

Box 57  
Folder 2  
Item 22  
Page 1

ASM 370.8 Hawaii

31 August 1943

Dear Mr. Besig:

I am in receipt of your letters of August 24 and 26, and note your comments with reference to the Hawaiian situation.

The difficulties between the military authorities and the courts in Hawaii are under current investigation by the various departments of the Government concerned and it is my belief that a satisfactory adjustment of the matter will soon be reached.

As you probably already know, martial law in Hawaii was declared by the Governor of the Territory on December 7, 1941. Although there was a partial restoration of civil rights under an agreement entered into by the interested Government departments last February, the restoration of the writ of habeas corpus was not included. The Hawaiian Territory is considered to be one of the most critical military areas under United States control and the continuing danger from attack makes it essential that the Territory be maintained as an active theater of operations. Under these conditions it seems necessary from the standpoint of defense that the military authorities have sufficient control of individuals and civil functions to insure the security of the Islands.

With all deference to Professor Cushman, I venture to suggest that his alarms are overemphatic. General Richardson is a temperate and intelligent officer with wide experience in civil affairs. If the Judge had acted in this case a trifle more in keeping with the traditions of the bench, nothing would have occurred. Both men are human and the Judge is a s prone to error, as this case shows, as the General.

Comments

(Besig, Ernest)

8-  
X-

31 Aug 43

General Richardson has done nothing to prompt his relief and, I repeat, that I feel certain that steps will be taken shortly that will clear the matter up.

Sincerely,

(SIGNED) JOHN J. McCLOY

John J. McCloy

Mr. Ernest Besig, Director  
American Civil Liberties Union  
216 Pine Street  
San Francisco, 4, California

OASW:JJMc:  
meg