Box 57 Folder 4 Item 16 Page 1 ASW 370.8

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- Attorney General Richardson, Robert C. (Lt. Gen.

23 December 1943

The Monorable

The Attorney General

Dear Mr. Attorney General:

As suggested in your letter of December 14th, I forward herewith an application for executive elemency with respect to the fine resently imposed upon General Richardson by Judge Metager. You will note that the application is in the form of a letter from me to the President enclosing a copy of my letter to you of November 2nd. The regular form did not appear appropriate.

I will appreciate it if you will at the earliest epportunity transmit this application to the President with your recommendation.

Sincerely yours,

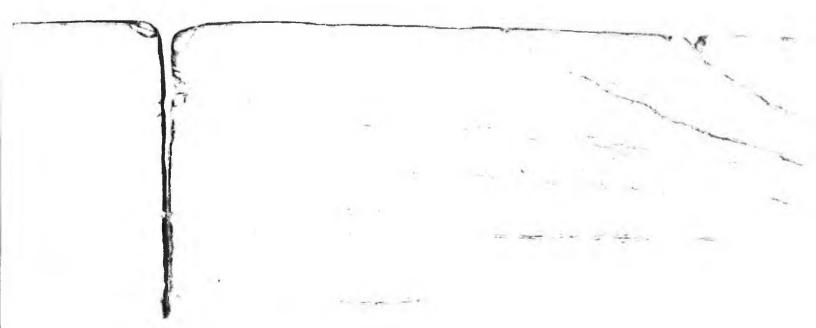
HENRY L. STIMOUN

Secretary of Var

Boc.

DASW: JMH: MGB Dispatched 23 Dec 43 by charffer Cy. to OSW, C+Rdain

Cythis Itr & ence requested by Col. Hughes, JAGO, 7 Feb44 Forwarded by disposition ship.



Box 57 Folder 4 Item 16 Page 2

23 December 1943

## Dear Mr. President:

Tour attention may at one time have been drawn to a controversy which developed last August between General Michardson, who commands Army forces in the Central Pacific, and a federal district court judge in Monolula mamed Metager, over the subject of mortial law in Haumii. The trouble arose when two naturalized individuals of German birth who had been interned by the military as potentially dangerous applied for write of habeas corpus to obtain their freedom. In spite of the fact that all interested government ageneies, with your approval, had agreed last January that martial law should contime is level and that the writ of habeas corpus should remain suspended. Judge Matager issued the write and ordered them served on General Richardson. Acting under instructions from the War Department, General Richardson filed a return setting forth the fact that the writ had been suspended and stating that for that and other reasons he declined to produce the bodies of the two internees. Judge Metsger insisted on adhering to his position, and fined General Richardson \$5000 for contempt in failing to produce the bodies. After General Richardson had done his best to and the contreversy by shipping the two internees to the Mainland, Judge Matager refused to vacate the contempt, although he did out the fine down to \$100.

As General Richardson acted is good faith throughout in the honest belief that it was his military duty not to respond to the write, and as Judge Netzger's failure to vipe the slate clean prolongs a controversy which may well interfore with certain military and naval operations of which you are aware. I hereby make application, in General Richardson's behalf, for a full perion. The Attorney General has informed up that he likewise favors arecutive cleanency in this case.

For your convenience I an enclosing a copy of my letter of November 2 to the Attorney General, which sets forth in greater detail the facts in the case and the reasons why the pardon should be granted.

Baithfully yours,

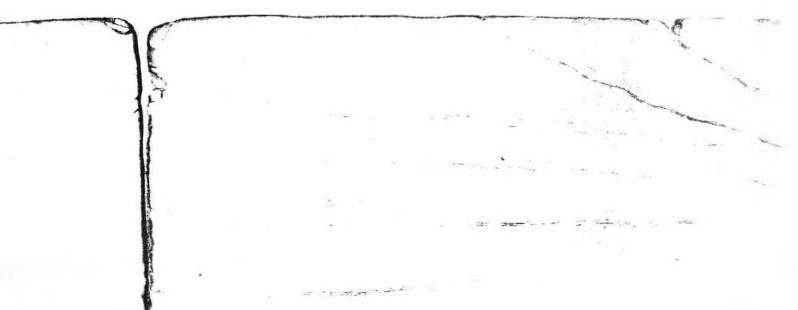
HENRY L STIMSON

Secretary of War

The President

Dispotched 23 Dec 43 by chanffur to attorney Energy meth att is Dic 43 to him

The White House OASW JMH: jhs Enc.



21 An 43

Box 67 Folder 4 Item 16 Page 3

Bear Mr. President:

On behalf of Liestement General Mobert C. Righardson, Jr., who use fined \$200 for contempt of sourt Geteber 25, 1943, by Judge Delbert R. Hetager, Judge of the United Pintes Electrics Sourt for the Territory of Housii, I hereby respectively apply to your Exclicitly to grant him a parton. The facts in the case and reasons in favor of the present application are indicated in a lotter from us to the Attoinery General, deted Hovember 2, 1943, oupy of which is employed hereith.

The present application is made by no on behalf of Lightmann femeral Richardson due to the element of distance involved and in order that there may be no delay in the presentation of the matter to you. The present application is undertaken on behalf of femeral Richardson and, of course, has his full approval.

I believe that a perion for General Micharison is securial to the maintenance of his provings as Generaling General of the Gentral Parific Area, with bendemarters in Memolulu, 7. M. I therefore whole-heartedly resonand it.

Sincerely yours,

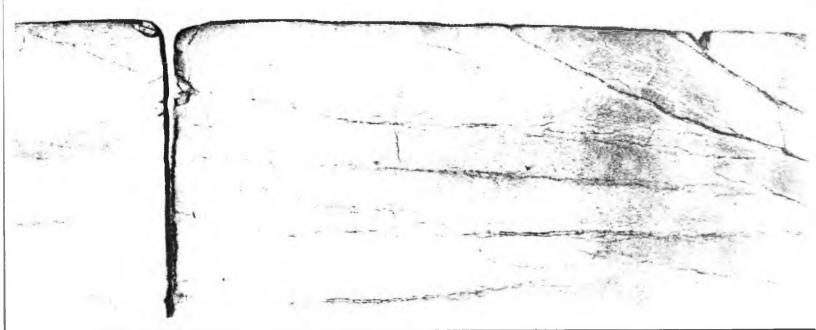
Secretary of Yer

The President

The White House

No. Cy 1%r Nov. 2, 1943, Secretary of War to Attorney General.

Col. Hughes draft, not used.





## Office of the Attorney General

Mashington, D.C.

December 14, 1943

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Item Page

WDESA 201 Richardon, It. In R

14 Dec 43

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The Honorable

The Secretary of War

Washington, D. C.

Dear Mr. Secretary:

I refer to your letter of November 2 requesting me to recommend to the President that he pardon Lieutenant General Richardson for the contempt of court and the fine of \$100 adjudged against <u>him</u> by the United States District Court for the District of Hawaii.

In view of the fact that contempt of court by failure to obey its process involves the court's essential function to administer justice, I have considered whether the judicial remedy should not be exhausted by appeal in the normal way before recommending the exercise of executive clemency. This course, however, would involve a continuation of the controversy and therefore in the interests of the most speedy settlement of this difference between some of the civil and military authorities in Hawaii I have decided to recommend favorable action on an application for executive clemency either by a remission of the fine, which would terminate the judicial proceeding, or possibly by a full pardon. In the circumstances of this case on which General Richardson acted on orders from the War Department I believe it would be proper and helpful if the application were endorsed by you.

The application for executive elemency should state the facts of the case and reasons for the exercise of executive elemency but need not be in any particular form. When it is executed and returned to me I shall submit it with my recommendation to the President. For your guidance I annex copies of the printed forms of application for executive elemency which are ordinarily used.

Sincerely

Attorney General

