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Hawaii

When Japan attacked Pearl Harbor, nearly 158,000 persons of Japanese ancestry lived in Hawaii—more than 35 percent of the population. Surely, if there were dangers from espionage, sabotage and fifth column activity by American citizens and resident aliens of Japanese ancestry, danger would be greatest in Hawaii, and one would anticipate that the most swift and severe measures of control would be taken there. Nothing of the sort happened.

Less than 2,000 Nikkei in Hawaii were taken into custody during the war—barely one percent of the population of Japanese descent. Many factors contributed to this reaction, so fundamentally different from the government's alarmed activity on the West Coast.

Hawaii was more ethnically mixed and racially tolerant than the West Coast. Race relations in Hawaii before the war were not infected with the virulent antagonisms of 75 years of anti-Asian agitation. Anti-Asian feeling certainly existed in the territory—for instance, there had been an attempt to suppress Japanese language schools,¹ but it did not represent the longtime views of well-organized groups as it did on the West Coast and, without statehood, xenophobia had no effective voice in the Congress. In Hawaii, the spirit of *aloha* prevailed, and white supremacy never gained legal recognition.²

The larger population of ethnic Japanese in Hawaii mattered, too. It is one thing to act the bully in venting frustration and historical prejudice on a scant two percent of the population; it is very different to disrupt a local economy and tear a social fabric by locking up more

than one-third of the territory's people. And, of course, in Hawaii the half-measure of exclusion from military areas would have been meaningless.

Finally, in large social terms, the Army had much greater control of day-to-day events in Hawaii. Martial law was declared in December 1941, suspending the writ of habeas corpus, so that through the critical first months of war, the military's recognized power to deal with any emergency was far greater than on the West Coast.

Individuals were also significant in the Hawaiian equation. The War Department gave great discretion to the commanding general of each defense area and this brought to bear in Hawaii and on the West Coast very different attitudes toward persons of Japanese ancestry. General DeWitt fixedly distrusted those of Japanese descent and fought even minor modification of the exclusion orders. General Delos Emmons, who became commanding general in Hawaii shortly after Pearl Harbor had retired General Short in disgrace, took a very different view. Emmons restrained plans to take radical measures with the local population, raising practical problems of labor shortages and transportation until the pressure to evacuate the Hawaiian Islands had subsided. Emmons does not appear to have been a man of dogmatic racial views; in rather practical terms, he appears to have argued quietly but consistently for treating the Issei and Nisei as loyal to the United States, unless evidence to the contrary appeared. He urged the use of Nisei in the Army's combat forces; his military intelligence officers scoffed at the Western Defense Command's view that the loyal could not be distinguished from the disloyal;³ and he firmly rejected the anti-Japanese stance of the United States Attorney in Hawaii, emphasizing to the War Department that it was not backed by any evidence of espionage or sabotage. A few months after succeeding DeWitt as commanding general on the West Coast, Emmons suggested to the War Department that the size of the prohibited area be reduced and that it end the exclusion of persons not actually or potentially dangerous; in addition, Certificates of Exemption from the exclusion orders were issued so that a program of gradual return to the West Coast was set in motion.

JAPANESE IMMIGRATION TO HAWAII

The first Japanese arrived as contract laborers in 1868. Of the original 149 laborers, 92 stayed after their contracts expired and disappeared

into Hawaiian society. Japanese did not come again to Hawaii until 1885, when economic and social unrest in Japan's swiftly industrializing economy attracted the Japanese government to exporting contract laborers.⁴

Between 1885 and 1894, 28,691 Japanese contract laborers migrated to Hawaii, and most stayed on after completing their contracts. In 1899, Hawaii was annexed to the United States but not yet a territory. Planters, fearing that the mainland ban on contract labor would be extended to Hawaii, brought in 26,103 contract laborers. The following year contract labor was outlawed by the Organic Act establishing the Territory of Hawaii. Japanese businessmen also emigrated to Hawaii in the 1890's and eventually became leaders of the emerging Japanese community. The official number of immigrants from Japan to Hawaii was high between 1900 and 1910, but a substantial proportion, mostly young single males, moved on to the mainland until this migration was ended by the "Gentlemen's Agreement" of 1907-08. By 1910, one-fourth of those of Japanese ancestry in Hawaii were native-born. A press, language schools and other elements of Japanese culture emerged in the islands.⁵

In 1940, nearly three-quarters of the ethnic Japanese population of Hawaii was native-born. (In contrast, Californians of Japanese descent comprised less than 2 percent of the state's population, and 64 percent were American-born.)⁶ Despite white fears that Hawaii would be taken over by the Nikkei, race relations were far better than on the mainland. By the outbreak of World War II, Nisei were becoming integrated into the Hawaiian economy, earning places in the municipal and territorial government, becoming schoolteachers and administrators, practicing law and medicine, and working in businesses owned by old line *haole* (white) families.⁷

WAR BREAKS OUT

Following the Pearl Harbor attack, control of Hawaii was immediately turned over to the military, and steps were taken at once to control people who were believed to present real risks to wartime operations. The territorial governor invoked the Hawaii Defense Act, suspended the writ of habeas corpus, and, through Hawaii's Organic Act, placed the territory under martial law "during the emergency and until the danger of invasion is removed." He relinquished all powers normally exercised by the governor and by judicial officers and employees of

the Territory to the commanding general of the Hawaiian Department.⁸ Enemy agents and "suspicious characters" were immediately rounded up by Army Intelligence; by December 10, 449 Japanese, German and Italian nationals were interned, along with 43 American citizens.⁹

Sabotage at the time of Pearl Harbor would have been easy, since the city's utilities as well as the storage tanks of private oil companies were concentrated in a limited area and were not adequately protected. After the attack, rumors of sabotage and fifth column activities abounded. People reported cars zig-zagging along highways or parking across roads to block traffic, shots being fired from ambush or from cars, guiding swaths cut in sugarcane or pineapple fields to point out important installations, and signals to enemy planes. After investigation, Naval Intelligence, the FBI and Military Intelligence all agreed that no sabotage in fact took place.¹⁰ At the time a quite different public impression was created. We have already described the background and impact of the reports made by Secretary Knox following his brief trip to Hawaii in mid-December and the more extensive investigation of the Roberts Commission.¹¹ It is sufficient here to emphasize that the Roberts Commission heard conflicting opinions from the intelligence services about the security danger, if any, posed by the ethnic Japanese in the islands. The Roberts Commission did not attempt to sift or evaluate these opinions and make a judgment of future threats. It simply reported that "There were, prior to December 7, 1941, Japanese spies on the island of Oahu. Some were Japanese consular agents and other [sic] were persons having no open relations with the Japanese foreign service."¹² The report did not assert that sabotage or fifth column activity had been carried on to aid the Japanese attack; nor did it make clear whether espionage had been carried on only by Japanese nationals or also by other aliens or American citizens of any particular ethnic background, but it was widely understood at the time to mean that Japanese Americans had aided the attack. On his return to Washington, Justice Roberts personally conveyed to Secretary Stimson his fear that ethnic Japanese in the islands posed a major risk of espionage, sabotage and fifth column activity.¹³ These official reports, although based on the divided opinions of intelligence officers, on rumors rife in the islands, and on the Niihau Incident,¹⁴ created doubts about the ultimate loyalty of the Japanese Americans—doubts treated very differently in Washington and in Honolulu.

At the December 19 Cabinet meeting, Knox recommended that the Secretary of War remove all Japanese aliens in the Hawaiian Islands and intern them on an island other than Oahu.¹⁵ The unpublished

recommendations of Roberts and his fellow Commissioners may have taken the same line. Such informal high-level advice combined with anti-Japanese clamor from the West Coast to move Washington toward stern measures to control the Hawaiian population of Japanese descent.

In Honolulu the atmosphere was easier. On December 21st, in his first radio address to the public as military governor and commander of the Hawaiian Department, General Emmons stated that "there is no intention or desire on the part of the federal authorities to operate mass concentration camps. No person, be he citizen or alien, need worry, provided he is not connected with subversive elements." Without mentioning the Japanese or any other ethnic group by name in his entire speech, Emmons assured the Hawaiian public:

[T]here have been very few cases of actual sabotage. . . . Additional investigations and apprehensions will be made and possibly additional suspects will be placed in custodial detention. . . .

While we have been subjected to a serious attack by a ruthless and treacherous enemy, we must remember that this is America and we must do things the American Way. We must distinguish between loyalty and disloyalty among our people.¹⁶

These conflicting views were reflected in the Army's treatment of the Nisei already in military service and those seeking to serve. When war broke out, around 2,000 Nisei were serving with two infantry regiments of the Army in Hawaii.¹⁷ Japanese American soldiers from these regiments helped to defend Pearl Harbor, making a commendable showing. But post-Pearl Harbor rumors fed mistrust, and the reliability of Japanese American soldiers was questioned by military commanders, concerned whether Nisei and future Japanese invaders would be distinguishable.¹⁸ As a consequence, the Nisei were placed in a segregated unit called the Hawaiian Provisional Infantry Battalion and assigned limited roles in defense of the islands. Pressure from civilians and soldiers brought in from the mainland caused the eventual transfer of the Hawaiian Nisei battalion and Japanese American National Guardsmen to Camp McCoy in Wisconsin, in June 1942, with the expectation that they would serve as a combat unit on another front.¹⁹ This battalion was redesignated the 100th Infantry Battalion.

After Pearl Harbor, draft-age Nisei particularly sought to prove their loyalty to the United States. They resented being distrusted and contributed actively to the war effort by purchasing war bonds, donating to blood banks, and volunteering for civil defense organizations. This included service in the Hawaii Territorial Guard, established on December 7 to employ the islands' manpower. The Guard was com-

posed largely of draft-age men of Japanese ancestry enrolled in Honolulu high schools and ROTC at the University of Hawaii.²⁰ Opposition to Japanese Americans guarding public utilities and vital waterfronts, however, caused the dismissal in mid-January 1942 of the 317 Nisei members of the Guard, without explanation, on orders from Washington.²¹ The excluded Nisei university students of the Hawaii Territorial Guard petitioned General Emmons to be allowed a productive role in the war effort, and in February they were assigned to a regiment of engineers as a 160-man auxiliary unit called the Varsity Victory Volunteers.²²

Suspicion and trust in the Nisei competed for the dominant position in government policy during the next year, while Hawaii's day-to-day affairs were conducted under a regime of military authority unknown on the mainland.

MILITARY RULE

After the declaration of martial law, Hawaii's civilians were ruled by military order and proclamation. By the end of the war, the territorial governor had declared 151 "defense act rules," the territorial director of civilian defense had issued over 100 "directives," and numerous other regulations had come from miscellaneous government executives. In addition, 181 "old series" general orders were issued by the military governor (the Commanding General of the Hawaiian Department) before March 10, 1943; 70 "new series" orders between March 1943 and October 1944; 12 "security orders" and 12 "special orders" from the Office of Internal Security after October 1944. Many orders were worded to cover the territory, but in practice, they applied only to Oahu unless reissued by authorities on each island.²³

Some orders were specifically directed at enemy aliens. No Japanese alien could travel by air, change residence or occupation, or "otherwise travel or move from place to place" without the approval of the Provost Marshal General. Nor could Japanese buy or sell liquor, be at large during the blackout, assemble in groups exceeding ten persons, or be employed in restricted areas without permission. On December 8, aliens were required to turn in firearms, explosives, cameras, shortwave receivers and numerous other items.²⁴ Two months later, all American citizens of Japanese, German and Italian ancestry

were ordered to turn in firearms, explosives, ammunition and weapons.²⁵

Beginning December 7, the Army imposed a curfew applicable to all residents, shut down bars and banned liquor sales, closed schools, rationed gasoline, barred food sales in order to make a complete island inventory, and supplanted the civil courts with provost courts.²⁶ The summoning of grand juries and trial by jury were prohibited, and criminal law was administered entirely by the military.

Within two hours after the Pearl Harbor attack, censorship was instituted to prevent information of military value from leaving the islands. Mail was examined and censored, and censors listened to all inter-island and trans-Pacific telephone calls. Only conversations conducted in English were allowed. Film developing was limited to those with permits, and photographs in violation of regulations were withheld from the owners until the end of the war. All radio scripts were censored in advance, although after March 10, 1943, voluntary censorship replaced Army censorship of newspapers. Publication of Japanese vernacular newspapers was temporarily suspended and foreign language broadcasts halted. Censorship in Hawaii finally ended on August 15, 1945.²⁷

The registration and fingerprinting of all civilians on Oahu over the age of six was ordered on December 27, 1941, and in March 1942 the order was extended to include the other islands as well. Residents of Hawaii were required to carry identification cards at all times. Citizens found without cards were fined \$5 or \$10 in police courts; aliens were fined \$25 to \$50 in provost courts.²⁸

Hoarding immediately after Pearl Harbor threatened the currency supply. To prevent large amounts of cash from becoming available to foreign agents or invaders, after January 1942 no person was permitted to hold more than \$200 in cash and no business more than \$500 except to meet payrolls. New currency, good only in Hawaii, was issued, replacing regular currency from July 1942 to October 1944.²⁹

Under martial law, Hawaii's civil courts were replaced by a military commission which tried offenses punishable by more than a \$5,000 fine and five years' imprisonment, and by several provost courts, each with a single judge, which heard lesser cases.³⁰ On December 16, 1941, the civil courts were permitted to function in certain uncontested civil matters, and on January 27, 1942, they were further allowed to entertain certain civil cases acting as agents of the military governor. Jury trials, summoning grand juries, and issuing writs of habeas corpus, however, continued to be prohibited.³¹

On July 23, 1942, United States District Judge Ingram M. Stainback, a vocal critic of martial law, was appointed territorial governor, replacing Joseph B. Poindexter, whom Interior Secretary Ickes felt had not been aggressive enough in resisting the Army's encroachment on civilian authority.³² On August 31, civil court jurisdiction was extended to jury trials, and four days later the Army issued an order listing the criminal offenses against the government or related to the war effort over which the civil courts had no authority.³³ By mid-fall, the Departments of War, Justice and Interior "had agreed upon a restoration of an appreciable number of civil rights to the civil administration, but . . . [Judge Advocate] General Green had 'interpreted' all of these vital matters out by an order that he had issued subsequently."³⁴ On December 10, Secretary Ickes announced that civilian rule would be restored to Hawaii as soon as possible, and nineteen days later the President approved a plan for restoration.

Civilian government was substantially returned to Hawaii on March 10, 1943. Martial law and the suspension of habeas corpus were still in effect, however, and the military kept control of labor and certain other matters. The civil courts were given jurisdiction over all violations of criminal and civil laws except cases involving military personnel, civil suits against them for acts or omissions in the line of duty, and criminal prosecutions for civilian violations of military orders.

Presidential Proclamation No. 2627 formally ended martial law in Hawaii on October 24, 1944. The territory was designated a "military area," and a series of security orders and special orders replaced general orders issued by the military, with all civilian violations of these orders heard in the U.S. District Court. Few or no changes were made in orders controlling the activities of enemy aliens, entry to restricted areas, censorship, labor control or the curfew.³⁵

THE QUESTION OF EVACUATION

The issue of evacuating Issei and Nisei from Hawaii is only partially understood from a literal reading of memoranda between the War Department in Washington and General Emmons in Hawaii. First, the West Coast evacuation was locally popular; in Hawaii the impetus for evacuation or control of the ethnic Japanese came from Washington. The uproar in California echoed from Washington to Honolulu. Second, one can only conclude from his writing that General Emmons saw little

or no military necessity for action against Issei and Nisei not rounded up in the first days after Pearl Harbor. General Emmons did not directly oppose the evacuation of Issei and Nisei from Hawaii, however. Perhaps he preferred wearing down the War Department by attrition rather than by a sharply focused resolution of opposing views; perhaps his views of the danger of sabotage or fifth column activity adjusted quickly to the changing fortunes of the Americans in the Pacific war. Emmons emphasized the practical problems of any evacuation and proposed using the program for the not-strictly-military goal of increasing war productivity in Hawaii by removing unproductive people from the territory.

Just as General DeWitt largely succeeded in preventing the War Department from humanizing and relaxing the exclusion program in the Western Defense Command when the policy was reviewed in the winter of 1942-43, so Emmons effectively scuttled the Hawaiian evacuation program that Washington sought to pursue in 1942.

The question of evacuation from Hawaii was raised by Secretary Knox's request to evacuate Oahu and the War Department's inquiry to General Emmons on January 10, 1942, asking his views on the subject. Emmons responded that such a move would be highly dangerous and impracticable. Large quantities of building materials would be needed at a time when construction and shipping were already taxed to the limit; many additional troops to guard the islands would be required, when the Hawaii garrison had less than half the troops it needed for missions already assigned. Moreover, Emmons felt, a mass evacuation of the ethnic Japanese, citizens and aliens, who provided most of the island's skilled labor (including a great many Army employees), would severely disrupt Oahu. Over ninety percent of the carpenters, nearly all the transportation workers, and a high percentage of agricultural workers were of Japanese ancestry. They were "absolutely essential" to rebuild defenses destroyed by the Pearl Harbor attack unless they were replaced by equivalent labor from the mainland. If the War Department decided to evacuate any or all Japanese, urged Emmons, such a move should be to the continental United States.³⁶

In early February, General Emmons's view was again solicited. He agreed with the desirability of evacuating to the mainland as many Japanese Americans and aliens as possible, at the earliest date practical; but he did not want to evacuate more than a few hundred until some 20,000 white civilian women and children had been removed. Although all ethnic Japanese against whom there were specific grounds for sus-

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picion were already in custody, the commander of the Hawaiian Department informed the War Department that it would probably be necessary to evacuate 100,000 Japanese from Hawaii to ensure removing all the potentially disloyal.³⁷ This was hardly a practical program when transportation and shipping were in very short supply.

On February 9, the War Department ordered General Emmons to suspend all ethnic Japanese civilians employed by the Army. Emmons now returned to the argument that the Japanese were an irreplaceable labor force in Hawaii and that "the Japanese question" was both "delicate and dangerous" and "should be handled by those in direct contact with the situation."³⁸ In other words, he did not want to follow the Department's anti-Japanese program. The War Department rescinded its order.

In mid-February 1942, the War Plans Division recommended that General Emmons "be authorized to evacuate all enemy aliens and all citizens of Japanese extraction selected by him with their families, subject to the availability of shipping and facilities for their internment or surveillance on the mainland"; it was discussing numbers in the 100,000 range.³⁹ Washington was moving toward a program of complete control of the Issei and Nisei population of Hawaii since, at the same time, the Army suggested that the Joint Chiefs discuss establishing a "concentration camp" on Molokai or preferably on the mainland because it was "essential that the most dangerous group, approximately 20,000 persons . . . be evacuated as soon as possible," and that "eventually all Japanese residents will be concentrated in one locality and kept under continuous surveillance."⁴⁰ On March 13, after Secretary Stimson and the Joint Chiefs of Staff agreed that an ethnic Japanese evacuation to Molokai, although desirable, was impractical, the President reluctantly approved a mass evacuation of ethnic Japanese to the mainland "on the basis . . . that evacuation would necessarily be a slow process and that what was intended, first, was to get rid of about 20,000 potentially dangerous Japanese."⁴¹

Despite consensus in Washington, it soon became apparent to officials that the military authorities in Hawaii did not agree. On his visit to the Territory, Assistant Secretary McCloy learned that the Army and Navy in Hawaii were opposed to any large-scale evacuation to the mainland or to Molokai and, at the March 23 War Council meeting, he reported that they preferred to "treat the Japanese in Hawaii as citizens of an occupied foreign country"—a reference that seems to imply little more than the martial law already imposed.⁴² And in a marked departure from the War Department's 20,000-person figure,

on March 27 General Emmons made a "present estimate" of 1,500 men and 50 women as the number of dangerous Japanese aliens and citizens, while conceding that "circumstances may arise at any time making it advisable to raise this estimate to much larger figures."⁴³

McCloy concurred with the Commanding General that, although desirable, evacuating many Japanese from the Hawaiian Islands was simply impractical due to shipping and labor problems Emmons had cited; providing suitable facilities for relocated Japanese would also be difficult, and there would be "political repercussions on the West Coast and in the United States generally to the introduction of 150,000 more Japanese." The General, moreover, opposed a substantial movement of Japanese before receiving his requested complement of troops and munitions.⁴⁴

To McCloy's legal mind, removal of the Issei and Nisei from Hawaii presented troublesome problems. Unlike exclusion from the West Coast, it was difficult to characterize such a program as simply barring people from sensitive military areas. Here American citizens would have to be transported several thousand miles from their homes, across the Pacific, and through evacuated areas of the Western Defense Command into the interior. Moreover, in this case the ultimate destination of detention camps was faced as the reality. At this point McCloy did not oppose the Hawaiian evacuation, but he was uneasy about it, stating in a memorandum to Eisenhower that "[t]here are also some grave legal difficulties in placing American citizens, even of Japanese ancestry, in concentration camps."⁴⁵ Stimson was somewhat more blunt in his diary:

As the thing stands at present, a number of them have been arrested in Hawaii without very much evidence of disloyalty, have been shipped to the United States, and are interned there. McCloy and I are both agreed that this was contrary to law; that while we have a perfect right to move them away from defenses for the purpose of protecting our war effort, that does not carry with it the right to imprison them without convincing evidence.⁴⁶

Stimson briefed the President on the "really difficult constitutional question" of "the President's own attempt to imprison by internment some of the leaders of the Japanese in Hawaii against whom we however have nothing but very grave suspicions." Moreover, the Hawaiian Japanese interned on the mainland had applied for writs of habeas corpus. There were, however, very practical limits to the concern at the top of the War Department for this problem. Stimson and McCloy gave an unassailable lawyer's answer to the "Japanese problem" on

Hawaii; Stimson informed President Roosevelt that they were sending the American citizens "back to Hawaii which is under a state of martial law and where we can do what we please with them."⁴⁷

On April 20, Secretary Knox renewed his plea for "taking all of the Japs out of Oahu and putting them in a concentration camp on some other island" because he was "gravely concerned about security in Oahu."⁴⁸ The President supported Knox's solution at the April 24 Cabinet meeting,⁴⁹ and four days later Stimson, Knox, McCloy, Admirals Wilson, Wilkinson, Bloch and several others met to discuss evacuating the Japanese from Hawaii. "Everybody was agreed on the danger" but not on the solution and, Secretary Stimson surmised, "We shall probably send a bunch of perhaps eight or ten or twelve thousand of them to the United States and even without internment try to keep them away from the islands."⁵⁰ Later in the summer, General Marshall and Admiral King told the President they supported such a plan limited to 15,000 people, thus bringing top professional military opposition to Knox's call for evacuation.⁵¹

Meanwhile, the War Department had received support for its views in a report from the Department of Justice warning of conditions in Hawaii, but a counter-report from Emmons to McCloy discounted this document as "so fantastic it hardly needs refuting." General Emmons was particularly troubled by the statements of Angus Taylor, Acting United States Attorney in Hawaii:

The feeling that an invasion is imminent is not the belief of most of the responsible people. . . .

There have been no known acts of sabotage committed in Hawaii.

I talked with Mr. Taylor at great length several weeks ago at which time he promised to furnish evidence of subversive or disloyal acts on the part of Japanese residents to me personally or to my G-2. Since that time he has, on several occasions, furnished information about individuals and groups which turned out to be based on rumors or imagination. He has furnished absolutely no information of value.

Mr. Taylor is a conscientious, but highly emotional, violently anti-Japanese lawyer who distrusts the FBI, Naval Intelligence and the Army Intelligence. . . . I do not believe that he is sufficiently informed on the Japanese question to express an official opinion. . . .

As you well know, the Japanese element of the population in Hawaii constitutes one of our most serious problems but, in my judgment, there is no reason for you to change the opinions formed on your recent visit.⁵²

The view Emmons and McCloy shared reverses the positions taken by the War and Justice Departments on the mainland and underscores that personal judgment was as important as institutional predisposition in the decisions of 1942.

In May, McCloy advised Emmons to make an alternative evacuation plan, and on June 20 the Hawaii commander proposed a voluntary evacuation to the mainland of not only internees' families, but also persons who were more a drain than a benefit to Hawaii's economy and war effort. By July 1, again assessing the local situation, the Hawaiian Department had determined that most of the Japanese population was "highly satisfactory" and therefore urged evacuating only 5,000 persons.⁵³ On July 17, 1942, the President authorized resettlement on the mainland of up to 15,000 persons, in family groups, who were "considered as potentially dangerous to national security."⁵⁴

In October, while Knox was still writing the President that sterner, more thorough measures were urgently needed for the ethnic Japanese population in Hawaii,⁵⁵ Emmons came forward with another evacuation plan. It was essentially the same plan he had offered in June; now, though, evacuation would be compulsory not voluntary, with priority to those who sapped Hawaii's resources, not to those considered "dangerous." Emmons proposed to send out 300 Japanese every two weeks if berths were available, and more if space permitted.⁵⁶

On October 12, Stimson designated General Emmons as a military commander under Executive Order 9066, giving him the authority to exclude individuals from military areas within his command—not an essential authority, since the writ of habeas corpus was suspended in Hawaii, but for "good public relations" and to add "another barrel" to Emmons's gun.⁵⁷

By this time the War Department's conviction that evacuation was militarily necessary was ebbing, but Secretary Knox and President Roosevelt remained uneasy. They still believed that "a very large number of Japanese sympathizers, if not actual Japanese agents, [are] still at large in the population of Oahu, who, in the event of an attack upon these islands, would unquestionably cooperate with our enemies."⁵⁸ Secretary Stimson tried to reassure the President:

[A]ll persons of Japanese ancestry resident in the Hawaiian Islands who are known to be hostile to the United States have been placed under restraint in internment camps either in the islands or on the mainland. In addition, many others suspected of subversive tendencies have been so interned.

. . . It is intended to move approximately five thousand during

the next six months as shipping facilities become available. This, General Emmons believes, will greatly simplify his problem, and considering the labor needs in the islands, is about all that he has indicated any desire to move although he has been given authority to move up to fifteen thousand.⁵⁹

Stimson's letter, General Emmons wrote him, accurately portrayed the Hawaiian situation, but Emmons wanted to clarify the definition of future evacuees:

This group will comprise those residents who might be potentially dangerous in the event of a crisis, yet they have committed no suspicious acts. It is impossible to determine whether or not they are loyal.

In general the evacuation will remove persons who are least desirable in the territory and who are contributing nothing to the war effort.⁶⁰

In other words, the field commander now saw less military justification for any evacuation.

The President responded strongly to Stimson's letter:

I think that General Emmons should be told that the only consideration is that of the safety of the Islands and that the labor situation is not only a secondary matter but should not be given any consideration whatsoever. . . .

Military and naval safety is absolutely paramount.⁶¹

Despite the President's opinion, Emmons's plan selectively to evacuate Japanese residents of Hawaii remained unchanged, for the Hawaiian Department did not consider the situation dangerous. The move to the mainland was "primarily for the purpose of removing non-productive and undesirable Japanese and their families from the Islands" and "largely a token evacuation to satisfy certain interests which have strongly advocated movement of Japanese from the Hawaiian Islands."⁶²

THE EVACUATION

Negotiation over the terms of evacuation went on and on, plainly inconsistent with any pressing military necessity. A year after Pearl Harbor, only 59 families had been evacuated from Hawaii. By design or accident, General Emmons had succeeded in reducing Washington's evacuation program to negligible numbers.

Following the early internees, the first two units of evacuees were

transferred to the mainland in July and December 1942; 42 percent were under the age of 19. Of the 59 families evacuated, 26 were headed by aliens, 20 of whom were already interned on the mainland, with 17 requesting repatriation. The remaining 33 families were headed by Americans interned on Sand Island, none of whom asked expatriation. The first installment was hardly a roll call of dangerous persons; nevertheless, evacuation planning continued. By December 1, 1942, projections for the total number of additional Japanese available and on evacuation order were:⁶³

Aliens	
Repatriates	225
Relief	150
"Voluntary"	50
 Citizens	
"Voluntary"	350
 Non-Internees	
Fishermen	2000
Kibei	475
 Total	 3250

By mid-December 1942, the WRA had ascertained that:

During the next twelve months the maximum number of evacuees could be approximately 5,000; but I believe the actual number will be no more than 3,000, and probably much less than that. The maximum shipment will be 150 every two weeks, unless the Western Defense Command succeeds in having the minimum single shipment raised to 500. There are many reasons for such a small evacuation, but the most tangible one is the lack of transportation. . . . I was assured . . . that no evacuees would be sent, other than repatriates, who would not be eligible for indefinite leave from our Centers. . . .

After essential war construction has tapered off, the tempo of the evacuation can be increased if transportation is available. It is extremely important that no Hawaiian Japanese be repatriated, at least for six months after they leave the Islands, nor should they be permitted to talk to other Japanese being repatriated, because most of the strategic and secret defense work in the islands has been constructed by Japanese. . . .

Influential white . . . individuals fear that it may not be long before the Japanese-Americans will have economic and political control of the Territory of Hawaii. Men like J.A. Balch, Chairman

of the Board of Directors of the Mutual Telephone Company of Honolulu, and Angus Taylor, U.S. Attorney, feel that this is the time to rid the Islands permanently of this dangerous Japanese influence.⁶⁴

On August 25, 1942, the first party of island Japanese, about 40 families, left Hawaii in exchange for Americans in Japan.⁶⁵ Since any Japanese alien might be exchanged for an American held by Japan, the War Department tried to use internment and detention to assure that no one recently familiar with Hawaii's defenses was returned to Japan; the Department favored repatriation from the mainland, not Hawaii.⁶⁶ On March 30, 1943, the Secretary of War wrote the Secretary of State:

There are . . . 783 Japanese nationals now in the United States who have been evacuated from Hawaii to the mainland prior to January 11, 1943. All these you may treat as available for repatriation subject to the right now exercised by intelligence agencies to object to any particular alien. . . .

[T]here are approximately 261 other Japanese nationals who have been evacuated from Hawaii to the mainland since January 11, 1943, and from time to time that number will probably be increased. If there are any in this category whose repatriation you particularly desire to effect, I suggest you furnish me their names and such other identifying data as may be available and I will undertake to give you a final decision in each case.⁶⁷

At the end of February 1943, Dillon Myer of the WRA requested that further evacuation from Hawaii be suspended. At the Jerome Relocation Center, Hawaiians were "unwilling workers, and half of them had answered 'no' to the loyalty question number 28 in the selective service registration form." In the director's words, "They definitely are not the kind of people who should be scattered among the West Coast evacuees." Also, the space they hoped to use for the Hawaiians had not become available; and the removal of people likely to be repatriated plus evacuees shifting from project to project was obstructing proper relocation center administration.⁶⁸

By March "everyone had agreed that this movement should cease, and on 2 April 1943 the War Department instructed General Emmons to suspend evacuation to the mainland until and unless the number of his internees exceeded the capacity of the Hawaiian Department's own facilities for internment, which never happened."⁶⁹

Beginning in February 1942 and continuing through December 1943, between 700 and 900 Hawaiian Japanese were removed to De-

partment of Justice internment camps on the mainland. Families were left behind.⁷⁰ Both aliens and Nisei departed, until it was determined that on the mainland the Justice Department had no authority to detain those who were citizens and therefore could not be classified as enemy aliens. In August 1942, the first group of Nisei were returned to confinement in Hawaii.⁷¹ Between November 12, 1942, and March 3, 1943, about 1,200 Japanese American aliens and citizens were evacuated from Hawaii, including approximately 474 adult males. A large proportion of the group was families of men previously interned.⁷² By the end of the war, a total of 1,875 Hawaiian residents of Japanese ancestry had been removed to the mainland; 1,118 to WRA camps and the remainder to Department of Justice internment camps. One hundred forty of those originally assigned to WRA camps were later transferred to Justice Department camps (some voluntarily to join their families), and 99 persons originally interned entered WRA camps on their parole or release.⁷³

Divergent policies toward ethnic Japanese in Hawaii and those on the mainland began to create administrative problems in 1945. Many Hawaiians who "voluntarily" evacuated to the mainland in 1943 agreed to do so partly as a matter of patriotic cooperation with the military authorities. But by mid-February 1945, reports had reached evacuees on the mainland that some who had not accepted voluntary evacuation, staying in Hawaii, had been released from detention and allowed to return home. The voluntary evacuees—still not permitted to go back to Hawaii—naturally felt that cooperation with the Army had plunged them into a worse situation. They were anxious to return. Secretary Ickes felt that "relocation in non-restricted parts of the United States . . . at best is a temporary expedient."⁷⁴ The War Department soon established a board of officers to review the case of each Hawaiian evacuee to determine whether return would be permitted, and, if so, to assign that person a travel priority group. Travel preference was given to persons with children in the armed forces, to the aged, the infirm, and others in special circumstances.⁷⁵

The first group of ten evacuees and their families returned to Hawaii in July 1945. Nearly 1,500 evacuees eventually came home, some bringing children born on the mainland. With them came 206 West Coast Japanese, most of whom were former residents of the islands or those who had met and married islanders in camp. Only 241 Hawaiians elected to remain on the mainland, and only 248 Hawaiian Japanese chose wartime repatriation to Japan.⁷⁶

THE INTERNEES

Out of nearly 158,000 ethnic Japanese in Hawaii, less than 2,000 were taken into custody during the war. Approximately one-third were American citizens, mostly Kibei. Several hundred ethnic Japanese were released after investigation, and several thousand more were investigated and cleared without being taken into custody.⁷⁷

Who were these “dangerous enemy aliens” picked up soon after Pearl Harbor? To qualify as a blacklisted enemy alien, one merely had to be a Japanese language teacher, a priest, a commercial fisherman, a merchant in the export-import trade. One might have received an education in Japan, sent contributions and Red Cross supplies for the Japanese wounded in the China War, or have been one of the *toritsuginin*, the unpaid subconsular agents who helped illiterate island residents prepare legal papers for the consulate. For others, grounds for arrest were merely leadership in the Japanese community.

None of the internees was guilty of overt acts against American laws; a few were investigated for espionage, but none for sabotage. In nearly every instance, the internees were judged “on personalities and their utterances, criminal and credit records, and probable nationalistic sympathies.”⁷⁸

Some arrestees were locked up in a county jail, the immigration station or an internment camp in Haiku, Maui, awaiting transfer to the Army-administered Sand Island Detention Center across Honolulu Harbor. From there some were sent to War Relocation Authority camps on the mainland; others were transferred to Camp Honouliuli on Oahu.

Hearing boards were appointed on each island to try detainees, and they had considerable procedural latitude. Hearings usually consisted of a summary of FBI evidence and questions about friends and relatives in Japan: whether the detainee had ever visited there or had donated food, clothing or money to that country’s war effort. Depending on who was in charge, cases were decided in 15 to 20 minutes, or in three to four days. The boards’ recommendations for release, parole or detention were generally upheld by military authorities.⁷⁹ Internees paroled before the end of the war had to sign statements releasing the government and all individuals involved from any liability for their detention.⁸⁰

Some detainees felt that they had “pro forma” hearings:

[The] FBI asked me to go with them to the Department of Immigration for a little while to answer a few questions. When we

reached the Department of Immigration building I was put behind bars for several weeks and no questions were asked of me. We had our meals out in the yard enclosed by walls under armed guards with their rifles drawn. All the time I was there I was not told why I was being held behind bars and neither the FBI nor the Immigration officer asked me any questions. After this I was sent to Sand Island and remained there for six months. It was during my stay at Sand Island [that] the FBI [took] me to the Federal Building where the FBI and military officers question[ed] me. They put their guns on the table in plain view, like a threat. I felt that they were interrogating me as though I were a spy—but I was not. The FBI and military officers told me that since America was at war with Japan and because I was raised in Okinawa, Japan and regardless that I was an American citizen, I was an internee (P.O.W.).⁸¹

A few weeks prior to December 20, 1942, the government conducted two separate "hearings" at Wailuku, Maui, to determine the fate of the so-called "bad Japs." The officer in charge had already predetermined that we were not good American citizens and he would lock us up until the war was over. The hearings were in reality, merely individual interrogation of suspected "bad Japs." The officer asked several pointed questions which required a yes/no answer. If I answered affirmatively when asked whether I am loyal to the United States, they would accuse me of being a liar. But if I had said no, then I would be thrown in jail. I felt there was no way I could be considered a loyal American.⁸²

Conditions and treatment varied among the islands; internees on Maui probably fared best. There, families were allowed to visit and bring in food daily. In contrast, internees at Sand Island on Oahu were treated as criminals or prisoners-of-war until December 20, 1941, when the newly-appointed commander of the Hawaiian Department stated that the Japanese were "detainees" and therefore not governed by military regulations. At first, Sand Island internees were forbidden to communicate with the outside. Incoming letters had to be in English and were heavily censored. Starting in May 1942, newspapers and pencils, pens and paper were allowed in the camp, and family interviews were permitted. For six months internees lived in tents without floorboards until barracks were completed in May 1942. The camp office procured a radio in July, and loudspeakers were installed in each barrack. The loudspeakers not only broadcast music; they also served as receivers to monitor internees' conversations.⁸³

Many detainees were eventually released or paroled without restriction, mostly those who had been picked up for breaking curfew

or other regulations. The parole policy was colored by military concern for public relations:

In carry [sic] out the parole policy the release of large numbers at any one time is avoided so as not to create an inference that the military authorities are relaxing their vigilance. Likewise the release of prominent Japanese leaders of known Japanese tendencies is avoided although in the record of many of these cases it appears that no overt acts have been committed by them.⁸⁴

Social shock waves from the sudden pickup and detention of community leaders soon after Pearl Harbor spread beyond the individuals themselves. Families who had once enjoyed prestige and social recognition were suddenly outcasts, avoided by others who thought that any signs of friendship would make them suspect, too. Remaining Issei became reluctant to accept positions of leadership, lest they become suspect to the authorities.⁸⁵ To emphasize the distance between themselves and the enemy, 2,400 persons of Japanese descent in Hawaii filed petitions to Anglicize their names in 1942, and decrees for that year totalled more than all name-changes in the previous eight years. On June 5, 1942, more than 1,700 Hawaiian Japanese presented a check to the American government for "bombs on Tokyo."⁸⁶

Despite these estrangements and hardships, it is to the Army's credit that for most of the population in Hawaii it followed the precept of General Emmons: "this is America and we must do things the American Way." His confidence in the people of the territory was reciprocated in innumerable intangible ways, most obviously in the superb record of military service by the Nisei of Hawaii. Hawaii's experience was the mirror image of the West Coast, where the official presumption of disloyalty bore bitter fruit in the alienation of the camps.

The differences between the Hawaiians and their mainland counterparts reflected more than just their treatment since Pearl Harbor. Their dissimilar attitudes appeared most clearly when the two groups were thrown together in the military. Hawaiians felt that West Coast Nisei lacked warmth, were not candid in their personal relationships, and seemed to handle the relocation problem in a weak, passive way. The mainlanders found the Hawaiians uncouth and too ready with their fists.⁸⁷ At the same time, the mainlanders envied the Hawaiians' ability "to take what comes their way with a smile." That the men from Hawaii had not spent their lives in an atmosphere of anti-Asian prejudice was reflected in their whole outlook.⁸⁸

Ironically, the *Duncan* case, which reached the Supreme Court

after the end of the war, challenged military rule in Hawaii. It also produced a decision that contradicted the *Korematsu* case on the mainland. Two individuals who had been tried in the military provost courts, a civilian shipfitter accused of assaulting Marine guards at the Pearl Harbor Navy Yard in February 1944, and a stockbroker tried for embezzling from a civilian in August 1942, challenged the power of the military to supplant the civil courts.⁸⁹ In the sense that the civil courts were replaced by the military, intrusion into normal civil life was greater than on the West Coast, but insofar as military courts operated to find and punish personal guilt, the deviation from the constitutional norm was less than in the exclusion. Hawaii had been attacked, so that upholding military control over civilians on the basis of the war powers of the Constitution should have been more compelling. Justice Black, author of the *Korematsu* opinion, once again wrote the majority opinion. Although in the strictest sense limited to interpreting the power of the governor of Hawaii under the Hawaiian Organic Act which permitted him "in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, [to] suspend the privilege of the writ of habeas corpus, or place the Territory . . . under martial law," Black chose to interpret the statute by examining the historical relation of civil to military power. The Court itself posed the central issue by asking:

Have the principles and practices developed during the birth and growth of our political institutions been such as to persuade us that Congress intended that loyal civilians in loyal territory should have their daily conduct governed by military orders substituted for criminal laws, and that such civilians should be tried and punished by military tribunals?

No extensive paraphrase is needed to transform this to the central issue of the *Korematsu* case, in which military orders effectively became laws which the courts were not to question if military judgments under the war powers were given extensive deference.

No such deference was afforded the military in Hawaii. There was no talk in *Duncan* of the war powers of the Constitution or emphasis on Congressional authorization of extraordinary measures in wartime. Justice Black followed his question with an historical essay in which he found total military rule the antithesis of the American system of government and held that "martial law" in the statute could not have been intended to authorize supplanting of the civil courts. Since the statute directly spoke of suspending the writ of habeas corpus this seems to be a disingenuous analysis indeed. Black's private remarks

to Chief Justice Stone in response to criticism of a draft of the opinion are closer to the mark:

I think the Executive is without Constitutional powers to suspend all legislative enactments in loyal, uninvaded states, to substitute executive edicts for those laws, and to provide for their enforcement by agents chosen by and through tribunals set up by the Executive. . . . In other words, the Constitution, as I understand it, so far as civilians in legal uninvaded territory are concerned, empowers the Executive to "execute" a general code of civil laws, not executive edicts.⁹⁰

This decision in *Duncan v. Kahanamoku* is another lasting and important way in which the experience in Hawaii rebukes events on the West Coast. The case effectively overrules one major predicate of the *Korematsu* decision by showing no deference to military judgment when the control of civilians and civilian institutions in uninvaded territory is at stake. In deciding *Duncan*, the Supreme Court relied on the firm language of a similar case decided at the end of the Civil War, *Ex parte Milligan*: "civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable."⁹¹ The same is true of *Duncan* and *Korematsu*.⁹²