

December 14, 1942

By THE MILITARY GOVERNOR OF HAWAII

A P R O C L A M A T I O N

WHEREAS, on December 7, 1941, the Governor of Hawaii, pursuant to section 67 of the Organic Act of the Territory of Hawaii, issued a proclamation suspending the writ of habeas corpus, placing the Territory of Hawaii under martial law, and requesting the Commanding General, Hawaiian Department, United States Army, to exercise all of the powers normally exercised by the Governor of Hawaii; and

WHEREAS, on December 8, 1941, the President of the United States confirmed the foregoing action of the Governor of Hawaii; and

WHEREAS, The Commanding General, Hawaiian Department, United States Army, as military Governor of Hawaii, under the proclamation and confirmation aforesaid, has at all times since December 7, 1941, endeavored to limit measures of military control to those necessary for the continued security of the Territory in the imminent danger of invasion which still prevails by reason of the continuing assaults of a powerful, ruthless, and unscrupulous enemy, and in pursuance of such endeavors has by General Orders No. 29 of December 16, 1941, General Orders No. 133 of August 31, 1942, and General Orders No. 135 of September 4, 1942, reopened the civil courts subject to certain restrictions; and

WHEREAS, in pursuance of this policy it is desirable to enable the civil authorities to perform such further functions of government as the exigencies of the military situation of the Territory permit:

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NOW, THEREFORE, I, DELOS C. EMMONS, LIEUTENANT GENERAL, UNITED STATES ARMY, as Commanding General, Hawaiian Department, and as Military Governor of Hawaii, do hereby proclaim:

1. It is the policy of the Military Governor of Hawaii to narrow the compass of military control in Hawaii as soon as and to the extent that the military situation of the Territory permits. Under present conditions, the enemy threat is still present. Due to the exertions of our armed forces and the people of this Territory, the enemy is weaker than he was, but the danger still is present and very real.

2. Consistent with this policy and subject to the provisions of this proclamation, the Military Governor this day further restores to the civil courts in Hawaii, federal and territorial, their full jurisdiction, subject only to the following exemptions:

a. The privilege of the writ of habeas corpus remains suspended.

b. Unless the Military Governor otherwise provides,

the civil courts shall not take jurisdiction over any criminal prosecution or civil suit against members of the armed services, and

the civil courts shall not take jurisdiction over any criminal prosecution or civil suit against defense workers for any act or omission done or omitted to be done within the scope of their employment.

3. The civil courts have no jurisdiction over any prosecution for violation of the laws of war or rules, regulations, or

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orders of the Army, Navy, or the Military Governor.

4. As a further step toward restoring the normal life of the Territory, I call upon the Governor of Hawaii, the Honorable Ingram M. Stainback, to discharge all the civil functions which his predecessor exercised prior to the time that he proclaimed martial law in the Territory pursuant to Section 67 of the Organic Act; and to utilize to the fullest extent possible the powers vested in him by the Hawaii Defense Act of 1941, which he was authorized to exercise under the proclamation of my predecessor dated December 7, 1941; and I call upon him to exercise all such functions appertaining to the operations of the Federal Government as may now or shall be hereafter vested in him by and pursuant to the laws of the United States;

Provided, however, that except by written concurrence of the Military Governor, the Governor of Hawaii shall not exercise any function now performed by or with the authority of the Military Governor.

5. The Military Governor will be prepared to receive and consider any recommendations from the Governor of Hawaii with respect to the operations of the military government, the division of duties and responsibilities between it and the civil government.

6. So much of General Orders 133 and 135, Office of the Military Governor, dated August 31 and September 4, 1942, respectively,

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as is inconsistent with this proclamation is hereby revoked.

7. The relinquishment to the Governor of Hawaii, to the civil courts, and other organs of government by this proclamation of certain jurisdiction, functions, and powers hitherto exercised by the Military Governor is subject to the express condition that, as the Military Governor bears the final responsibility for the security of the Islands, if in his judgment that security or the military situation so demands, he may re-establish the priority of the jurisdiction of military tribunals in any case or class of cases, may resume any or all of the powers, rights, jurisdiction, and privileges hereby or heretofore restored and returned to the civil authorities and to the civil courts.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of December, 1942, in the one hundred and sixty-seventh year of the Independence of the United States of America.

DONE at Iolani Palace, in the City and County of Honolulu, Territory of Hawaii.

DELOS C. EMMONS,  
Lieutenant General, U.S. Army,  
Military Governor of Hawaii.