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Neither Aliens nor Enemies:

The Hearings of “German” and “Italian” Internees in Wartime Hawai‘i
By Alan Rosenfeld

Abstract

Although officially billed by J. Edgar Hoover as an “Alien Enemy Control” program, an examination of the Federal Bureau of Investigation’s wartime internment of civilians in Hawai‘i reveals that the bureau grossly overstepped the authority provided under the Alien Enemies Act. Specifically, the hearing board transcripts of those detained as German and Italian alien enemies demonstrate that wartime authorities in martial law Hawai‘i proceeded emphatically on the side of caution and security, even at the expense of justice. In fact, those apprehended for the purposes of “Alien Enemy Control” and subsequently interned at the Sand Island and Honouliuli detention camps included numerous US citizens—both by naturalization and by birth—and several men who had served in the US Armed Forces. One could also find people from a variety of ethnic backgrounds among the ranks of Hawai‘i’s “German” and “Italian” internees, ranging from civilians of Scandinavian descent to an Irish American woman and a family of Jewish refugees from Nazi-occupied Austria. The stories of this diverse array of internees underscore the importance of defending democratic principles, particularly in moments of crisis.

In the spring of 1942, with her country embroiled in the Second World War, private citizen Clara Ludders stood before a four-person alien enemy hearing board in Honolulu awaiting one of three possible fates: outright release, release on parole, or continued internment. The fact that she had already been interned for more than a month before her hearing began—despite never being charged with a crime—was not at all unusual. The fact that Ludders was physically removed from the makeshift courtroom while an FBI agent presented evidence that she would never even hear, describing Ludders as “anti-English” and as an alleged supporter of Adolf Hitler (Ludders 1942:1), was also standard procedure. Furthermore, Ludders’s lack of legal counsel and her inability to confront the anonymous informants whose “tips” prompted her arrest were also defining features of internee hearing board procedures in wartime Hawai‘i (Ludders 1942; Internee 1942).

What is noteworthy about Ludders’s case, however, is that she was a United States citizen of Irish ancestry, a rather unsettling point when one considers that the legal

basis for Ludders’s incarceration—the Alien Enemies Act of 1798—was predicated on the notion that she was a German alien enemy. In truth, Ludders was neither an alien nor an enemy. Born and raised in San Francisco, Ludders had lived for nearly 30 years in Hawai‘i, where she raised two children with her husband Hugo, a naturalized US citizen of German birth. The couple’s oldest child, William, graduated from Stanford University in 1939, before surrendering a lucrative position as an aviation engineer with a Lockheed Corporation subsidiary following the attack on Pearl Harbor in order to serve in the United States Navy (Ludders 1943). At no time during her hearing was Ludders’s US citizenship called into doubt, and the only question raised concerning her ethnic heritage stemmed from the board members’ desire to learn whether her parents had resided in the “Northern or Southern counties” of Ireland before emigrating to the United States. Nevertheless, the hearing board, citing the subject’s alleged “strong pro-Nazi sympathies” and disloyalty toward the United States, sentenced Clara Ludders to continued internment for the duration of the war. The Irish American mother of two thus became one of the dozens of US citizens confined as “Germans” at the Sand Island and Honouliuli detention centers (Ludders 1942). Ludders’s case is one of many that calls our attention to the degree to which an obsessive drive for security often trumped racial prejudice as the underlying impetus for the trampling of citizens’ civil liberties during a time of war.

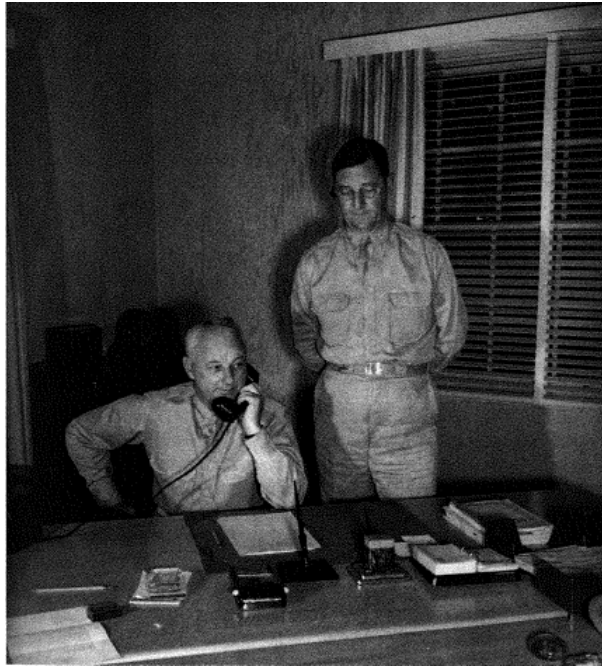
This article offers the first comprehensive study of civilian internee hearing board cases in wartime Hawai‘i. Although several previous studies have mentioned Hawai‘i’s hearing boards in passing (Commission 1997; Okihiro 1992; Scheiber and Scheiber 1997; Kashima 2003; Scheiber, Scheiber, and Jones 2009; Rosenfeld 2011), these accounts ultimately rely on internal memoranda from Hawai‘i’s wartime military government and a cursory description of the territory’s hearings boards provided by journalist Gwenfread Allen in *Hawai‘i’s War Years* (Allen 1950).¹ Unfortunately, while Allen’s text—which was commissioned by the territorial legislature following the conclusion of the war—generally offers a comprehensive archival-based account of wartime Hawai‘i, the author did not have access to the hundreds of hearing board transcripts that are currently housed in the National Archives in College Park, Maryland. As we shall see, the stories of Hawai‘i residents interned as Germans or Italians under J. Edgar Hoover’s “Alien Enemy Control” program—brought to life in their hearing board transcripts—force a revision of several previous assumptions concerning the wartime confinement of civilians in martial law Hawai‘i.

Martial Law And Internment

Narratives of internment have understandably focused on the larger scale developments on the West Coast of the US continent, where President Franklin D. Roosevelt's Executive Order 9066 in February 1942 prompted the forced removal and mass incarceration of 120,000 ethnic Japanese civilians—mostly US citizens—into an archipelago of inland camps managed by the War Relocation Authority (Weglyn 1976; Daniels 1993; Robinson 2001; Kashima 2003; Hayashi 2004; Muller 2007). In sharp contrast, Hawai'i has been presented as an idyllic counterpoint where comparatively progressive attitudes toward race and the "spirit of aloha" (Commission 1997:261) combined to ensure a moderate approach to internment. After all, only about 1 percent of Hawai'i's 159,000 ethnic Japanese civilians were subjected to any form of confinement or "evacuation" during the war, despite Secretary of the Navy Frank Knox's recommendation of "taking all the Japs out of Oahu and putting them in a concentration camp on some other island" (Commission 1997:272). However, a consideration of martial law conditions and a close examination of internment hearings reveal a marked absence of aloha within Hawai'i's wartime government. As Hawai'i's Military Governor General Delos C. Emmons later testified under oath, his administration "leaned over backward in interning people in order to achieve as much security as [it] possibly could" (Allen 1950:144). A closer look at the confinement of non-Japanese civilians will illuminate the apparent contradiction between the general's comments and Hawai'i's comparatively modest internment figures.

The sudden and dramatic Japanese attack on Pearl Harbor (and other military installations on the island of Oahu) on the morning of December 7, 1941, coupled by the perceived threat of a Japanese land invasion, fueled the declaration of martial law and a rapid implementation of preexisting plans for the arrest of local civilians whose loyalty might be called into question. In fact, army officers in Hawai'i had been planning for the enactment of military rule over the island territory long before the actual opening of hostilities with Japan (Scheiber and Scheiber 1997). Territorial Governor Joseph Poindexter, himself a federal appointee, would later testify that his hurried proclamation of martial law within hours of the Pearl Harbor attacks occurred reluctantly and only "at the request of the Army" (Anthony 1975:9). The actual typed declaration that Poindexter issued on the afternoon of December 7 had mysteriously appeared on the desk of his attorney general earlier that afternoon, apparently drafted by someone in the War Department (Anthony 1975)—most likely Lt. Colonel

Thomas H. Green (Scheiber and Scheiber 1997). As such, Poindexter was abruptly replaced by Lt. General Walter C. Short, as Hawai'i's civilian government gave way to a newly established Office of the Military Governor that took up residence in 'Iolani Palace and effectively ruled over the mid-Pacific territory until October 1944.



1 General Delos Emmons (seated) and Lt. Colonel Thomas Green (standing) oversaw the implementation of martial law and civilian internment from their offices in 'Iolani Palace. Photo courtesy of Hawai'i War Records Depository, Hamilton Library, University of Hawai'i at Manoa.

The rule of martial law in Hawai'i fostered a drastically different environment for the internment of alleged alien enemies than existed on the American continent. Most significant, military rule ensured a substantial degree of control over the *entire* civilian population, even without wide-ranging internment (Anthony 1975; Scheiber and Scheiber 1997). Martial law provided the armed forces with an abundance of methods to monitor and restrict local residents, including curfews and blackouts; censorship of newspapers, radio broadcasts, and private mail; and the surveillance of telephone conversations. Governing the civilian populace through a series of directives and general orders, the territory's wartime leaders abolished trial by jury, suspended the privilege of habeas corpus, and enforced the closure of civil courts that were fully capable of functioning (Anthony 1943, 1975; Scheiber and Scheiber 1990, 1997). With the rights of due process suppressed indefinitely, civilians were tried in provost courts, with either a single military officer or a local plantation manager serving as a judge.

There were no warrants, no written charges, no juries, no trial transcripts, and no rights to appeal; parties were advised not to obtain legal counsel. These wartime provost courts, which heard at least 37,000 civilian cases, were bastions of hard-nosed efficiency, handing down guilty verdicts in at least 90 percent—and perhaps even 99 percent—of the cases, while reducing the average trial time to just five minutes (Scheiber and Scheiber 1990,1997). However, in addition to the unchecked power Hawai'i's martial law government wielded over the islands' general population, military leaders conspired with the Federal Bureau of Investigation's Honolulu field office to arrest and detain any individual citizens whose loyalty to the US government could even remotely be called into question.

The rule of martial law and the unusual level of collaboration between the US Army and the FBI in Hawai'i helped achieve the apprehension of 430 local civilians—including 85 individuals classified as German or Italian—by the night of December 8, 1941, that is, within 32 hours of the enactment of martial law and more than 48 hours *before* declarations of war upon Germany and Italy (Hoover 1943-1944; Kashima 2008; Rosenfeld 2011b). J. Edgar Hoover would later boast that the massive dragnet operation in Hawai'i, which was undertaken with the cooperation of military authorities and local police (Kashima 2003), occurred “with the greatest dispatch in accordance with prearranged plans” (Hoover 1943-1944:408). Indeed, the sudden stream of arrests marked the culmination of several years of careful preparations. Already in the mid-1930s, then Lt. Colonel George S. Patton—the army's senior-ranking intelligence officer in Hawai'i—developed a report calling for martial law and the taking of civilian hostages in the territory in the event of an outbreak of war with Japan (Okihiro 1992; Kashima 2003; Coffman 2003). Meanwhile, the FBI reopened its Honolulu office in August 1939 for the express purpose of monitoring ethnic Japanese, German, and Italian civilians for possible acts of espionage or sabotage, with its staff expanding rapidly from a single agent before its 1934 closure to 16 full-time agents at the time of the Pearl Harbor attack (Okihiro 1992). The primary responsibility of Special Agent in Charge Robert L. Shivers was to compile a custodial detention list of potentially dangerous individuals to be used as a resource for civilian internment (Kashima 2003). Indeed, the army's Military Intelligence Division (MID) and the Office of Naval Intelligence (ONI) had been assiduously compiling their own versions of this list in Hawai'i for years (Okihiro 1992; Robinson 2001; Kashima 2003; Scheiber et al. 2009).

Wartime tensions fueled the expansion of intelligence agency activities on a national level, and in that sense the prominent role the FBI played in the internment of civilians in Hawai'i was hardly unique. By the end of the war, Hoover's "Alien Enemy Control" program would achieve the arrest and internment of more than 30,000 people, including 11,507 ethnic Germans, 2,730 ethnic Italians, and 16,853 ethnic Japanese civilians—oftentimes United States citizens (Kashima 2003).² In the late 1930s, as political tensions mounted steadily across the globe, Hoover attempted to maneuver himself into a preeminent position within the US intelligence matrix, with a vision of becoming what Rhodri Jeffreys-Jones has described as "the overall tsar of a super-intelligence agency" (Jeffreys-Jones 2007:109). He received a crucial show of support when President Roosevelt placed the FBI in charge of coordinating domestic sabotage and espionage investigations in September 1939 (Theoharis and Cox 1988; Jeffreys-Jones 2007). Hoover's position was further augmented through the public announcement of an agreement brokered by Roosevelt that granted the FBI ultimate authority—vis-a-vis the MID and ONI—in areas involving the investigation of civilians (Theoharis and Cox 1988). Politicians were also quite willing to provide the resources Hoover demanded to meet security threats, as congress and the president's cabinet vastly expanded the FBI's budget allocations for counterespionage, fingerprinting technology, and personnel in 1939 and again in 1940 (Jeffreys-Jones 2007).

At the same time, improved support for the FBI came with rising expectations and pressure. Although the FBI successfully dismantled two Nazi spy rings operating in New York (Jeffreys-Jones 2007), the bombing of Pearl Harbor exposed embarrassing rifts among the US intelligence organizations that had provoked Hoover's bureau into withholding critical information regarding the possibility of an impending Japanese attack (Jeffreys-Jones 2007). In the months that followed, navy Secretary Frank Knox (Weglyn 1976; Commission 1997; Robinson 2001; Kashima 2003) and members of the congressional Tolan Committee (Commission 1997) were among those who voiced stinging critiques of intelligence-gathering efforts in wake of the Pearl Harbor attack. These officials publicly proclaimed that Japanese fifth column activity had enabled the December 7 attack, despite the existence of at least one previous government report chronicling the "extraordinary degree of loyalty" (Weglyn 1976:34) that existed among Hawai'i's Nikkei residents (Commission 1997; Scheiber and Scheiber 1997; Robinson 2001).

The Klaus Mehnert affair constituted yet another—if less prominent—black eye for intelligence operatives in Hawai‘i, bolstering subsequent calls for expanded surveillance efforts and the internment of civilian suspects in the islands. A German national, Mehnert held a faculty position at the University of Hawai‘i in the years leading up to the war. In a sensationalist 1940 book entitled *The Fifth Column Is Here*, George Britt caused a stir by asserting that the respected scholar was a Nazi spy, based on an essay Mehnert had published in a German academic journal the previous year in which he discussed fleet maneuvers at Pearl Harbor. Although Mehnert’s text had been prescreened by US military authorities in Hawai‘i, the story was amplified by coverage Britt’s book received in *Time* magazine in August 1940 (Mehnert 1983). University officials stood behind Mehnert, only to see him exit Hawai‘i to accept a lucrative position as editor of an English-language magazine—*XX Century*—published by the Nazi regime in Shanghai (Wasserstein 1999). By the fall of 1941, local newspapers lamented that authorities had allowed a purported spy to operate so freely in Hawai‘i (Mehnert 1983). Thus, even before December 7, Hoover was forced to grapple with criticism that his bureau was not doing enough to combat espionage (Theoharis and Cox 1988). Furthermore, President Roosevelt seemed to favor William J. Donovan as his proverbial “Mister X,” naming the Hoover nemesis as the head of a newly created Office of Strategic Services (OSS)—forerunner to the CIA—in 1942 (Theoharis and Cox 1988; Jeffreys-Jones 2007).

Despite the aforementioned fractures in the federal intelligence community, the Territory of Hawai‘i effectively served as a laboratory for an extraordinary level of cooperation between the FBI, MID, ONI, and the islands’ predominantly white oligarchy. Just months after its 1939 reopening, the Honolulu FBI office began exchanging files and custodial detention lists with the MID and ONI (Okihiro 1992; Scheiber et al. 2009). The relationship intensified in October 1941 as the army relocated its MID contact office to the Dillingham Building on Bishop and Merchant Streets in downtown Honolulu, sharing a floor with the FBI’s Honolulu office (Okihiro 1992; Coffman 2003). Following the Pearl Harbor attack, the two agencies deepened their collaborative efforts yet again by physically merging their offices (Okihiro 1992). Although the ONI preserved a degree of independence in Hawai‘i (Coffman 2003), it maintained a live telegraph connection with the FBI-MID joint headquarters, while local ONI boss Captain I. H. Mayfield attended weekly meetings with his FBI and MID counterparts (Okihiro 1992). Finally, the military’s intelligence gathering efforts in Hawai‘i relied heavily upon cooperation with members of the local

oligarchy—such as high-ranking employees of the “Big Five” corporations (Okimoto 1992)—the very same talent pool that would be tapped to staff the hearing boards.

Although internee hearing boards were a nationwide undertaking, the rule of martial law in Hawai‘i ensured that board procedures differed substantially from those in place on the continent. While internees in the 48 states had their cases heard by all-civilian boards, the hearing boards in martial law Hawai‘i always contained an active officer of the US Army, who served as the board’s executive and recorder. Although one civilian member received the title of board president, it was the army officer who unquestionably dominated the proceedings. As executive and recorder, it was his prerogative to proclaim the hearing open, summon and excuse witnesses, direct the questioning of the internee, and officially pronounce the hearings closed.³ The uniformed army officer also apprised each internee that these were “*military* hearings” accorded as a “matter of justice” rather than as a matter of right, echoing the official position of the FBI (Hoover 1943-1944). As such, the standard rules of jurisprudence need not apply. Under the ominous shadow of martial law, these hearings functioned much like the provost courts. In absence of written charges and cross-examinations, individual suspects were routinely sentenced to unspecified periods of confinement based on “flimsy or non-existent evidence” (Scheiber and Scheiber 1997:495).



2 The Wahiawa District Court served as a provost court during the period of martial law. Photo courtesy of Hawai'i War Records Depository, Hamilton Library, University of Hawai'i at Manoa.

The composition of the civilian portion of the hearing boards, stacked with Caucasian male elites, clearly worked to the detriment of Hawai'i's internees, the vast majority of whom were of Japanese ancestry. On the island of O'ahu—where most of the cases were heard—the wartime authorities formed three separate hearing boards. Civilian members included retired army Judge Advocate Lt. Colonel Edward Masee, Hawai'i Trust Company President P. K. McLean, future territorial Attorney General Edward N. Sylva, University of Hawai'i President Dr. Arthur L. Dean, estate director Mark A. Robinson, and Frank Thompson Jr., son of the prominent island attorney who represented the Hawai'i Sugar Planters' Association. This was hardly a trial by one's peers. On the "Garden Isle" of Kaua'i, the sole hearing board was comprised of Major George Tivy plus three civilians—C. E. S. Burns, Hector Moir, and Lindsay Faye—who managed the Llhue, Koloa, and Kekaha sugar plantations and thus presided over the hearings of many of their own employees (Harada 1942; Furuya 1982; Inouye 1982).



3 Former University of Hawaii President Dr. Arthur Dean (dark suit and tie), shown here with Admiral Chester Nimitz, served on one of the three hearing boards established on the island of O'ahu. Photo courtesy of Hawaii War Records Depository, Hamilton Library, University of Hawai'i at Manoa.

Additional post-hearing practices in martial law Hawai'i worked to the detriment of internees in ways that differed from continental cases. According to the procedures outlined by J. Edgar Hoover, hearing boards in the 48 states made recommendations to the local US Attorney, who possessed final authority on internment decisions (Hoover 1943-1944). This was obviously not possible in martial law Hawai'i, where the power of the attorney general had been usurped by the Office of the Military Governor. Instead, the recommendations of each hearing board were reviewed by a committee consisting of the local chiefs of the FBI, MID, and ONI. Since these were the very same individuals who had overseen the creation of the custodial detention lists that determined who would be apprehended, the odds of release tilted significantly against Hawai'i's internees. Tellingly, in cases in which the single army officer dissented from the three civilian board members' decision for release or parole, the intelligence agencies enforced the *minority* opinion and recommended internment. There are further cases in which the intelligence officers ignored unanimous recommendations of the hearing boards for release or parole in order to enforce the extended internment of individuals whose loyalty they questioned.⁴ In

essence, this meant that federal prosecutors retained the right to overrule their own handpicked judges. Each case culminated when it reached the desk of Lt. Colonel Thomas H. Green at the Office of the Military Governor in Iolani Palace, with Green consistently upholding decisions for prolonged detention. Finally, internees in Hawai'i were forced to sign a waiver in order to gain their parole or release, promising to “forever discharge” the federal government and the military “from any and all manner of action or actions, cause and causes of action, suit, controversies, trespasses, damages judgments, executions, claims, claims for damages, and demands whatsoever, in law or equity” (Orenstein 1942). Failure to consent to this comprehensive waiver of rights resulted in continued confinement (Commission 1997; Kashima 2003).

The fact that internees in Hawai'i—but not those on the mainland—were theoretically entitled to attorneys did not result in any amelioration of civil rights abuses. First of all, internees were informed that legal counsel would only be available at their own expense (Kashima, 2003; Rosenfeld 2011b). Furthermore, since they only learned of the possibility of legal counsel during their actual hearings, any request for a lawyer would only have extended their periods of pre-hearing confinement. It is thus exceedingly rare to find cases of internees who retained attorneys, with many of them either explicitly expressing financial constraints or likely fearing that taking such a measure would have been interpreted as a sign of guilt.⁵ Owing to the climate of fear in wartime Hawai'i and the reign of martial law, there are also reports of internees undergoing a preliminary set of interrogation sessions at the joint FBI-MID offices in the Dillingham Building in which they were threatened by military personnel with brandished weapons and forced to sign false declarations (Allen 1950; Commission 1997; Nye, 2009b; Scheiber et al. 2009). However, owing to the military governor's decision to forcibly close the civil courts, little recourse was available to contest unfair treatment by wartime authorities.

Loyalty under Trial

The case of Carl Magnus Torsten Armfelt provides a striking example of how the additional power granted to federal intelligence agencies in Hawai'i undermined any notions of due process. Just 23 years old at the time of his arrest, Armfelt was a United States citizen—by birth—who had served two- and-a-half years in the US Army before receiving an honorable discharge with a classification of “excellent character.” Much like Clara Ludders, Armfelt became engulfed in an FBI probe even though he was neither of German nor Italian descent. A member of a blue-blood

Scandinavian family, Armfelt was of Swedish heritage on his mother's side while his estranged father was a Finnish count. In many ways, Carl fell victim to political machinations on the European continent. By the time the United States had entered World War II, Sweden had been occupied by Nazi Germany and Finland was at war with the Soviet Union—at that time a US ally. Although Armfelt admitted to activities on behalf of a Finnish relief fund during his December 19 hearing, the civilian board members concluded that his “sympathy towards Finland in her struggle against Russia is perfectly understandable” (Armfelt 1941:23) and therefore recommended his release on parole. However, Captain Dixon Avery, in his role as executive and recorder, issued a dissenting opinion and reconvened the board on Christmas Eve for a closed session in which FBI agent George E. Allen testified that Armfelt was a “fanatical follower of Hitler” and a “member of an informal discussion group maintained by permanent individuals of Nazi and pro-Fascist sympathies” (Armfelt 1941:25). This hearsay evidence was enough to trump Armfelt's US citizenship and military service, resulting in a revised movement for continued internment. Needless to say, the intelligence agency heads upheld this decision. Carl Armfelt's case—quite possibly the first internee hearing in Hawai'i—demonstrated wartime authorities' ability to manipulate cases to arrive at a predetermined outcome. Armfelt thus joined Clara Ludders as one of the many US citizens confined at the Sand Island and Honouliuli detention centers, ostensibly as German alien enemies (Armfelt 1943).

The examination of hearing board transcripts thus shatters the previous assumption that the “FBI used the same criteria in Hawai'i as on the mainland” (Kashima 2003:74) for assembling lists of civilians who would be apprehended as alien enemies in the event of war. In fact, the threshold for classification as a Nazi or fascist sympathizer in Hawai'i appears to have been set significantly lower. To be sure, internment on the US continent was not limited to people of Japanese, German, and Italian descent. Austria had been annexed to the Nazi Reich in the Anschluss of 1938, meaning that people of Austrian descent in the US were also classified as Germans for purposes of internment. Additionally, the American declaration of war against Axis allies in June 1942 resulted in the internment of foreign nationals from Bulgaria, Hungary, and Romania (Kashima 2003).

However, people who would not have raised any suspicion on the mainland quickly found themselves confined behind barbed wire in martial law Hawai'i, including local high school students, veterans of the US Armed Forces, Jewish refugees, and—as we

have seen—American citizens who did not possess any ancestral ties to countries at war with the United States. Gertrude Schroeder was a teenage student at the Catholic all-girls Sacred Hearts Academy in Kaimukl. Mario Valdastrì had fought for the US Army in France during the First World War. Norwegian composer and Honolulu Symphony Orchestra co-founder Alf Hørum, with his native country under Nazi occupation, also found himself interned as an alien enemy. So did the Austrian-born architect Alfred Preis, who would later design the USS *Arizona* Memorial in Pearl Harbor. Jewish refugees Ernst and Zdenka Orenstein and their teenage son, Otto, had fled their home city of Vienna to escape Nazi persecution, traveling to the other side of the world only to be locked up at the Sand Island detention center in Honolulu Harbor as alien enemies. Even though the hearing board recommended their “unconditional release,” the couple spent nearly five months in confinement (Orenstein 1942; Orenstein 1942a, 1942b).

In the continental United States, the sheer enormity of the German and Italian communities—combined with their extensive integration into the social fabric of American life—ruled out any program of mass internment. At the beginning of the Second World War, Germans and Italians constituted the two largest foreign-born populations in the country, and if one included those with at least one German- or Italian-born parent, these two ethnic communities numbered more than 10 million people (Fox 2000a, 2000b). Federal authorities therefore pursued a policy of selective internment that bore some resemblance to the targeted arrests of ethnic Japanese civilians in Hawai‘i. In addition to statements collected from informants, FBI agents on the mainland relied on newspaper and magazine subscription lists, overseas assets and remissions, visits to Axis countries, and the activities of close relatives in those countries when evaluating an individual’s loyalty and potential for engaging in subversive behavior (Fox 2000a, 2007). The most powerful indicator was a person’s membership in the pro-Nazi *Amerikadeutscher Volksbund* (German American Federation) or “Bund,” which had organized a sold-out spectacle at New York City’s Madison Square Garden in 1939 (Krammer 1997; Fox 2000a; Commission 1997).

In the Territory of Hawai‘i, however, far removed from any Bund activities, neither membership in proscribed organizations nor subscriptions to suspicious publications played a prominent role in internment cases. Formal pro-Nazi or pro-fascist organizations did not exist, and foreign publications mentioned in hearing board transcripts were limited to medical journals and the innocuous German magazine

Hausfrau (*Housewife*). Instead, under the leadership of Robert L. Shivers, Honolulu's FBI office monitored the territory's relatively small German and Italian communities in their entirety and interned people *en masse* in the days and weeks after the United States entered the war. In fact, in a letter addressed to J. Edgar Hoover on December 4, 1941, Robert Shivers stated that the accompanying custodial detention lists contained "all of the known Germans residing in the Territory of Hawai'i" (Shivers 1941). He even assured Hoover that "there [could] be no improvement" to the plan, since "arrangements" had been made for the "specific handling of *each and every individual* alien German and Italian in the Hawai'i an Islands" (Shivers 1941). It is thus not surprising that the postwar study commissioned by Hawai'i's territorial legislature found that FBI agents had arrested "practically every German and Italian alien in Hawai'i with the exception of the aged and infirmed" (Allen 1950:42; Holian 1998).

The correspondence between Shivers and Hoover also reveals the FBI chief's undeniable awareness of the internment of US citizens under his "Alien Enemy Control" program. In the aforementioned letter from Shivers to Hoover just days before the Pearl Harbor attack, the Honolulu office head informed his superior that, "in addition to the names of the aliens who are considered dangerous and for whom custodial memoranda have been prepared, there were also listed American citizens of German descent of similar classification" (Shivers 1941). Unambiguous as this December 4 statement might be, it is still only recognition of the intent to intern citizens, since the United States had yet to enter the war. However, the arrest reports sent by Shivers to Hoover in the weeks after the declaration of war separated ethnic German and Italian internees neatly into categories of US "citizens" and "aliens" (Shivers 1942). This distinction was also maintained in internal communication drafted by Hoover himself. Specifically, in a memorandum to L. M. C. Smith of the Special Defense Unit on December 18, 1941, Hoover provided separate lists of "alien enemies" and those "apprehended as United States Citizens of German Ancestry in the Territory of Hawai'i" (Hoover 1941). Of course, even this internal message is not entirely truthful, as the early arrests of civilians in Hawai'i included US citizens of Danish, Swedish, Finnish, and Norwegian descent.

In fact, the internment of US citizens in Hawai'i had become public knowledge long before Hoover published a defense of his "Alien Enemy Control" program in the 1943—1944 volume of the *Iowa Law Review*. Hans Zimmerman was the first of three German American internees from Hawai'i to file for a writ of habeas corpus after he

had been transported to Camp McCoy in Wisconsin. Although the American Civil Liberties Union eventually intervened on behalf of more than a dozen US citizens in the same predicament, Zimmerman—with assistance from his wife, Clara—was the first to push forward with his case. A naturalized citizen who had served in the US Army before building a lucrative medical practice in Honolulu, Zimmerman found himself condemned to internment for the duration of the war, despite having summoned some of the territory’s leading figures to his defense during his hearing. Clara Zimmerman eventually took her husband’s petition all the way to the US Supreme Court, only to have the War Department shrewdly avoid the possibility of a decision that would undermine military rule in Hawai‘i by releasing Hans before the case could be heard (Anthony 1975; Rossiter 1976; Scheiber and Scheiber 1990, 1997). The plight of Zimmerman and the other citizens shipped from Hawai‘i to Camp McCoy and their habeas corpus challenges received coverage in both of Honolulu’s leading newspapers, while territorial Attorney General J. Garner Anthony used the Zimmerman case to challenge the legality of martial law in Hawai‘i in a scathing critique published in the *California Law Review* (Anthony 1943). The issue even reached the desk of the president, as Secretary of War Henry Stimson wrote Roosevelt in April 1942 to recommend returning the internees to Hawai‘i (Stimson 1942).

Hoover’s “Cloak Of Citizenship”

Taking their cue from bureau head J. Edgar Hoover, the agents of Honolulu’s FBI office viewed dual and naturalized citizens in Hawai‘i as potential spies and saboteurs. Hoover, in his essay for the *Iowa Law Review*, expressed distrust for what he called “the naturalized citizen whose cloak of citizenship is a sham and who is dangerous to the nation’s security” (Hoover 1943-1944:407). He even discussed the FBI’s ongoing efforts to have certificates of naturalization revoked in federal courts in cases of presumed disloyalty or lack of allegiance, although this information gave his readers the false impression that citizenship protected suspects from FBI internment measures. The cases of Hawai‘i’s wartime internees demonstrate the intense suspicion with which the FBI viewed them. Not only did Honolulu agents apprehend naturalized citizens of German and Italian descent, they even arrested Hawai‘i an-born wives of naturalized citizens, including Bertha Berg and Clara Ludders—both of whom were confined at Sand Island and Honouliuli.

The peculiar case of Mario Valdastri supports General Emmons’s assertion that military authorities “leaned over backward in interning people” in wartime Hawai‘i

(Allen 1950).¹ While other Hawai'i residents—including Carl Armfelt, Arthur Baltrusch, Alexander Varis, and Hans Zimmerman—had served in the US Armed Forces before their periods of internment, Valdastri had actually seen combat as an American soldier in France during the First World War, before receiving an honorable discharge in 1919. At the time of the Second World War, Valdastri owned a house sitting on nine acres of property in Kailua, having built up a successful contracting business in Honolulu (DiStasi 2001). In the end, Valdastri's citizenship, military valor, and fine standing in the community mattered little in comparison to the closed testimony of FBI agent George E. Allen. Although Valdastri's citizenship and service were never questioned, Allen claimed that the subject was “regarded as pro-fascist and pro-Nazi,” referencing “meetings of local Italians at his Kailua home” and a close friendship Valdastri had formed with consulate official Giovanni Mura-tori, at least until the Italian consulate in Honolulu was closed down. While it probably didn't help his cause to admit harboring “fascist leanings” until 1935, Valdastri's associations with Italian nationals and former consulate employees were deemed sufficient evidence of “subversive activities.” In a December 22 hearing that lasted less than an hour—including the closed testimony of the BI agent and the deliberations of the board—US citizen and army veteran Mario Valdastri was ordered to remain in confinement (Valdastri 1942). Not even a spirited letter-writing campaign, in which Valdastri contacted President Roosevelt and asked to be shipped to the “most exposed and dangerous spot” in order to “sacrifice [his] life for [his] country” (DiStasi 2001:147) was enough to overturn the board's decision. Other Hawai'i cases suggest that military service and civilian employment on military bases, far from being regarded as irrefutable proof of one's loyalty, could actually provoke concerns that an individual was engaging in acts of espionage or sabotage.

The hearing of Anna “Nikky” Walther shows how in the absence of more concrete indicators such as membership in proscribed organizations or subscriptions to pro-Nazi literature, Hawai'i FBI agents became dependent upon the most problematic form of evidence—the allegations of anonymous informants. Nikky and her husband, Herb Walther, were both naturalized US citizens of German birth, who were widely regarded as responsible community members and patriotic Americans. She volunteered time making bandages for the Red Cross and the couple had organized a fundraiser for the “Committee to Defend America.” During Nikky's hearing, local civil servant August Hasselgreen testified that, “the Walthers [were] better Americans than a lot of local born” (Walther, Anna 1942:23). Similarly, John Cass Stevens of the

Hawai'i an Electric Company stated under oath that, "in every respect, everything [he] ever heard from Mrs. Walther [had] always been... pro-American" (Walther, Anna 1942:18). Indeed, it seems that the FBI trusted Nikky Walther enough to recruit her as an informant. Nikky named a local FBI agent who had arranged an "interview" in which she was asked to "contact German people to find out what things were" (Walther, Anna 1942:10). Nikky even testified having joined a church at the behest of the FBI agent and acknowledged having provided him with "statements" in support of the bureau's counterespionage efforts (Walther, Anna 1942:10).

During the course of her hearing, however, Nikky Walther was quickly transformed from a patriotic informant to a tragic victim of hearsay and supposition. Following standard procedures, Nikky was barred from the courtroom for the presentation of FBI testimony, in which agent George E. Allen reported that the German-born Walther had expressed support for Hitler and had claimed to have conducted spy work for Austria in 1927, when she was still a teenager. In her defense, Walther assured the board that she had no sympathy for Hitler and had "never been connected with any government agency" (Walther, Anna 1942:13), either in Austria or Germany. She recounted a humble adolescence, in which she shuffled from one German-speaking city to another—Bonn, Cologne, Hamburg, Munich, and Vienna—finding employment as a domestic servant before getting married and emigrating to the United States in 1927. Her only political activity seems to have been involvement in a "group of about 50 young people" (Walther, Anna 1942:7) in Vienna that supported a new—but democratic—social order in the wake of the devastation of the First World War. Furthermore, the timeline she provided indicated that her period of residence in Vienna (and her accompanying political activity) ended when she was just 15 years old—in 1923. While this testimony should have removed any suspicions of espionage work on behalf of Austria or support for Hitler, the board's follow-up questions reveal a complete ignorance of contemporary European politics. Incredibly, Walther was next asked if "the *Anschluss* had taken place" (Walther, Anna 1942:8), an event that did not occur until 1938—a full 11 years after her arrival in the United States.



4 Before her arrest as an alien enemy, naturalized US citizen Nikky Walther participated in Red Cross events like this one, preparing surgical dressings for wounded soldiers. Photo courtesy of Hawaii War Records Depository, Hamilton Library, University of Hawai'i at Manoa.

Despite the board's confusion and the anonymous allegations provided to the FBI, Nikky Walther's case probably would have ended in a decision of release on parole, if not for a peculiar turn of events. John Cass Stevens, called as a witness in support of the internee just an hour earlier, was asked to return as a government witness, resulting in the removal of the internee from the room. Once again, Stevens confirmed that Nikky Walther had "never once" indicated any admiration for Hitler, and had consistently expressed herself "very badly at the German attitude" (Walther, Anna 1942:26). However, this time the witness claimed that he had been "over-entertained" at the Walthers' home, adding that "there was a little too *much* Americanism" (Walther, Anna 1942:26) voiced in his presence. One can only wonder whether George E. Allen or another FBI agent convinced Stevens to suddenly resurface at the hearing with a radically revised version of his testimony. The hearing board immediately arrived at a new verdict: "as in the case of her husband... there was abundant evidence of expressions of loyalty to the United States which to the board seemed excessive, raising questions as to their sincerity" (Walther, Anna 1942:27).

Although one of the board's civilian members officially dissented, the local chiefs of the three federal intelligence agencies upheld the majority decision for continued internment (Walther, Anna 1942). Hence, a new precedent was set: not only could US citizens be interned for acts of disloyalty, they could also be punished for an apparent *excess* of patriotic loyalty.

The Pains of Internment

The internment experience tore apart Hawai'i's families, even in cases in which a husband and wife were both subject to detainment. One poignant example can be found in a letter sent to the International Red Cross by a group of 13 male US citizens interned at Camp McCoy. The internees—all Hawai'i residents—expressed hope at “establishing communication with [their] wives and sister” who had “all been detained in Honolulu” prior to the men's forced departure to Wisconsin. After informing the Red Cross that mail communication had been “hopelessly interrupted,” the petition closes with a simple yet heartfelt entreaty: “please tell us where our wives are” (Walther, Gunther 1942).

Just as married couples were divided, so too were parents separated from their children. When a hearing board recommended the internment of Kurt and Margaret Moderow for the war's duration, its members noted that the couple had “no known relatives [in Hawai'i] to properly take care of their child.” The board therefore pleaded with wartime authorities to devise “some arrangement” that would allow the three-and-a-half-year-old Kurt Jr. to “stay with [his] mother during the period of internment” (Moderow 1942). However, other young children—their parents having been whisked away at a moment's notice—were left to fend for themselves amidst the chaos and confusion that followed the attack on Pearl Harbor. When the FBI arrested Joe and Dora Pacific on December 8, the couple's nine-year-old daughter remained alone at home (Morrison and Knerr 1990; Pacific 1994). Similarly, when agents picked up Fred and Bertha Berg later that evening, they left seven-year-old Anita in the care of her 11-year-old sister, Doris, with both children assuming for weeks that their parents had been killed (Nye 2009a, 2009b). Interned US war veteran Mario Valdastri was not permitted to attend the wedding of his only daughter, Frances, whose life was tragically cut short in an automobile accident before her father's release. Mario's son later wrote that his mother, Josephine, “never forgave them for what they did to [their family]” (Valdastri 2001:151).

Material losses were also severe. Previously prosperous families fell into poverty, as their incomes were halted and their assets frozen. Herb and Nikky Walther lost their car, home, and furniture for failing to meet payments while interned (Morrison and Knerr 1990; Fox 2007). Faced with the same predicament, Joe Pacific lost his shoe and luggage repair shop (Morrison and Knerr 1990). Before the war, Bertha Berg had run a successful nursing home in Nuuanu, but she was unable to prevent her enterprise from collapsing while she wasted time away on Sand Island (Nye 2009a). Just like their Japanese counterparts, German and Italian internees continued to experience the social stigma of internment after the war, repeatedly encountering obstacles to gainful employment. Otto Orenstein was rejected for a job with the Bank of Hawai'i due to his internment history, while his father, Ernst, missed out on several business opportunities before eventually finding work on a neighbor island sugar plantation (Fox 2007). Fred Berg—who had earned a Master's degree at the University of Cologne—was dismissed from a position at a Coca Cola bottling factory after the war out of fear that he might poison the beverages (Fox 2007; Nye 2009a).

Conclusion

The hearing board records of US citizens interned as German and Italian enemies demonstrate how the rule of martial law impinged upon civil liberties in ways that distinguish the Hawai'i case from narratives of wartime confinement on the continent. In martial law Hawai'i, where Japanese nationals and Japanese Americans accounted for over 37 percent of the civilian population, wartime leaders implemented a policy of selective internment thoroughly unlike what unfolded in the 48 states, where the proportionately smaller Japanese American population was forcibly “relocated” *en masse*. While authorities on the US mainland carried out a more limited incarceration of individuals in the country's enormous German and Italian communities, members of these comparatively tiny ethnic groupings in the Hawai'i an Islands faced a much higher probability of confinement. Although it is clear that on the US West Coast “Japanese Americans were initially interned on far slimmer evidence than German Americans” (Hayashi 2004:77), what transpired in Hawai'i was closer to the reverse.

The point here is not to engage in a discourse of competitive victimization. When one considers the cultural suppression faced by Hawai'i's much larger Nikkei population, including the censorship of newspapers and closure of language schools, shrines, and temples (Nishigaya and Oshiro 2014)—one can only conclude that the Japanese American community of Hawai'i faced the most severe and “manifest deprivation of

constitutional liberties” (Scheiber and Scheiber 1997) in wartime Hawai‘i. Indeed, while the maltreatment of naturalized US citizens of European descent warrants our attention, it is worth noting that Japanese Issei were not even eligible for American citizenship, due to anti-Asian prejudice and discriminatory immigration laws. J. Edgar Hoover’s attempt to find legal justification for his “Alien Enemy Control” program in Section 21, Title 50 of the US Code—otherwise known as the Alien Enemies Act of 1798—was an outright sham. This law only empowered the federal government to detain foreign nationals whose country was at war with the United States, and not to incarcerate lawful US citizens—whether they were of German, Japanese, or any other heritage—on the mere assumption that they could not be trusted.

The evidence presented here challenges the notion that wartime internment in Hawai‘i occurred merely as a manifestation of a protracted “race war” (Okimoto 1992:272) against people of Japanese ancestry. Instead, it seems that outside pressure to respond to a security threat in the island territory—combined with bureaucratic inertia—resulted in the arrest, incarceration, or removal of more than 2,500 innocent local residents under the authority of martial law (Rosenfeld 2011a). At least 135 civilians of European heritage were arrested in the Territory of Hawai‘i and subsequently detained at the Honolulu Immigration Office and in army-run internment camps on Sand Island and at Honouliuli,⁶ but this was hardly the result of a deeper level of prejudice against Germans and Italians in Hawai‘i than existed on the continent. In fact, although these local residents were portrayed publicly as German and Italian “alien enemies,” Hawai‘i’s wartime confinement sites held internees from a wide range of national and cultural heritages. In addition to ethnic Germans, Italians, and—of course—Japanese, one could find people of Austrian, Danish, Finnish, Irish, Korean, Lithuanian, Norwegian, Okinawan, and Swedish descent in Hawai‘i’s camps, in addition to European Jews escaping Nazi persecution. In line with the findings of more recent studies of internment (Hayashi 2004; Scheiber et al. 2009), the diversity of this pool of internees suggests that racial bigotry—while it existed—played a less decisive role than the first wave of scholars tackling this topic surmised.

One cannot underestimate the degree of pressure officials in Washington, DC exerted on Hawai‘i’s military government in an effort to implement a much more comprehensive internment program. Navy Secretary Frank Knox was far from alone in his repeated demands for a mass incarceration or evacuation of the islands’ Nikkei civilians (Weglyn 1976; Fox 1988; Kashima 2003; Scheiber and Scheiber 1997;

Robinson 2001; Scheiber et al. 2009). Those joining him in calling for harsher measures in the territory included US Army Chief of Staff General George C. Marshall (Weglyn 1976; Robinson 2001; Scheiber et al. 2009) and President Franklin D. Roosevelt (Weglyn 1976; Robinson 2001; Kashima 2003; Coffman 2003; Kashima 2008). Yet Military Governor Delos Emmons continually dragged his heels on the issue, citing labor needs, logistical problems, the danger of transport, war priorities, and any other excuse he could muster (Commission 1997; Scheiber and Scheiber 1997; Robinson 2001; Kashima 2003; Coffman 2003; Scheiber et al. 2009). In this sense, Emmons has rightly been described as the “shield of Hawai‘i’s Nisei” (Coffman 2003:79), even if he was motivated more by pragmatism than a love of liberty. Similarly, Robert L. Shivers and his staff at the Honolulu FBI—while serving as willing cogs in Hoover’s disingenuous “Alien Enemy Control” program—simultaneously supported Emmons’s more moderate approach to Nikkei internment, assuring federal investigators that Hawai‘i’s Japanese American population was “98% loyal” to the United States (Weglyn 1976; Robinson 2001).

When it came to the islands’ German and Italian residents, however, the bureaucratic brush was far too broad and the arms of the American intelligence agencies far too clumsy to accurately delineate the lines between friend and foe within these small communities. “Mass” internment in this case was entirely possible and the custodial detention lists were already drafted. When war hostilities ensued with the attack on Pearl Harbor and paranoia reigned in the days and weeks that followed, the FBI and MID moved to apprehend and detain the entire lot. The arrest of Bernard Julius Otto Kuehn—a German citizen who was eventually tried and convicted of spying on behalf of the Japanese (Fox 2007)—coupled with the embarrassment of the Klaus Mehnert affair doubtlessly convinced intelligence officers that Germans in Hawai‘i posed a genuine security risk. At the very least, the pressure to show results was real, and Honolulu FBI agents’ wave of arrests in early December 1941 earned them the public praise of bureau chief J. Edgar Hoover (Hoover 1943—1944).

Operating in the midst of a war zone where the threat of an impending Japanese land invasion was taken seriously—at least, in the immediate aftermath of the Pearl Harbor attack—the authorities’ unwavering emphasis on security was not entirely irrational or unfounded. But evidence suggests that law-abiding citizens, patriotic Americans, and productive community members greatly outnumbered the actual “alien enemies” inside of Hawai‘i’s camps. In fact, 33 of the 36 “German” and “Italian” internees

whose names appear on camp rosters and reports from Honouliuli were US citizens.⁷ More important, for all of the innocent civilians confined behind barbed wire in Hawai‘i—including the more numerous Japanese and Japanese American detainees—wartime arrest and incarceration constituted a grave injustice, with consequences that lasted far longer than the duration of their internment. It is incumbent upon the rest of us to learn from their experiences so that their suffering did not occur in vain.

Above all, their stories teach us that we are all potentially at risk. When faced with war, martial law, and the institutionalization of fear and distrust, neither citizenship nor a pristine record of civic duty were enough to ensure an individual of escaping the FBI’s dragnet. In such circumstances, it is the responsibility of each and every one of us who cherish our democratic freedoms to break the silence—to speak out in defense of those whose voices have been muted and in support of the values we cherish.

Notes

1. Gary Okihiro (1992) takes the added step of indicating the location of the hearing board transcripts in his endnotes to *Cane Fires: The Anti-Japanese Movement in Hawai‘i, 1865-1945*, but he does not provide any discussion of individual cases.
2. These figures were originally provided by W. F. Kelly, assistant commander of Hoover’s “Alien Enemy Control” program (Kashima 2003:124). This total does not include an additional 120,000 people of Japanese descent who were forcibly “relocated” into War Relocation Authority camps.
3. Hundreds of internee hearing board transcripts from the Territory of Hawai‘i can be found in National Archives and Records Administration II in College Park, MD, Record Group 389, Entry 461, Boxes 2605-2646, 1941-1943 and in Record Group 494, Entry 19, Boxes 194-272, 1941-1943. Each transcript begins with the names of the hearing board members.
4. Examples of this can be found in individual hearing board transcripts of Celia Iaculli Ventrella (1942) and Minosuke Hanabusa (1942).
5. One rare exception can be found in the case of Yasutaro Soga, editor and publisher of the *Nippu Jiji* newspaper. Although the three civilian members of Soga’s board recommended that Soga be paroled, the FBI/MID/ONI reviewers sided with

the lone dissenting voice of the board's army officer and ruled in favor of continued internment. Soga's hearing board transcript can be found in Soga (1942).

6. I have compiled a master list of 139 "German" and "Italian" internees in Hawai'i based on archival records. Of these 139, 1 was able to cross-check all but four people whose names appeared in records only once. The complete list, entitled "Hawai'i Internment: Caucasian Internee Database," is available at the Japanese Cultural Center of Hawai'i Resource Center.

7. The three exceptions include (1) Friedel Kuehn, who was shipped to the continental United States immediately after the opening of the Honouliuli site, (2) Norwegian composer Alf Hurum, and (3) Alexander Varis, who had obtained US citizenship using an assumed name and a stolen birth certificate. For camp reports, see especially Military Police (1941-1945).

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