

Box 57
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DIVISION OF
PRESS INTELLIGENCE
O.W.I.
1194 - Soc. Sec. Bldg.

PH. _____

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Press Gazette (I)
Green Bay, Wis.

DATE JUL 12 1944
P.

Fresh Air and Clean Courts

Hawaii is literally up in arms against military courts. The people of the islands have prepared and presented an indictment against these arbitrary tribunals that shows there is no difference between them and those existing in the Reich except in the extent of the punishment inflicted. That is, justice is not even attempted but orders are enforced to secure an objective and if innocent human bodies are ground up in the process, it cannot be helped.

In America we have become accustomed to certain legal procedure and taken it for granted as we do the air we breath and with as little gratitude for the decency of the justice afforded as for the very life that air affords us.

It is one of the essential qualities of justice that proceedings should be public and that they be directed by certain rules that have in the past demonstrated their usefulness in securing the vindication of the truth. It is another rule that the rights of parties must be determined by their individual acts and merits and irrespective of how a decision may please or affect someone not directly involved in or related to the controversy.

But those rules have little chance for play in military tribunals according to the faithful citizens of Hawaii. They have brought forth figures to sustain their charges that are simply appalling. Out of 819 persons arrested for offenses

and who denied their guilt, conviction was obtained in just 819 cases. The word of a military policeman could not be mistaken in the opinion of a court presided over by the military. Disrespect for civilian rights was rampant. Judges of these courts seemed to be appointed for their ignorance of legal procedure and their contempt for orderliness. The objective was to get the thing over with as soon as possible and the accused into the hoosegow.

Military necessity at one time justified the strict and harsh rules enforced in the islands. When peril is in the skies it must be faced and destroyed whatever the cost in life or liberty. But it is a good thing to remember for the future and along with the demand for good air, that honest, independent courts must be secured or justice cannot be.

UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON



370.8 Hawaii

July 10, 1944

Hon. John J. McCloy,
Assistant Secretary of War.

For Personal Attention

Dear Jack:

I enclose a photostatic copy of an editorial from the Chicago Tribune relating to martial law in Hawaii. I was distressed to learn that no progress had been made during the past two weeks when I had been out of town. I know that you are as anxious as I am to lift martial law in Hawaii, but it is perfectly apparent that you will have to take direct and forceful action to break what seems to be a deadlock in the military establishment.

Certainly, neither you nor I should tolerate the continuation of a situation which permits that great liberal journal, the Chicago Tribune, to attack us as violating a fundamental principle of our constitutional government.

I talked with Francis Biddle yesterday, and he indicated that he would be glad to accompany us to Hawaii to assist in the reinstatement of civil administration, in accordance with the program that you and I discussed.

Can't we get along with this job and clean up this awful mess?

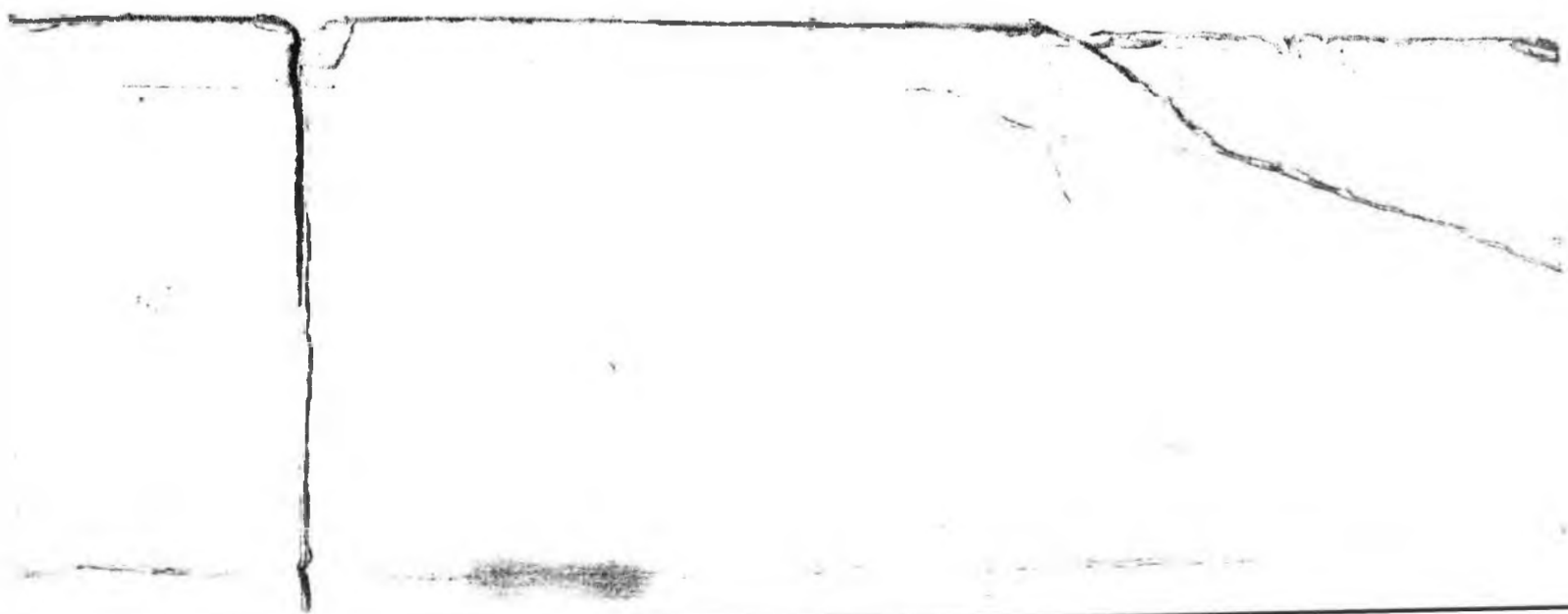
Sincerely yours,

[Handwritten signature]
Under Secretary.

Enclosure.

X- Interior (Fortas)

12 JULY 44



INTELLIGENCE

O.W.I.
Tempo V Bldg.

PH.

SY.

Tribune
Chicago, Ill.

299
DATE

JUL 4 1944

PATTERN OF MILITARY TYRANNY.

The United States Circuit Court of Appeals in San Francisco has been learning from the lips of Hawaiian lawyers how the army has been administering justice to civilians in the territory.

The first thing to be said about this testimony is that it is not irresponsible. The lawyers journeyed to the mainland as representatives of the Hawaiian Bar association; they spoke as officers of the court, with their reputations for honor and probity at stake if the facts they alleged were proved false. The published account of the court proceedings makes no mention of any attempt by the representative of the attorney general to deny or even dispute the facts put before the judges by these Hawaiian lawyers.

One of the lawyers, E. J. Boits, reported that of 819 civilians who had been halled before the provost courts in one period and had pleaded not guilty, exactly 819 had been convicted. He added that frequently the fine for a minor offense, such as intoxication, was from \$200 to \$500.

Atty. Fred Patterson described what happened when the military took over the civil courts. A soldier, he said went into the courthouse "with his gun, his tin hat, and his gas mask. He went up to the bench. He set his gun on one side and his gas mask on the other. With a big cigar in his mouth he said, 'This court is in session; we're ready for business.' That's what happened day after day down there."

Gardner Anthony, another member of the Hawaiian bar, added: "The excesses of military power in the trial of civilians in Hawaii are a matter to be left to the historian, but no one who hasn't been there will know the despair of the lawyer who is trying to present a case to these tribunals."

It is unnecessary to extend these quotations. They establish the pattern of legal administration which the New Deal desires to impose on the American people. The practices complained of were instituted if not on direct orders from Washington, then certainly with the full consent and approval of Washington, as is proved by the fact that they were retained in the face of protests in Hawaii and on the mainland.

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The question before the Circuit court in July, 1944 is the right of the military to try and punish civilians in Hawaii. The federal District court in Honolulu has upheld the civil law and the civil courts. This decision is being appealed by the government, tho the war has moved thousands of miles to the west of Pearl Harbor and there is little more likelihood of a Japanese attack on the territory than there is of an attack on San Francisco.

Why is the administration so determined to maintain a military tyranny in being. Obviously not because the safety of the nation requires it. The only explanation that makes sense is the desire of the New Dealers to have a precedent under which they can tyrannize over civilians everywhere. If military tyranny is valid in Hawaii when there is little danger of invasion, it is equally valid in Los Angeles or Chicago or New York.

The attorney general at the last moment changed his mind about putting the question of military supremacy directly to the courts in the Montgomery Ward case here. He must have felt that the same end could be achieved more readily by getting his precedent in Honolulu where the existence of a great naval base might help.

This is an appropriate moment to quote the Declaration of Independence. Our forefathers gave as one of the principal reasons for ending their allegiance to George III, the fact that "he has affected to render the military independent of and superior to the civil power." When the Revolutionary war had been won, the fathers wrote into the Constitution the most careful safeguards against military tyranny. Chief among them was the provision that "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."

There is no rebellion in Hawaii and no invasion, and the public safety does not require the suspension of the writ; yet the New Deal administration, which boasts of its liberalism, is playing the game exactly as George III played it.

If Mr. Roosevelt should be reflected we may be sure that he will "render the military independent of and superior to the civil power." He will make "us all dependent on his will alone" and we shall all be subject to such military tyranny as he establishes in Hawaii.