as to advise the general to forcibly interfere with a United States Marshal.”⁷⁷

Due to the non-compliance of General Richardson, Judge Metzger ordered that the hearing be postponed for three days. When the hearings returned, the U.S. Attorney for Hawaii informed Metzger, “That General Richardson has advised me that under no circumstances will the petitioners be produced before this court for proceedings.” The U.S. Attorney advised the judge that General Richardson had prepared a statement and offered to read it to the courts; Metzger declined to hear the message. Instead, the courts instructed the attorney to prepare a citation of contempt,⁷⁸ which was served on August 24, 1943.⁷⁹

General Richardson again refused to attend the proceedings, and Metzger responded with a sentence to pay \$5000.⁸⁰ General Richardson responded with General Orders No. 31 in response:

No clerk, deputy clerk, other officer, or employee of the District Court of the United States for the Territory of Hawaii...shall accept or receive for filing...any application or position for a writ of habeas corpus...No judge of the District Court of the United States for the Territory of Hawaii...shall accept or receive...deposit for filing...any application or petition for a writ of habeas corpus...any habeas corpus proceeding...No Judge of the District Court of the United States for the Territory of Hawaii...shall authorize, allow, decree, order, direct, or permit any

⁷⁶ *Ex Parte Glockner*, 295, (D. Hawaii 1943).

⁷⁷ “Garner Anthony to Joseph Farrington,” August 27, 1943, *Farrington Papers*, (Honolulu, HI: Hawaii State Archives).

⁷⁸ *Ex Parte Glockner*, 295, (D. Hawaii 1943).

⁷⁹ *United States v. Richardson*, U.S.D.C. (Hawaii).

⁸⁰ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 71.

habeas corpus proceedings.. or any phase of, or matter related to or if any way connected with, any habeas corpus proceeding.⁸¹

Colonel William Morrison, an Executive in the OMG, expressed his opinion regarding General Orders No. 31, “From the point of view of a Congressional investigation, it is really probably the worst black eye of martial law.”⁸² Judge J. Frank McLaughlin would later declare it “the most disgraceful threat ever made anywhere against the judicial branch of our government.”⁸³ Richardson defended himself by stating, “the President has approved the suspension of the privilege of the writ of Habeas Corpus...What the Governor and the judge fail to appreciate is that this is a theater of operations in a combat zone.”⁸⁴

Due to the conflict between Richardson and Metzger, Edward Ennis, a Justice Department attorney, and the Alien Enemy Control Unit director, was in Honolulu to serve as counsel to army command. Ennis informed Richardson to slow his confrontation with the court. Ennis sent Richardson a detailed, long memorandum explaining why Richardson’s decisions could not be legally enforced. Ennis always spoke to the evidence standing against both Glockner and Seifert. Ennis pointed to the length of the internment of Glockner and the lack of evidence against him, as well as Seifert. Ennis believed it logical to release Glockner and Seifert to the mainland to avoid an embarrassing legal situation that may affect every decision made in the name of martial law. Ennis also informed General Richardson that General Orders No. 31 would need to be rescinded if the Territory lawyers brought forth a cause of célèbre and the

⁸¹ Territory of Hawaii, Office of the Military Governor, General Orders No. 31, August 25, 1943, (Honolulu, HI: Hawaii State Archives).

⁸² “Oral Report Made by Mr. Frederick B. Wiener,” May 11, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute).

⁸³ “Speech at the Social Science Association of Honolulu, by Judge J. Frank McLaughlin,” May 6, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute).

⁸⁴ “Radio No. 5283, from General Ricardson to John McCloy,” August 27, 1943, *McCloy Files*, (College Park, MD: National Archives).

military could not defend order 31.⁸⁵ The Roosevelt administration's response to General Orders No. 31, should have been the response to each order issued by the military in Hawaii. The orders should have been evaluated and determined if they were legally within the scope of constitutional law by the federal court. Failure to provide direct oversight of the OMG led to the length of martial law and the violation of numerous Civil Rights, as well as damaging the relationship of Hawaii the the U.S. government.

Preliminary discussions began between Ennis, Judge Metzger, and Garner Anthony. The talks led to an agreement that Glockner and Seifert were both to be transported to the mainland outside the jurisdiction of the Hawaiian courts, where their petitions would be allowed to move forward. However, in silent agreement, the involved parties were aware that the two prisoners would be released once on the mainland.⁸⁶

The relationship between the military and civilian government continued to break down. Since the restoration agreement, the main issue was that the military had not moved forward on accomplishing their goal of returning civilian control. Garner Anthony prepared an additional special report; Anthony pointed to several legal factors: first, the President did not approve the transfer of power from the governor to the army. Second, the self-titling of "military governor" did not hold any legal authority; not even the President of the United States could make such an appointment. Third, the trying of civilian individuals with sentences from six months to life imprisonment was under an authority that was in contradiction to the Constitution, the laws of the Territory, and the laws of the United States. Those individuals would need to be released or, at minimum, sentences retired. Anthony pointed towards two legal decisions, the first being the

⁸⁵ "Edward J. Ennis to General Robert Richardson," *Richardson Papers*, (Stanford, CA: The Hoover Institute).

⁸⁶ "Edward J. Ennis to John McCloy," August 7, 1943, *McCloy Files*, (College Park, MD: National Archives).

Milligan case, in which he believed the standard of *Milligan* had been met. Second, *Ex parte Quirin* concluded that the constitutional safeguards of liberty were protected and overruled any authority, even during war. These legal decisions and the unlikely percentage of being attacked again called for an end of martial law immediately. That under the Presidential Executive Order No. 9066, Japanese Americans can be excluded from military areas without the need for martial law, which has been proven on the mainland. This would allow Japanese Americans to continue being detained and interned; however, their cases would be immediately reviewed to ensure that the military acted within the constitutional authority.⁸⁷

The army was not fazed by this report and believed that if any Japanese American requested a petition for the writ of habeas corpus, the federal courts would uphold the authority of martial law and the military decisions in Hawaii as long as the petitioner was Japanese.⁸⁸

NEW LEGAL CHALLENGES

The next legal challenge against the military was individuals convicted of ordinary crimes and had sentences imposed by the provost courts. The first case received wide publication from local news and the mainland. In March 1944, the case was brought to the courts; the provost courts had previously convicted Lloyd Duncan, a civilian who worked in the shipyard, for assault against two military sentries. Duncan was initially sentenced to six months in prison. Representing Duncan was Garner Anthony, who recently stepped down as territorial attorney general. General Richardson had corrected his previous behavior and produced Duncan to the courts. General Richardson and Admiral Nimitz both testified in the trial to the need that the

⁸⁷ "Garner Anthony to Ingram Stainback," September 20, 1943, *Ingram M. Stainback Papers*, (Honolulu, HI: Hawaii State Archives).

⁸⁸ "Radio No. 102251, Colonel Hughes to John McCloy," October 14, 1943, *McCloy Files*, (College Park, MD: National Archives).

decisions under martial law were required to be upheld and that Hawaii remained under “constant, continuous and imminent danger.”

During the cross-examination of General Richardson, Richardson accused Anthony of attempting to weaken his authority in Hawaii. Anthony responded that he wanted Duncan to have a fair trial under the authority of “the Constitution of the United States.”⁸⁹

Governor Stainback also testified that he believed civilian courts should try the civilians of Hawaii and that provost courts should not have the authority to try civilians who did not violate a war crime. He further stated that the civilian government had the authority and resources to handle civilian cases. Three territorial judges testified that the civilian courts were willing and ready to try civilian cases. They had been prepared for months, even several months, before Duncan was arrested.⁹⁰

Edward Ennis provided testimony as well, which supported Anthony as representing Duncan. He later stated that the Department of Justice “consider it a helpful thing for an attorney to have the courage of his convictions to present to the court the issues as he sees them.”⁹¹

After the week-long trial, Judge Metzger ruled against the army, issued the writ of habeas corpus, and ordered the release of Duncan on April 13, 1944. While Metzger did state that martial law is necessary or even desirable in some cases, the laws of the land must be enforced. Metzger concluded that the creation of the office of the Military Governor was unlawful; since its creation was unlawful, its authority over civilian individuals was also illegal.⁹² Individuals will notice that Judge Metzger’s opinion on habeas corpus and martial law had changed

⁸⁹ *Ex parte Duncan*, 476, (D. Hawaii 1944).

⁹⁰ *Ibid.*

⁹¹ *Honolulu Star-Bulletin*, April 17, 1944.

⁹² *Ex parte Duncan*, 476, (D. Hawaii 1944).

substantially since first declining to hear Zimmerman's case; however, by July 1942, Judge Metzger contacted General Green and advised him that within the next three months, courts should be allowed to resume jury trials.⁹³

What later came after the case was shocking as well. General Morrison had been requesting behind closed doors that Anthony's business associates and clients drop his firm. Anthony understood that the army was trying to silence his opinion. In an investigation after the war, it was confirmed that General Morrison acted in such a matter, as he wanted the clients to change to a firm that would not challenge the suspension of the writ of habeas corpus.⁹⁴

There was no rest for the army; the White case began immediately after the Duncan case. The presiding judge was Judge J. Frank McLaughlin. Harry White was charged and convicted for embezzling client funds and serving a five-year sentence. Judge McLaughlin ruled in favor of White, and he was released. McLaughlin stated, "Necessity cannot be manufactured even by General Orders. It must be real, not artificial." McLaughlin declared that the transfer of judicial power from the governor to the military was invalid. "Even if it be said that thus to try civilians in provost courts was necessary because the General said so, White did not even receive a fair military trial. Surely the Constitution assures him that much."⁹⁵

Shortly after McLaughlin received another writ of habeas corpus petition, Fred Spurlock, this case did not even make it to trial. McLaughlin released Spurlock on the ruling that, based on the previously decided court cases, the army's denial of due process allowed for the same

⁹³ Thomas H. Green, "Diary," *Papers of Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library).

⁹⁴ "Oral Report by Frederick B. Wiener," May 11, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute Library).

⁹⁵ *Ex parte White*, 977, (D. Hawaii 1944).

judgment.⁹⁶ The army would appeal each of the previous three cases to the Ninth Circuit Courts in June 1944. The military wanted the Ninth Circuit bypassed so the Supreme Court could see the case immediately, believing that while troops were still fighting against the Japanese, the Supreme Court would rule in their favor.⁹⁷ However, others suspected that the army might lose the case. Even those within the War Department believed that the “position on martial law in Hawai’i is becoming indefensible.”⁹⁸

The Ninth Circuit Court’s decision was announced in November 1944, ruling in favor of the military and reversing Metzger’s and McLaughlin’s orders. The Ninth Circuit approved the provost court’s jurisdiction while under martial law. They also ruled that the military was correct in worrying about the possible continuous threat of the Japanese Americans, who might be disloyal. The majority of the Ninth Circuit believed it was within the military authority to determine the amount of danger and how best to protect Hawaii.⁹⁹

SUPREME COURT DECISIONS

All three individuals, Duncan, White, and Spurlock, petitioned for the writ of certiorari, requesting that the Supreme Court review their cases. Only Duncan and White cases would be approved for review. Spurlock was pardoned, which made his petition no longer valid as the military believed it did not stand a chance of winning the review.¹⁰⁰

⁹⁶ *Ex parte Spurlock*, 997, 1006, (D. Hawaii 1944).

⁹⁷ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 82.

⁹⁸ “Memorandum from Lt. Colonel Harrison to Captain Colclough,” June 6, 1944, *McCloy Files*, (College Park, MD: National Archives).

⁹⁹ *Ex Parte Duncan*, 146 F.2nd 576 (9th Circuit 1944), *White v. Steer*, 146 F.2nd 576 (9th Circuit 1944), and *Steer v. Spurlock*, 146 F.2nd 652 (9th Circuit 1944).

¹⁰⁰ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 82.

Two official cases headed to the highest court, *Lloyd C. Duncan v. Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu*¹⁰¹ and *Harry E. White, Petitioner, against William F. Steer, Colonel, Infantry, U.S. Army, Provost Marshal, Central Pacific Area*. Both cases were expedited to the Supreme Court, believing that with combat still in the Pacific, the Supreme Court would rule in their favor. That decision, however, did not arrive until December 7, 1945, three months after Japan's surrender. The timing of the cases worked in favor of Duncan and White, whom both won their cases against the military.¹⁰²

The Supreme Court Chief Justice Harlan Stone assigned Justice Hugo Black. Chief Justice Stone wrote to Black, who both believed the military actions were wrong in Hawaii, and requested that Black make a decision not based upon the Constitution, in fear it may affect future military actions. "I do not think we have to state what the constitutional limits of martial law are."¹⁰³ Justice Black disagreed with Stone, noting that the principle of *Milligan*, which denied the military to take over the civilian government. Black attributed his decision to three factors: first, a military emergency did not allow any branch of government from the principle of separation of powers. Second, the military's behavior under martial law should not be allowed due to "necessity." The military took control in a totalitarian degree, disregarding previous legislation and setting up military tribunals over civil courts. Black felt calling it a necessity would allow perhaps a future situation that was more severe may provide permission to control the civilian government as done in Hawaii. Third, Black denied that the policies of the military

¹⁰¹ The handling of Duncan's initial conviction placed Duncan in the custody of the Honolulu Sheriff's Office, it is important to note, that Duke Kahanamoku was only the custodian of Duncan. Duke Kahanamoku is a famed Olympic competitor in both swimming and surfing. After retiring he ran for and was elected Sheriff of Honolulu County.

¹⁰² *Duncan v. Kahanamoku*, 327 U.S. 304, (1946) and *White v. Steer*, 327 U.S. 304, (1946).

¹⁰³ "Chief Justice Harlan Stone to Justice Hugo Black," January 17, 1946, *Papers of Hugo F. Black*, (Washington D.C.: Library of Congress).

could not be rationally attributed to the actions of the military, such as temporary closing courts or the legislature. The only actions that the military should take regarding enforcing military justice must be done under the laws of war rather than displacing the civilian government.¹⁰⁴

TERMINATION OF MARTIAL LAW

The trials were widely publicized both on the mainland and locally. The articles regarding martial law focused on the army and the constitutional issues brought to the public's attention. Critics of the military published numerous articles disapproving of martial law in Hawaii. The perception of martial law in Hawaii caused the War Department to shift its support away from the military commanders. Secretary McCloy, who had initially supported martial law, stated that in the perception of civilians' eyes, martial law is now seen as a "usurpation of civil government."¹⁰⁵

Governor Stainback also had strong feelings about the continued martial law:

No reason exists for the continuation of martial law and the problem will not be solved until its abolition...there is less necessity for martial law here than in San Francisco or Los Angeles. Unfortunately, this continuation of military control after eighteen months is making many people here and on the mainland accept the idea that Hawaii is merely a military province...General Richardson is a big improvement upon his predecessor...being more intelligent than his predecessor he is the more dangerous.¹⁰⁶

¹⁰⁴ "Justice Hugo Black to Chief Justice Harlan Stone," January 18, 1946, *Papers of Hugo F. Black*, (Washington D.C.: Library of Congress).

¹⁰⁵ "John J. McCloy, Assistant Secretary of War to Harold Ickes, Secretary of the Interior," August 27, 1943, *Harold Ickes Papers*, (Washington D.C.: Library of Congress).

¹⁰⁶ Governor Stainback quoted in a memorandum "Harold Ickes, Secretary of the Interior to John J. McCloy, Assistant Secretary of War," August 9, 1943, (Honolulu, HI: University of Hawaii at Manoa).

In regards to General Richardson, the title of “Military Governor” was another thorn in the side of the U.S. government. General Julius Ochs Adler informed Richardson that the title of “Military Governor” should be disposed of and that a bureau for civilian affairs should be created in its place.¹⁰⁷ Secretary Ickes also disagreed with the title and believed it led to hostility with the civilian government:

Seriously I protest and will continue to protest against the assumption or retention of this title by any military officer on American territory. There would be much more reason for some general to anoint himself as “Military Governor of Alaska” than there is to operate under this title in Hawaii because there have been alien enemies occupying portions of Alaska for well over a year. And yet soldiers up there seem to be content to be soldiers...(the title should be put) in a museum for the interested observation of future generations.¹⁰⁸

Most of Washington D.C. was pressuring the military in Hawaii to end martial law; however, President Roosevelt did not share the same views. According to Francis Biddle, Roosevelt said, “The military might be wrong, But they were fighting the war.” And “Rights came after victory, not before.”¹⁰⁹ President Roosevelt eventually personally provided his opinion when he visited the Island of Oahu in July 1944. The President’s primary visit was to discuss the final strikes against Japan. The President met with General Richardson and discussed the termination of martial law. Richardson advised President Roosevelt that he and his staff were working on a formal cessation of martial law; the order would allow the military to remain active

¹⁰⁷ “General Julius Ochs Adler to General Robert Richardson,” October 1, 1943, (College Park, MD: National Archives).

¹⁰⁸ “Harold Ickes, Secretary of the Interior to John J. McCloy, Assistant Secretary of War,” August 9, 1943, (Honolulu, HI: University of Hawaii at Manoa).

¹⁰⁹ Francis Biddle, *In Brief Authority*, (Westport: Praeger Publishing, 1976), 219 & 226.

in the security of the islands but would step back from the control of the civil government.¹¹⁰

General Richardson also renounced the name “Military Governor” almost a year after McCloy and others pleaded with him to do so. In General Orders No. 63, General Richardson announced the title had been changed to “Office of Internal Security.”¹¹¹

The termination of martial law was a lengthy process due to the legal battles involving martial law regarding the writ of habeas corpus and the pending appeals. The War Department and their judge advocates were concerned that if martial law were terminated before the end of the court decisions, the cases would be a losing battle since the authority and security issues would no longer be taken into account.¹¹² Due to the legality of ending martial law, the pressure was placed on President Roosevelt to issue a proclamation. The judge advocate general’s office believed that once the President issued the proclamation, the President would be responsible for martial law from its inception to its termination. With the number of threats regarding civil suits for false imprisonment against the former “Office of the Military Governor,” the leadership could plea respondeat superior.¹¹³

The military was not alone in wanting the termination of martial law to come from the President. Secretary Ickes told the President he did not believe the military or the War Department would entirely terminate martial law and that the military leadership would not take the appropriate steps. Ickes informed the President that a proclamation similar to No. 2525 would

¹¹⁰ “General Robert Richardson to John McCloy,” August 1, 1944, *McCloy Files*, (College Park, MD: National Archives).

¹¹¹ Territory of Hawaii, Office of Internal Security, General Orders No. 63, July 21, 1944, (Honolulu, HI: Hawaii State Archives).

¹¹² “Judge Rudolph Slattery to William Morrison,” July 25, 1944, (College Park, MD: National Archives).

¹¹³ “Reasons Why Martial Law in Hawaii Should be Terminated by Proclamation of the President, Not of the Governor,” August 1, 1944, *Hawaii Military Government Records*, (College Park, MD: National Archives).

be more than effective on the islands of Hawaii, which would include the same security of Hawaii that has been successful on the West Coast.¹¹⁴

The President agreed to issue a proclamation; the executive order took weeks to compose; General Richardson, his legal staff, Secretary McCloy, The Department of the Interior, the judge advocate general's office, and the Department of Justice met several times to discuss the detail of the proclamation. The main concern was military authority over the detainment of Japanese Americans, curfew, blackouts, travel control, censorship, and a clause that would give the military authority to place the territory of Hawaii under martial law again, if necessary.¹¹⁵ The President would announce two executive orders, the first being announced on October 18, 1944, Executive Order No. 9489, "I hereby authorize and direct the Secretary of War to designate the Commanding General, United States Army Forces, Pacific Ocean Areas, as the military commander...The military commander may prescribe the Territory of Hawaii or any part thereof as a military area." Establishing Hawaii as a military area, similar to the West Coast, allowed the military command in Hawaii to exclude individuals from the area and to maintain control of certain areas for security. It also allowed the commander to issue a variety of security orders.¹¹⁶

The following day, October 19, 1944, the President issued Proclamation 2627:

Whereas the armed forces of the Empire of Japan having attacked and invaded the Territory of Hawaii, and the public safety requiring it, the Governor of the Territory of Hawaii...did, by proclamation dated December 7, 1941, suspended

¹¹⁴ "Harold Ickes, Secretary of the Interior to President Franklin D. Roosevelt," August 5, 1944, *McCloy Files*, (College Park, MD: National Archives).

¹¹⁵ Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 102-103.

¹¹⁶ *Honolulu Advertiser*, October 18, 1944, (Honolulu, HI. The University of Hawaii at Manoa).

the privilege of the writ of habeas corpus and did place the said Territory under martial law...NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America...do proclaim that the privilege of the writ of habeas corpus is hereby restored and that martial law is hereby terminated in the Territory of Hawaii.¹¹⁷

The proclamation went into effect on October 24, 1944, the same day the Office of Internal Security issued Public Proclamation No. 1, which designated Hawaii as a military area¹¹⁸ and released Security Orders Numbers one through seven. The security orders were related to enemy aliens, air raids, curfew, identification, travel, censorship, and ports and harbors.¹¹⁹

Several security orders caused numerous issues. The first was Security Order No. 3, related to the curfew and blackout. This order prohibited all civilians except those with special privileges from being in public from 10:00 pm to 5:30 am.¹²⁰ When these orders were issued, the United States military was busy destroying the inner ring of the Japanese defense. It was hard to find any real reason to have this order in effect.¹²¹ The *Honolulu Advertiser* started publishing Hawaii residents' personal opinions: "Now comes General Richardson with a naïve assumption that because we have not been pestering him we must like the curfew...American workmen do not have to be locked by night like galley slaves to keep them fit for their jobs." "General

¹¹⁷ Presidential Proclamation No. 2627, President Franklin D. Roosevelt, (Honolulu, HI: The University of Hawaii at Manoa).

¹¹⁸ Territory of Hawaii, Office of Internal Security, Public Proclamation No. 1. October 24, 1944, (Honolulu, HI: Hawaii State Archives).

¹¹⁹ See, Territory of Hawaii, Office of Internal Security, Security Order No. 1-7, October 24, 1944, (Honolulu, HI: Hawaii State Archives).

¹²⁰ Territory of Hawaii, Office of Internal Security, Security Order No. 3, October 24, 1944, (Honolulu, HI: Hawaii State Archives).

¹²¹ Garner Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 103.

Richardson says he thinks we want a curfew because we haven't said we didn't. He never asked us working plugs who don't belong to the Chamber of Commerce."¹²² The *Honolulu Advertiser* expressed the opinion that there was an absence of a military necessity which made the curfew invalid.¹²³ Two days after this news article, General Richardson issued Security Order No. 10 on July 7, 1945, rescinding Security Order No. 3. Lifting the curfew and the blackout.¹²⁴ Though five days before the release of the order, General Richardson stated, "As commanding general, I can no longer defend the curfew as justified as a military necessity. I have felt that way for many months."¹²⁵

Security Order No. 1 caused severe issues because not only did it outline enemy aliens, "shall include and hereby is defined to mean all natives, citizens, denizens, or subjects of Japan, Germany, or of any other nation or government hostile to the United States."¹²⁶ Numerous individuals found the order to be prejudiced because it barred the possession of firearms by citizens of Germany and Italy and by naturalized citizens, as well as Japanese Americans. Abe Fortas drafted a letter used by Secretary Ickes to Henry Stimson:

Your officers in Hawaii and on the West Coast started with the Japanese. Your officers in Hawaii have now expanded their prejudices to embrace American citizens whose sole distinction is that they are of German or Italian descent...I hope that you will carefully consider this matter and that you will not only cause this regulation to be rescinded but that you will make an effort to ascertain

¹²² *Honolulu Advertiser*, July 4, 1945.

¹²³ *Honolulu Advertiser*, July 5, 1945.

¹²⁴ Territory of Hawaii, Office of Internal Security, Security Order No. 10, October 24, 1944, (Honolulu, HI: Hawaii State Archives).

¹²⁵ *Honolulu Star-Bulletin*, July 2, 1945.

¹²⁶ Territory of Hawaii, Office of Internal Security, Security Order No. 1, October 24, 1944, (Honolulu, HI: Hawaii State Archives).

whether the officers who are responsible for it are not so imbued with undemocratic prejudices that they should be transferred to duties in which their prejudices will have less opportunity to inflict injury upon American principles.¹²⁷

This was the typical response of a civilian living in Hawaii when the attack on Pearl Harbor initially took place; the civilian population supported martial law. When martial law continued month after month, the support quickly dwindled. Though individuals were not allowed to express this opinion, because their First Amendment rights of freedom of speech and press were violated. Once individuals were allowed to express their opinions, the civilian population expressed their issues with martial law and showed how it had affected their relationship with the U.S. government.

Investigations did take place of legal advisor in Hawaii, General Morrison, along with his assistant Major E.V. Slattery, were both investigated. The War Department had an investigation conducted by Frederick Wiener; Wiener was considered an expert in martial law and a government attorney since 1933. Wiener concluded that Morrison was arrogant and had attempted to cover up his activities in trying to stop military historians from viewing his files. Wiener believed Morrison was a devious individual who provided the commanding generals in Hawaii with poor legal advice, which was considered incompetent at best, especially how Morrison advised the command staff to handle the confrontation with Judge Metzger and the release of General Orders No. 31.¹²⁸

¹²⁷ “Abe Fortas for Harold Ickes to Henry Stimson,” no date, *Abe Fortas File*, (College Park, MD: National Archives).

¹²⁸ “Oral Report by Frederick B. Wiener,” May 11, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute Library).

Moves were made to remove both Morrison and Slattery from their positions; however, at the appeal of General Richardson, who believed to remove them “would be calamitous,” especially since they were the ones “with a thorough knowledge of all the files.”¹²⁹ After the war ended, General Richardson, Morrison, and Slattery, the Office of Internal Security, were responsible for the arrangements for detainees and the return of personal property confiscated during the war.¹³⁰

CIVIL SUITS

With the war coming to a close and the Supreme Court rulings pending, General Green, who had been transferred away to Washington D.C. and appointed as judge advocate general, used the full power of his staff, which included 110 lawyers, to begin preparing a legal report from the records of the War Department that would be used in legal briefs, trials, Congressional hearings, and other public relation issues. The report was separated into five components. First, a complete description of the respondeat superior described the Generals in charge of the Hawaii command as having no independent control but rather operating under a chain of command. Second, any criticism directed at martial law or the officers involved must be considered part of the war campaign. Third, martial law was opposed by the general public. Fourth, there was an intentional effort to undermine the military authority in Hawaii. Fifth, accused Governor Stainback of being indifferent to the victory of World War II, using evidence of letters seized by the censorship office from Stainback to Secretary Ickes as proof of Stainback’s true position.¹³¹

¹²⁹ “Memorandum from General Robert Richardson to the Secretary of War,” March 14, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute Library).

¹³⁰ *Honolulu Star-Bulletin*, August 28, 1945, *Honolulu Star-Bulletin*, October 27, 1945.

¹³¹ “Memorandum from General Thomas Green regarding Martial Law in Hawaii,” March 14, 1946, *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General’s School Library).

Drawing near the end of the Supreme Court cases, the cases received nationwide publicity, including a broadcast by Fulton Lewis Jr.¹³² He publicly accused the army of abusing their power during martial law. Robert Patterson, the newly appointed Secretary of War succeeding Henry Stimson, was asked to respond to Congress. General Green drafted a statement, and Secretary Patterson signed onto the document and sent it to Congress, where it was read on March 26, 1946. Patterson contended that the islands had been “exposed to dire peril by the Japanese attack. Actual invasion was expected at any moment. In the opinion of the military and naval commanders on the spot, the necessity for martial rule lasted almost until war’s end,” and the civil courts would not have been capable of handling such an emergency. “The Army did not in any sense oust or overthrow the civil government of the Territory. The civil authorities of the Territory continued for the most part to function as before, their authority supported and assured by martial law.” It also denied that all interned persons were provided with a fair hearing.¹³³ The primary issue with Patterson and Green’s argument was the Supreme Court decision of *Duncan v. Kahanamoku*, which specifically rejected the argument that the civilian courts would be unable to handle the circumstances of the emergency and that the Supreme Court was in agreement that individuals being interned were not subject of fair hearings, but were treated with a lack of evidence and unfair trials.¹³⁴ Anthony Garner commented on the subject afterward, “Secretary Patterson does not quote from the decision of the Supreme Court in the *Duncan* case, and his statements that “the Army did not in any sense oust or overthrow the civil government” and that “the civil authorities of the territory continued for the most part to function as before” disclose a lack of knowledge of the facts and, what is

¹³² Fulton Lewis Jr. was a famous conservative commentator from the 1930s to the mid-1960s. His weekly audience, on average, was 16 million listeners.

¹³³ *Congressional Record*, Volume 92, Part 10 (March 11, 1946 to May 6, 1946).

¹³⁴ *Duncan v. Kahanamoku*, 327 U.S. 304 ,(1946).

even more remarkable for an able lawyer, a lack of familiarity with the opinion of the Supreme Court which he quoted.”¹³⁵

As the military rightly feared, several civil suits were filed by former internees in Hawaii, Carl Armfelt, Hans Zimmerman, Anna Walther, and Gunther Herbert Walther. The suits were filed against Generals Short, Emmons, Richardson, Green, and Major Morrison.¹³⁶ However, a bill was moved through Congress that would pay a dollar per day as compensation for individuals unlawfully interned.¹³⁷ The War Department disagreed with the bill, as it believed its actions in Hawaii regarding martial law would be deemed illegal.¹³⁸ Though General Richardson agreed with the compensation, thinking that individuals had a right to compensation in the acts of martial law that the Supreme Court had declared illegal.¹³⁹ Ultimately, the bill failed to pass. The proposed legislation did cause issues for the civil suits, with most attorneys believing the bill would pass; they believed judges would not render verdicts in their cases due to a proposed settlement through the federal government.¹⁴⁰ Attorneys advised their clients not to move forward with their suits; nearly every case disappeared from the court dockets in 1947.¹⁴¹ The War Department was still worried about future litigation suits. To such a degree, the War Department decided against requesting Congress to enact any legislation protecting military officers. It would not compensate the military officers if they lost a civil suit.¹⁴² Only one civil

¹³⁵ Garner J. Anthony, *Hawaii Under Army Rule*, (Stanford: Stanford University Press, 1955), 98

¹³⁶ “Memorandum, General Richardson, Legislation to Cover Hawaiian Damage Suits,” May 29, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute Library).

¹³⁷ H.R. 861. 80th Congress, January 13, 1947

¹³⁸ “Oral Report by Frederick B. Wiener,” May 11, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute Library).

¹³⁹ “Memorandum, General Richardson, Legislation to Cover Hawaiian Damage Suits,” May 29, 1946, *Richardson Papers*, (Stanford, CA: The Hoover Institute Library).

¹⁴⁰ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 456.

¹⁴¹ *Ibid*, 324.

¹⁴² Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 101 & 281.

suit case proceeded forward, and Hans Zimmerman continued to move his case. On December 22, 1953, the court ruled against Zimmerman.¹⁴³ Zimmerman appealed to the Ninth Circuit Court and the Supreme Court, but both denied hearing his appeals.¹⁴⁴ The actions of these cases provided relief to the military command.

POST-WAR LIFE

The high-ranking officers and generals involved in martial law may have their reputations shortly hampered, but financially did not have to pay a single cent.¹⁴⁵ Most of the officers continued their careers, and some retired. General Green became a professor of military law at the University of Arizona. However, fear must have subsided, as General Green emphasized later in his academic career that he was solely in charge of the decisions in Hawaii,¹⁴⁶ a complete contrast to his testimonies. General Emmons was promoted to Commander of the Western Defense Command and took one other assignment before retiring in 1948.¹⁴⁷

For the Japanese-Americans who had been arrested and placed in internment camps returning home was a challenge. They lost businesses, farms, and homes. On top of everything, they were treated differently; they faced years of their neighbors and friends treating them differently.¹⁴⁸ The Japanese teachers and religious leaders returned home to their institutions being closed, which caused dire situations for many. Though after several years of perseverance,

¹⁴³ *Honolulu Star-Bulletin*, December 22, 1950.

¹⁴⁴ *Zimmerman v. Emmons*, 225F.2d97, (1955) and *Zimmerman v. Emmons*, 350 U.S. 932, (1956).

¹⁴⁵ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 345.

¹⁴⁶ Thomas H. Green. "Diary," *Papers of Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library).

¹⁴⁷ "General Delos Emmons," Densho Digital Repository.

¹⁴⁸ See Oral Interviews from "An Era of Change: Oral Histories of Civilians in World War II Hawaii," At the University of Hawaii.

many of the facilities did reopen.¹⁴⁹ In 1948, Congress passed a second bill that allowed Japanese Americans who were either evacuated or excluded from returning home to Hawaii to file a claim of financial loss.¹⁵⁰ Only a few claimants received full compensation, and most had difficulty proving their losses and could not get their claims processed. Overall, the bill was considered a failure, as it did not address other issues such as unlawful detainment, loss of income, and the emotional and psychological distress of their situations.¹⁵¹ In 1952, Congress passed the Immigration and Nationality Act (also known as the McCarran-Walter Act), which allowed the Issei to apply and become naturalized citizens. However, President Truman initially vetoed it; Congress overrode the President by a two-thirds vote in each house.¹⁵² Many Japanese Americans had other hardships to overcome as well. Those who renounced their citizenship in internment camps wanted it returned.

Those who chose to renounce their citizenship and wanted it returned faced decades of hardships as they tried to clarify their legal status. When Japan announced its surrender, an estimated 5,000 Japanese Americans who had renounced their citizenship were petitioning to revoke the renunciation. Japanese Americans stated that due to duress, gang coercion in the camps, or just straight confusion as to how to handle the options presented to them as reasons for renouncing their citizenship. It was not a decision based on rational thought or controlled emotions. The Department of Justice stated that once citizenship was surrendered, there was no reversal of the process. Once a Japanese American renounced his United States citizenship, they were only seen as Japanese and, as such, was an enemy alien that would be deported. Other

¹⁴⁹ Yukiko Kimura, *Issei: Japanese Immigrants in Hawaii*, (Honolulu: University of Hawaii Press, 1988), 253-255.

¹⁵⁰ "American Japanese Evacuation Claims Act," Densho Digital Repository.

¹⁵¹ Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians*, (Published by the National Archives, 1982).

¹⁵² "Immigration and Nationality Act," U.S. Citizenship and Immigration Services.

Japanese Americans who had filed for renunciation and had not completed Japan's citizenship requirements were without a country.¹⁵³ The United States was set to deport those who had renounced their citizenship.

In November 1945, the ships were ready to carry those who renounced their citizenship to Japan; however, two days before they left port, a civil suit was filed to stop the deportation process by an attorney named Wayne Collins. Collins represented 987 citizens and/or dual citizens.¹⁵⁴ District Court Judge Louis Goodman would preside over the legal case.¹⁵⁵ The first evidence submitted by the United States government was that the Kibei who had renounced their citizenship should automatically be considered disloyal due to them being Kibei alone; the United States government considered it strong evidence.¹⁵⁶ Judge Goodman threw out most of the evidence presented by the United States government, especially the evidence that being just a Kibei was proof of disloyalty. Judge Goodman stated that there was a "complete lack of Constitutional authority...to detain and imprison American Nisei citizens...when they were not charged with criminality." Judge Goodman pointed to conditions at the detention camps, he said including government duress created "neuroses built on fear, anxiety, resentment, uncertainty, hopelessness, and despair of eventual rehabilitation."¹⁵⁷

¹⁵³ Doug E. Collins, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans During World War II*, (Westport: Greenwood Press, 1985), 157. As well as John Christgau, "Collins Versus the World: The Fight to Restore Citizenship to Japanese American Renunciants of World War II," *Pacific Historical Review* 54 (1985): 1.

¹⁵⁴ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 330.

¹⁵⁵ Eric Muller, *American Inquisition: The Hunt for Japanese American Disloyalty in World War II*, (Chapel Hill: University of North Carolina Press, 2007), 155.

¹⁵⁶ Doug E. Collins, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans During World War II*, (Westport: Greenwood Press, 1985), 157. As well as John Christgau, "Collins Versus the World: The Fight to Restore Citizenship to Japanese American Renunciants of World War II," *Pacific Historical Review* 54 (1985): 1.

¹⁵⁷ John Christgau. "Collins Versus the World: The Fight to Restore Citizenship to Japanese American Renunciants of World War II." *Pacific Historical Review* 54 (1985): 1, 27.

In his final order and decree, Judge Goodman ordered that the United States government restore the citizenships of each individual involved in the civil suit. This order was announced in April 1949, three and a half years after the Japanese surrendered.¹⁵⁸ The U.S. government filed an appeal with the ninth circuit court. Other cases joined the appeal of *McGrath v. Abo*, 4,315 citizens who filed for renunciation were being represented. Judge William Denman concluded in January 1951 that Judge Goodman's decision was correct that individuals should be allowed to restore their citizenships based on the duress created at the detention camps; however, William Denman made one exclusion, that citizenship would not be restored automatically, that each individual would need to file their own petition and their case reviewed one at a time, citing the possibility of disloyalty.¹⁵⁹ 5,589 applicants filed to have their citizenship restored, 4,978 had their citizenship status restored, and the last case was not completed until November 13, 1968.¹⁶⁰ Hawaii would see other changes during the civil suits and the restoration of citizenships.

In 1959, the Territory of Hawaii was accepted into statehood on August 21, becoming the fiftieth state.¹⁶¹ From 1959 to 1963, three prominent Asians were elected to Congress, Daniel Inouye and Hiram Fong to the Senate and Spark Matsunaga to the House. Samuel King was elected as Hawaii's first governor of native Hawaiian descent. John Burns, the former head of the espionage unit at the Honolulu Police Department, became the second governor. Robert Shivers, the former FBI agent, was nearly appointed territorial governor after the war, but his health became too much of an obstacle; he passed in 1950.¹⁶²

¹⁵⁸ Ibid, 23.

¹⁵⁹ *McGrath v. Abo*, 186 F. 2d 766 (9th Cir. 1951).

¹⁶⁰ Doug E. Collins, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans During World War II*, (Westport: Greenwood Press, 1985), 142.

¹⁶¹ "The Admissions Act," March 18, 1959, (Washington D.C.: Library of Congress).

¹⁶² Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 329.

The war's end brought more battles; Japanese Americans had to go through the process of returning to Hawaii, some were homeless, and others had lost their businesses. Others were threatened with deportation for renouncing their citizenship under duress. Some filed civil suits with the government for their unlawful and illegal detainment. Legal battles and war have changed the landscape of Hawaii and will contribute to the conclusion of this dissertation.

CHAPTER SIX

CONCLUSION

When the Revolutionary War ended on September 3, 1783, roughly two months later, Washington surrendered his commission on December 23, 1783; he bowed to Congress. Washington believed that the military was subordinate to civilian rule.¹ A couple centuries later in 2007, Chief Justice Earl Warren would write, “The military establishment is, of course, a necessary organ of government, but the reach of its power must be carefully limited lest the delicate balance between freedom and order be upset.”²

After the attack on Pearl Harbor, the military took control of the civil government in Hawaii. They shut down the territorial courts, suspended habeas corpus, implemented their own military laws through general orders, and set up their own courts. The military challenged the balance between freedom and order by testing the power of civilian authority. However, the military acted under military necessity. Warren’s view was that in some cases, “the Court must accept uncritically the Government’s description of the magnitude of the military need, actions may be permitted that restrict individual liberty in a grievous manner.”³

How does one define military necessity? An individual cannot just assert a dogmatic and unproven statement. That has been the struggle; it is not mentioned in the Constitution, nor has

¹ “Monday, December 22nd, 1783,” *Journals of the Continental Congress*, Vol. 25, 1774-1789, 820, (Washington D.C.: Library of Congress).

² Earl Warren, “The Bill of Rights and the Military,” *The Air Force Law Review*. 60 (2007): 5-27.

³ Ibid.

the Supreme Court provided a definition. Judge McLaughlin, during the *White* trial, stated, “Necessity cannot be manufactured even by General Orders. It must be real, not artificial.”⁴ However, in the case of *Duncan*, the Supreme Court found that the military in Hawaii exceeded its authority as required by the emergency.⁵ The only issue with the case of *Duncan*, the decision got announced in 1946, after the war had ended. After United States citizens and Japanese aliens were arrested, tried without being allowed to submit evidence on their behalf, detained in poor conditions, and usually were not released until the war was over.

When examining the military’s response to the attack on Pearl Harbor, it can be concluded that the initial arrests, interrogations, detainment, and hearings of individuals of Japanese ancestry resulted in unfair treatment and illegal incarceration. The process of identifying dangerous individuals was based on racial profiling by the military and the FBI. General Green noted in his diary that he believed the Japanese Nikkei were untrustworthy and that they were “vermin.”⁶ General Dewitt, in defending his internment decision, stated, “A Jap is a Jap. It makes no difference whether the Jap is a citizen or not.”⁷ General Dewitt’s remarks regarding investigating Japanese were also racially stocked, “There isn’t such a thing as a loyal Japanese and it is just impossible to determine their loyalty by investigation – it just can’t be done.”⁸

With the Japanese attacking Pearl Harbor, war hysteria and racism is a factor that must be considered when evaluating the situation. The United States military was not ready for the

⁴ *Ex parte White*, 977, (D. Hawaii 1944).

⁵ *Duncan v. Kahanamoku*. 327 U.S. 304, (1946).

⁶ Thomas H. Green, “Diary,” *Papers of Thomas H. Green*, (Charlottesville, VA: Judge Advocate General’s School Library).

⁷ Franklin Odo and Tom D. Crouch, “Removal Process: Japanese Americans & The U.S. Constitution,” *AMI History*, 2001.

⁸ Eric Muller, *American Inquisition: The Hunt for Japanese American Disloyalty in World War II*, (Chapel Hill: University of North Carolina Press, 2007), 33.

Japanese to attack and caught the United States off-guard. Fear of another attack or follow-up invasion would not have been a far stretch in the minds of many individuals. As mentioned in chapter three, rumors of Japanese espionage and sabotage were not in short supply, and many were publicized in the media, making matters worse. In the 1940s, race was a highly debated topic that would continue at the forefront for several decades. Some individuals stood up against the racism sweeping the military.

General Emmons, when taking over command from General Short, understood that racism could quickly destabilize the government in Hawaii. Establishing the Morale Section was a massive step towards a commitment to establish equality and relieve the racial tensions on the islands. One of the primary reasons General Orders No. 5 was released was to help reduce some of that tension, informing the Japanese residents that “so long as they shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives.”⁹ However, the placement of general orders or speeches did not help the families who had members already interned. Many returned to Hawaii after the war to find their businesses gone, their homes gone, and no money to really find another place. During the 1981 Reparations Hearings, Sally Tsuneishi testified that, “After the war we were allowed to return to Hawaii, but there was no home for us, our store and our home was confiscated by the plantation...without funds the only place we could afford was under a house, not a basement, but underneath a home.”¹⁰ Unfortunately, this was a common occurrence for those returning to Hawaii, they were homeless, though the Office of the Military General tried to minimize the damage.

⁹ Territory of Hawaii, Office of the Military Governor, General Orders No. 5, December 8, 1941, (Honolulu, HI: Hawaii State Archives).

¹⁰ “Sally Tsuneishi’s testimony at the Los Angeles Reparations Hearing,” August 4, 1981, *Speak Out for Justice: August 4, 1981 – Part 2*, Video Testimony by Vimeo.

However, on the opposite spectrum, both General Emmons and Richardson, when it was in their favor, would use the trait of disloyalty to justify martial law; even as late as early 1944, General Richardson defended martial law, stating that the Japanese appear to be loyal; however, if the military were to relax security, it would threaten war operations because the Japanese in Hawaii would leak intelligence placing military men and equipment in jeopardy.¹¹ President Roosevelt had authorized the evacuation of all Japanese Americans from Oahu in 1942, stating that he was not worried about the rising questions against the constitutionality of his authorization but more worried about military necessity.¹² Secretary of War Henry Stimson supported President Roosevelt's decision, the Japanese "racial characteristics are such that we cannot understand or trust even the citizen Japanese."¹³ In President Roosevelt's defense, the United States was at war, and each President heavily leans upon their advisors due to the amount of information received daily.

Most of the civilian government believed that the danger of another attack was minimal, especially after the United States won the Battle of Midway. With many believing the threat was far removed, a couple of individuals published articles, such as Garner Anthony, who not only stated in his article but also as the defense attorney during the *Duncan* case, believed that martial law needed to be restructured to allow the civilian government to have more control. At the same time, the military needed to take steps to reduce their control and ultimately terminate martial law in Hawaii.¹⁴ As previously mentioned, Garner Anthony was not the only individual to argue

¹¹ "Robert Richardson, General to John McCloy, Assistant Secretary of War," February 10, 1944, *McCloy Files*, (College Park, MD: National Archives).

¹² "President Franklin D. Roosevelt to Secretary of the Navy Frank Knox," February 26, 1942, *Franklin D. Roosevelt Papers*, Confidential File Box 7, (Hyde Park, NY: Franklin D. Roosevelt Library).

¹³ Henry Stimson, "Stimson Diary," (New Haven, CT: Yale University Archives).

¹⁴ Anthony, J. Garner, "Martial Law in Hawaii," *California Law Review*, Vol. 30, No. 4 (May, 1942), 371-396 and *Ex Parte Duncan*, 476 (D. Hawaii 1944).

against the military control of Hawaii; government officials, and lawyers in the Department of Justice and in the Department of Interior, including James Rowe Jr., Enis, Biddle, Samuel King, Joseph Farrington, Ickes, Fortas, Thoron and John P. Frank to name just a few, all believed that the military should restore civilian government and authority.

The historic length of martial law in Hawaii and the suspension of numerous constitutional rights should be a warning of the lack of clear laws within the United States government from preventing such a prolonged negative event. Martial law in Hawaii was a methodical suppression of civil rights, which was given credence due to military necessity. The methodical suppression of the rights of individuals in Hawaii for military necessity was a high cost for many individuals who lost their entire way of life. Another unfortunate incident was the decision in *Duncan v. Kahanamoku*. However, the court ruled that the provost courts had illegally tried civilians and that the military had exceeded its authority during an emergency situation; however, it failed to provide the ruling in constitutional terms. The continuing recurrence of the restriction of civil liberty (Hoover wiretapping civilians during the Cold War, Hoover's 1950 national security plan to apprehend and detain individuals while suspending habeas corpus for each individual arrested, which was enacted after the September 11, 2001 terror attacks for the use at Guantanamo Bay). When military necessity or national security is threatened, the freedom, rights, and protection granted to individuals living in the United States become very gray.

This dissertation set out to answer the following questions. First, did the United States military command in Hawaii commit civil rights violations without any corrective action from its own government? Or did the United States military command in Hawaii prevent civil rights violations? The answer to these questions is yes and yes. The military command in Hawaii did

commit civil rights violations, from unlawfully arresting and detaining United States citizens and aliens to limiting freedom of speech through the media, telephone calls, and letters. The provost courts were a major constitutional issue in Hawaii. General Orders No. 4 set aside the legal procedures for the Territory of Hawaii and the United States. The military personnel taking control of civilian courtrooms and judicial facilities had only previously occurred in occupied enemy lands; there was no precedent for that action. Civilians were denied constitutional rights, due process, trial by jury, freedom from unreasonable searches and seizures without a warrant, and not allowed to cross-examine witnesses.¹⁵ Those in charge were military-appointed managers of plantations as provost judges with no legal training.¹⁶ Even the Army themselves, after the war, would express the opinion of the provost courts as lacking in nearly every field.¹⁷

Many Japanese Americans had their constitutional rights violated when they were arrested with little or no evidence and placed in detainment camps; most were kept in camps for the entirety of the war. When individuals were first arrested, many were unable to tell family members, spouses, children, and parents and were given no time to find care for their children. Businesses were lost, and family heirlooms were destroyed (in fear of arrest for owning a Japanese item). An estimated 1,900 Japanese were transported from Hawaii to the mainland; most individuals were not even being told they were being transported away, once again unable to notify their families until several weeks had passed.¹⁸ Japanese were arrested and detained not because they were criminals but because they were leaders within their communities. Other

¹⁵ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 106.

¹⁶ "Provost Courts Opposed," *Honolulu Star-Bulletin*, April 7, 1944.

¹⁷ Office of the Chief of Military History, "United States Army Forces, Middle Pacific and Predecessor Commands during World War II, 7 December 1941 – 2 September 1945: Civil Affairs and Military Government," Microfilm. (Honolulu, HI: Hamilton Library at University of Hawaii at Manoa).

¹⁸ Yasutaro Soga, *Life Behind Barbed Wire: The World War II Internment Memoirs of A Hawai'i Issei*. (Honolulu: University of Hawaii Press, 2007), 23-28.

individuals of German and Italian descent were also arrested; their primary reason, was their race.

Though Generals Emmons, Green, and Colonel Fielder would use the danger of the Japanese in Hawaii to continue martial law, they would also attempt to protect the Japanese from a much darker fate. Individuals such as Secretary of the Navy Frank Knox, Army Chief of Staff George C. Marshall, and even the President of the United States were pushing for mass internment. With President Roosevelt agreeing to the mass internment, he did leave the decision on how the action would take place in the hands of General Emmons. General Emmons pushed back through a political game, coming up with excuses for why he could not complete the requests, as discussed in chapters 3 and 4, such as too many Japanese families were mixed with alien and U.S. citizens, and due to that fact, all the Japanese from the islands would need evacuated or shipping all Japanese would cause shipping delays, which in turn would cause construction delays, on top of all that he would not have the security to properly guard and transport the amount of Japanese being requested.

General Emmons also publicly spoke against the mistreatment of the Japanese, “we must hold a close check upon our emotions and our tongue...There will be no witch-hunting or vigilante action against those suspected of disloyalty...Aliens in Hawaii, as well as citizens, will in every instance be judged by the military government on the basis of their individual conduct. There has been and will be no mass condemnation or mass punishment unless it is forced by military necessity. Those disloyal in design, words or action will be dealt with swiftly and severely.”¹⁹

¹⁹ By ROBERT TRUMBULL Wireless to THE NEW YORK TIMES. "FRONT LINE STATUS OF HAWAII DEFINED: GEN. EMMONS TELLS HONOLULU BUSINESS EMERGENCY CALLS FOR MANY

With the help of the Assistant Secretary of War John McCloy, who agreed with General Emmons's thoughts regarding the Japanese in Hawaii after visiting the territory. McCloy kept Emmons informed of White House decisions, with General Emmons believing they could counteract any suggestions with logic when mass internment became the primary topic.²⁰ However, those in the federal government would continue to push for mass internment.

Army Chief of Staff Marshall would call for and recommend that all Japanese residents, regardless of their citizenship, be transported to the mainland and interned, and of course, Secretary Knox seconded the motion.²¹ The Joint Chiefs also informed the President of the United States that they agreed with him and that all Japanese, regardless of citizenship, were dangerous and should be detained.²² Though General Emmons would continue to use stall tactics to push back against the mass internment, even going as far as denying the War Department of their request to fire all Japanese civilians from any military jobs.²³ Though as the military in Hawaii pushed back against mass internment, they would have numerous critics in the continued use of martial law.

Judge McLaughlin said regarding the martial law in Hawaii and the military thought process:

SACRIFICES DEFENSES STEADILY ADDED MILITARY NECESSITY WILL RULE IN TREATMENT OF ALIENS IN ISLANDS, HE STATES," New York Times (1923-), Jan 16, 1942.

²⁰ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II*, (New York: Holt, Rhinehart & Winston Publishing, 1980), 63.

²¹ "Memorandum to Joint United States Chiefs of Staff, Hawaii Defense Forces," February 12, 1942, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library) and "Secretary of the Navy Frank Knox to President Franklin Roosevelt," February 23, 1942, *Franklin D. Roosevelt Papers*, (Hyde Park, NY: Franklin D. Roosevelt Presidential Library).

²² "8th Chief of Naval Operations Harold R. Stark to President Franklin Roosevelt," March 11, 1942, (Hyde Park, NY: Franklin D. Roosevelt Presidential Librar).

²³ Harry N. Scheiber & Jane L. Scheiber, *Bayonets in Paradise*, (Mānoa Valley: University of Hawaii Press, 2016), 135.

They did not, of course, mention that the Army went back on its word to the Hawaiian legislature. They did not tell you that it had said one thing while preparing to do another thing. They did not tell you that they prepared Governor Poindexter's proclamation for him and induced him to sign it, reluctantly. They did not tell you either that he finally agreed to do as they asked with the understanding that the effect of the proclamation would be for maybe 30 days...Yes, they did it. They did it intentionally. They did it with design aforethought. They did it in knowing disregard of the Constitution. They did it because Hawaii is not a State. They did it because they did not have faith that Americanism transcends race, class and creed.²⁴

Judge McLaughlin was one of martial law's greatest critics; however, at no time did any individual within the government, civil or federal, question that when General Green initially declared an emergency, he did so in the belief that it was best for the security of the United States.

The legality of the arrests and internment of U.S. Citizens and aliens had led to numerous court challenges and internal investigations that the Inspector General of the War Department conducted. The inspector General stated that he had found a "succession of errors and oversights in the arrest, hearing, and internment of citizens.....that they were being held under the authority of martial law rather than the War Department directives which made no provision for citizen internees." The Inspector General

²⁴ *Congressional Record*, Volume 92, Part 10 (March 11, 1946 to May 6, 1946).

reviewed every case involving a U.S. citizen, which the Military Governor's Reviewing Board recommended.²⁵

Anthony Garner stated this opinion:

It is inconceivable that those in high places in the War Department were not cognizant of the fact that the regime erected in Hawaii superseding the civil government was not only illegal but contrary to our most cherished traditions of the supremacy of the law...To be sure it took some time for the military authorities to assure themselves that the civil population was all that it seemed, a loyal American community. What is not understandable is why the military government was continued after several years had elapsed and the fears of the most suspicious had been allayed.²⁶

General Emmons, as well as General Richardson, fought tooth and nail to keep control of Hawaii. The Department of the Interior stated, in substance, that the mere fact of declaring martial law does not constitute its legal necessity.²⁷ Even after the civil government and military command in Hawaii met numerous times in Washington D.C. and agreed upon General Orders No. 133, which was issued on August 31, 1942. Five days later, General Emmons issued General Orders No. 135, the delineation order. The army's legal officers could not defend General Orders No. 135. After numerous additional meetings and the involvement of the President. On March 10th, 1943, "Restoration Day" was celebrated as the civilian government returned to partial power,

²⁵ "McCloy to Richardson," October 25, 1943, Papers of General Thomas H. Green, (Charlottesville, VA: Judge Advocate General's School Library).

²⁶ Garner J. Anthony, *Hawaii Under Army Rule*. Stanford: Stanford University Press, 1955), 98

²⁷ "Memorandum from Assistant Secretary, Department of the Interior, E.K. Burlew to Assistant Secretary of War, John McCloy," May 28, 1942, *McCloy Files*, (College Park, MD: National Archives).

though much tension between the civilian government and military in Hawaii.²⁸ Though even after the end of martial law was in sight, General Green, who had been transferred to Washington D.C. and appointed judge advocate general, was considered to be overstepping his authority when he used letters observed by the censorship office that were sent from Governor Stainback to Secretary Ickes that Green believed painted a picture that showed that Stainback was against victory in World War II because he opposed martial law.²⁹

Even after partial restoration, the military in Hawaii would still fight for control, going as far as issuing a General Order to combat Judge Metzger in response to habeas corpus cases.³⁰ General Richardson and Judge Metzger's legal battle became very public. Once again, the army's legal officers were unable to defend the order; however, unlike previous orders, after much convincing, General Richardson rescinded the order after speaking with Edward Ennis, a Justice Department attorney.³¹ It was not until the President issued Executive Order No. 9489 and Proclamation 2627 that martial law was finally terminated on October 19, 1944, nearly 35 months after the attack on Pearl Harbor.

In summary, the military's initial response was justified due to the state of emergency. The military command in Hawaii set out to create a safe environment, but the legal means they used violated numerous civil rights the supreme court declared. After

²⁸ "Proclamation United States Army," February 8, 1943, (Washington D.C.: Library of Congress) and William Ewing, "A Unique Experience in Government," *Paradise in the Pacific*, April 1943.

²⁹ "Memorandum from General Thomas Green regarding Martial Law in Hawaii," March 14, 1946, *Papers of General Thomas H. Green*, (Charlottesville, VA: Judge Advocate General's School Library).

³⁰ Territory of Hawaii, Office of the Military Governor, General Orders No. 31, August 25, 1943, (Honolulu, HI: Hawaii State Archives).

³¹ "Edward J. Ennis to General Robert Richardson," *Richardson Papers*, (Stanford, CA: The Hoover Institute).

the initial safeguarding of Hawaii, the military command wanted to work with the Japanese residents, but the federal government in Washington D.C. wanted mass internment of the Japanese living in Hawaii or, at a minimum, the removal of the Japanese to a neighboring island. The military command continually pushed back against these orders. After the call for mass internment finally lost steam, the military command continued to push to keep martial law, even though the threat of Japan attacking was near non-existent. This continued push to keep martial law and continue the suspense of habeas corpus had the tables turned on the military command in Hawaii, with the government in Washington D.C. questioning the military decisions in Hawaii.

On one side, the military committed numerous civil rights violations in the name of “military necessity.” Still, it was pushed by Washington D.C. for heavier sanctions and mass removal of Japanese from Hawaii. The military command in Hawaii defended the freedom of the Japanese in Hawaii by agreeing but constantly stalling. When the calls for mass internment stopped, and the military command in Hawaii wanted martial law to continue, the government in Washington D.C. got more involved. Eventually, the President of the United States terminated martial law. It is always challenging to look back 82 years and criticize the decisions of others when not experiencing the same circumstances. It was not until forty-two years after the attack on Pearl Harbor that the United States government would officially admit its wrong decisions, but we will discuss that in a moment.

How did World War II impact the relationship between the United States government and the Territory of Hawaii? Thousands of Japanese American citizens had their constitutional rights violated; even their first amendment right of freedom of religion was taken away from them,

unable to practice religions such as Buddhism because it may enable the Japanese to start subversive gatherings. Speaking their first or second language was seen as suspicious, the United States government went as far as placing posters around town which stated, “Speak American. Don’t speak the Enemy’s language.”³² This caused many Japanese Americans to go into isolation; however, the Morale Section set out to change that and helped create an inclusive territory that repaired many of the strained relationships. A couple of different items that influenced the Territory of Hawaii were the performances of the 100th and 442nd; the selfless acts and bravery brought a new respect to the Japanese Americans, not just in Hawaii but on the mainland as well. The 442nd regiment team also significantly influenced the Territory of Hawaii in becoming a state. During the war, the 1st Battalion, 141st Infantry, 36th Infantry Division, became surrounded by Germans. Several units attempted to rescue the battalion, which became known as “The Lost Battalion,” but failed. The 442nd made a final attempt, and though they suffered heavy losses, the 442nd broke through and rescued the lost battalion.³³ When Hawaii was vying for statehood in 1959, Texas turned the votes in favor of Hawaii, breaking the tradition of Southern segregationists who heavily opposed a nonwhite state;³⁴ Hawaii had been vying for statehood for nearly 50 years; it took several decades due to the discrimination against Hawaii’s large non-white population. The lost battalion’s home was Texas, and the good deeds of the Japanese were not forgotten. The 100th and 442nd would never have been created, though, without the Morale Section motivating individuals who were discharged from the HTG and the creation of the VVV.

³² Tomi Kaizawa Knaefler, “Our House Divided” in *Japanese Eyes...American Heart: Voices from the Home Front in World War II Hawaii*, (Honolulu: Watermark Publishing), 82

³³ Thomas M. Johnson, *The Lost Battalion*, (Lincoln: Bison Books Publishing, 2000), VI.

³⁴ Tom Coffman, *Inclusion: How Hawai’i Protected Japanese Americans from Mass Internment, Transformed Itself, and Changed America*, (Honolulu: University of Hawaii Press, 2021), 308.

Another individual who helped repair government relationships was Agent Shivers; he was a calm mind during the chaos; despite issues of jurisdiction with Washington D.C., Shivers was able to create a strong relationship with the Army and intelligence agencies. His calm authority helped nurture and develop a refrain among the various intelligence agencies to the degree that the intelligence agencies on the island were able to see through the Japanese rumors and concluded that most Nisei were loyal and capable and the Issei or parental generation would not dishonor their children by betraying the country where their children were raised. This was in complete contrast to what occurred on the mainland. The absence of an individual who worked on gaining the Japanese communities' respect, trust, knowledge, and intelligence. This lack of intelligence on the mainland resulted in the absence of acquaintance with the Nisei and Issei, thus not having an objective conclusion of what would happen during the war. This insecurity on the mainland resulted in the mass incarceration of Japanese Americans.

After the war, the prewar Republicans attempted to position themselves back into the same previous positions of power. This action temporarily worked because many veterans who returned from the war went off to college. However, the 1954 election resulted in the Democratic sweep, and the dominance of the white elite ended. The 1954 election is known to this day as the "Revolution of 1954."³⁵ Reasonably quickly, Hawaii turned into a very inclusive location. "You can never know what it means to those of us caught for the moment in the tragic and often dark midnight of man's inhumanity to man, to come to a place where we see the glowing daybreak of freedom and dignity and racial justice."³⁶ Martin Luther King Jr. stated after visiting the newly classified state. On the fifth anniversary of Hawaii's statehood, President Lyndon B. Johnson

³⁵ Tom Coffman, *The Island Edge of America: A Political History of Hawai'i*, (Honolulu: University of Hawaii Press, 2003), 103-160.

³⁶ Martin Luther King Jr, "Address to the House of Representatives of the First Legislature, State of Hawaii, on 17 September 1959," *Kings Papers*, (Stanford, CA: The Martin Luther King Jr. Research and Education Institute).

speaking about Hawaii's inclusion, noted that it was a "symbol to people everywhere of what it is possible to achieve within the American system of Government."³⁷

World War II brought an end to hundreds of businesses in Hawaii, especially since several sugar plantations went out of business due to the loss of land and employees. By the end of the nineteenth century, the most dominant industry in Hawaii was the sugar industry. According to the 1896 *Thrum's Annual*, the islands' prosperity was due entirely to the sugar industry; this explosive growth was after the ratification of the Reciprocity Treaty in 1876.³⁸ The first successful attempt at a sugar cane plantation was in 1835; the industry proliferated. In 1835, 50 acres of sugar cane were on the islands. By 1900, that number increased to 100,000 acres of the plant. However, before World War II, the plantations in Hawaii were producing nearly one million tons of sugar per year. During World War II, those numbers dropped below 600,000 tons per year. The United States Military caused this dramatic decrease, the Army and Navy needed training areas and housing sites, roads needed to be extended, and the sugar plantations were demolished to make room for these changes. Hawaii could not recover to pre-World War II numbers until 1960; however, this development would not be sustained. By 1980, Hawaii was producing 1.2 million tons of sugar per year; with the destruction of Hurricane Iniki, the sugar industry has all but disappeared. The United States Department of Agriculture no longer tracks sugar, as tourists mostly buy it in small amounts.³⁹

³⁷ Lyndon B. Johnson, "Statement by the President on the Fifth Anniversary of Statehood for Hawaii," *The American Presidency Project*.

³⁸ Thos G. Thrum, *Hawaiian Almanac and Annual for 1896*, (Honolulu: Black & Auld Printers, 1896), no page number.

³⁹ US Department of Agriculture, "Economic Research Service," U.S. Sugar Production.

With the sugar industry suffering, Hawaii would lean on tourism to help the islands. According to Louis J. Crampon, tourists have been coming to the islands since 1800.⁴⁰ However, most visitors were whalers and merchants. With the development of faster airfare in the 1950s, tourism began to pick up steam. Travel that used to take weeks was now only hours. Tourist locations in Hawaii would see significant damage; Hawaii's most famous hotel, The Royal Hawaiian, was leased by the Navy for three and a half years. Tennis courts were turned into basketball courts, the famous gardens into a baseball diamond, and barbwire surrounded the hotel and nearby beaches. The Royal Hawaiian was eventually returned to its pre-war condition, but many locations were lost to military or federal locations, such as Kilauea, Haleakala, Makua, and Barking Sands. The tourist industry is now the primary source of income with \$17.75 billion worth of revenue brought to the islands per year, 25% of the state's economy.⁴¹

The relationship between the United States government and the state of Hawaii is complicated; each island brings a different relationship. However, one item which seemed to change the perception of the Japanese living in Hawaii occurred nearly 35 years after World War II. Congress initiated an investigation into the relocation and internment. In 1970 the Japanese American Citizens League began calling for Congress to provide reparations at their Chicago convention. The movement quickly gained support and opposition, and by 1979, House and Senate bills were proposed; one of the main individuals who helped push was Daniel Inouye, a member of the 442nd and Senator from Hawaii. By early 1980 due to overwhelming support, a commission was created, and the bill was signed by President Jimmy Carter. In 1983, three short

⁴⁰ Louis J. Crampon, *Hawaii's Visitor Industry, Its Growth and Development*, (Honolulu: University of Hawaii, 1976).

⁴¹ Hawaii Tourism Authority, "Benefit of Hawaii's Tourism Economy."

years later, the investigation was finalized.⁴² The investigation concluded that the authority of the White House, down to local public officials, had violated the civil rights of individuals of Japanese ancestry living in the United States. They blamed the internment and relocation on “race prejudice, war hysteria, and failure of political leadership.”⁴³ In 1988 the surviving individuals who were arrested and detained unlawfully received an apology from President Reagan and financial compensation of \$20,000. An estimated 60,000 individuals or their families received the compensation. In his remarks on signing the bill which provided restitution, President Reagan proclaimed, “My fellow Americans, we gather here today to right a grave wrong. More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry living in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race...what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.”⁴⁴

President Reagan stated it very elegantly, the United States was wrong in its actions, which were based solely on race and not any illegal acts. War is a complicated situation, to say the least. The situation was made more complex by the longevity of martial law. Yes, the military committed civil rights violations, but it also protected against additional violations. No, the United States government did not provide enough oversight of the decisions of the military command in Hawaii; however, they eventually attempted to correct the situation without entirely disregarding the decisions of their military commanders. The relationship between Hawaii and

⁴² “Commission on Wartime Relocation and Internment of Civilians,” Densho Digital Repository.

⁴³ *Congressional Record*, Volume 153, Part 3, (U.S. Government Publishing Office).

⁴⁴ Ronald Reagan, “Remarks on Signing the Bill Providing Restitution for the Wartime Internment of Japanese-American Civilians,” (Simi Valley, CA: Ronald Regan Presidential Library and Museum).

the United States was affected long-term, the impact both positive and negative. Wars change everything, just like World War II changed Hawaii forever.

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