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 WASHINGTON
 29 1943
 ASST. SEC.

August 26, 1943.

Hon. John J. McCloy,
 Assistant Secretary of War,
 Washington, D.C.

My dear Mr. McCloy:

I want to enter my personal protest against General Richardson's defiance of the federal courts, which, according to press dispatches, has the approval of the War Department. If, as General Richardson originally asserted, there has been a valid suspension of the writ of habeas corpus, then, I submit, the proper place to decide that difference of opinion was in the higher courts.

I notice, too, that under the latest move of General Richardson, he has justified suspension not only of the privilege of the writ but the writ itself on what to my mind are fictitious grounds of military necessity. But, worse yet, the General has suspended the Constitution of the United States which limits suspension of the privilege of the writ to "cases of rebellion or invasion."

As Prof. Robert E. Cushman of Cornell University recently pointed out, "The intrusion of military authority into the civilian life of the nation is the most serious danger to our civil liberties at present." General Richardson's defiance of the courts points up that statement. His action should not be tolerated by the War Department. He should be relieved of his command without delay.

Sincerely yours,

Ernest Besig
 Ernest Besig, Director.

3708 Hawaii

28 August 1943

MEMORANDUM FOR MR. McCLOY:

The attached is intended to be a draft for a press release. As indicated, it was prepared by Lieutenant Colonel Hughes, JAGD, who referred the original to the Hawaiian Division, OPD (Lieutenant Colonel Anderson) who wanted to get out some official War Department statement indicating the War Department's attitude on the Richardson-Metzger matter.

I suggested that no press release be authorized until it had been cleared by you.

This appears to be a good statement with the exception of the last paragraph, because of the reference to the President, which possibly should be either cleared through the White House or omitted entirely.

WPS

370.8 Hawaii

✓ Seeley

26 Aug 43

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August 26, 1943

I M M E D I A T E

R E L E A S E

MARTIAL LAW RULE IN HAWAII
ERRONEOUSLY CONSTRUED BY JUDGE

The following statement was made this evening by the Honorable John J. McCloy, Acting Secretary of War, with reference to the action of Federal Judge Delbert E. Metzger, in Hawaii and Lieutenant General Robert C. Richardson's response thereto:

"Judge Metzger erroneously construed the willingness of the War Department and the Hawaiian Command to return to civil administration many functions of government not directly related to the military defense of the Islands, for an abandonment of the status of martial law. All parties involved in the discussions which led to the relaxation of authority by the military authorities, including the Governor of the Islands, officials of the Department of the Interior, the Attorney General and the officials of the War Department were in full agreement that the status of martial law, which has been approved by the President, was not suspended by this action, and in fact it was specifically stated and understood that no such action was intended. From advices received from Hawaii, General Richardson took the position that he could not conform to an order of the Court which assumed that martial law was not in effect.

"Conferences are now in progress, which, it is hoped, will shortly result in a solution of the difficulty."

END

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