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ASW 370.8 Hawaii

23 December 1943

The Honorable

The Attorney General

Dear Mr. Attorney General:

As suggested in your letter of December 14th, I forward herewith an application for executive clemency with respect to the fine recently imposed upon General Richardson by Judge Metzger. 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 opportunity transmit this application to the President with your recommendation.

Sincerely yours,

HENRY L. STIMSON

Secretary of War

Enc.

OASW:JMH:MGB

Dispatched 23 Dec 43 by chauffeur

Cy. to OSM, C & R div.

Cy this ltr & encls requested by Col. Hughes, JAGD, 7 Feb 44  
forwarded by disposition slip.

x-S/W  
x-Attorney General  
210 Richardson, Robert G. (Lt. Gen.)

23 Dec 43

23 December 1943

Dear Mr. President:

Your attention may at one time have been drawn to a controversy which developed last August between General Richardson, who commands Army forces in the Central Pacific, and a federal district court judge in Honolulu named Metzger, over the subject of martial law in Hawaii. The trouble arose when two naturalized individuals of German birth who had been interned by the military as potentially dangerous applied for writs of habeas corpus to obtain their freedom. In spite of the fact that all interested government agencies, with your approval, had agreed last January that martial law should continue in Hawaii and that the writ of habeas corpus should remain suspended, Judge Metzger issued the writ 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 Metzger 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 end the controversy by shipping the two internees to the Mainland, Judge Metzger refused to vacate the contempt, although he did cut the fine down to \$100.

As General Richardson acted in good faith throughout in the honest belief that it was his military duty not to respond to the writs, and as Judge Metzger's failure to wipe the slate clean prolongs a controversy which may well interfere with certain military and naval operations of which you are aware, I hereby make application, in General Richardson's behalf, for a full pardon. The Attorney General has informed me that he likewise favors executive clemency in this case.

For your convenience I am 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.

Faithfully yours,

HENRY L. STIMSON

Secretary of War

The President

The White House

OASW JMH:jhs  
Enc.

*Dispatched 23 Dec 43 by Chaplain  
to Attorney General with etc 23 Dec 43 to him*

21 Dec 43

Dear Mr. President:

On behalf of Lieutenant General Robert C. Richardson, Jr., who was fined \$100 for contempt of court October 25, 1943, by Judge Delbert H. Metzger, Judge of the United States District Court for the Territory of Hawaii, I hereby respectfully apply to your Excellency to grant him a pardon. The facts in the case and reasons in favor of the present application are indicated in a letter from me to the Attorney General, dated November 3, 1943, copy of which is enclosed herewith.

The present application is made by me on behalf of Lieutenant General 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 General Richardson and, of course, has his full approval.

I believe that a pardon for General Richardson is essential to the maintenance of his prestige as Commanding General of the Central Pacific Area, with headquarters in Honolulu, T. H. I therefore whole-heartedly recommend it.

Sincerely yours,

Secretary of War

The President

The White House

Enc.

By ltr Nov. 2, 1943, Secretary of War to Attorney General.

*Col. Hughes Draft, Not used.*



Office of the Attorney General  
Washington, D.C.

December 14, 1943

DEC 15 PM 1:38

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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 him 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 clemency should state the facts of the case and reasons for the exercise of executive clemency 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 clemency which are ordinarily used.

Sincerely

Attorney General

WD 5A 201 Richardson, Lt. Gen R

14 Dec 43