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Barbed-Wire Beaches: Martial Law and Civilian Internment in Wartime Hawai‘i

By Alan Rosenfeld

Trouble in Paradise

Mentioning the name "Hawai‘i" typically conjures up images of white sandy beaches flanking an iridescent ocean teeming with coral and fish—in short, a tropical paradise. At first thought, the notion of Hawaiian coastlines littered with gun emplacements and enveloped in barbed wire seems a bit incongruous. However, the islands of Hawai‘i—and O‘ahu in particular—have played a crucial strategic role in the United States' geopolitical machinations in the Pacific region for more than a hundred years. The American militarization of Hawai‘i reached its zenith during the Second World War, with the islands being transformed into the principal training site, staging grounds, and supply point for the American war in the Pacific.¹ By the war's end, the United States military owned or controlled 390,000 acres (1,250 km²) of land, and armed forces personnel accounted for more than 43 percent of the territory's overall population, not including the hundreds of thousands of American sailors afloat in the Central Pacific.² Despite overcrowding, housing shortages, and the seizure of public facilities, the most unsettling aspect of militarization of Hawaiian society for local residents was the institution and persistence of martial law. Initiated just hours after the Japanese attack on Pearl Harbor (and military installations across the island of O‘ahu), and continuing for thirty-four months, martial law prompted curfews, censorship, and the closure of Hawai‘i's civil courts.

Under the auspices of martial law, the Territory of Hawai‘i also functioned as the principal mid-Pacific transfer and holding site for prisoners of war, alien enemies, and mistrusted U.S. citizens. By war's end, more than 17,000 individuals—mostly POWs—had found themselves trapped behind barbed wire on the Hawaiian Islands, including 5,000 Italian soldiers and nearly 2,700 Koreans conscripted into the

¹ Gwenfread Allen, *Hawaii's War Years* (Kailua: Pacific Monograph), 207.

² Allen, *War Years*, 231-235. Allen reports a peak population of 550,000 American soldiers in the Central Pacific region in the spring of 1945.

Japanese Army, often as reluctant laborers.³ This essay, however, will focus more closely on Hawai'i's civilian residents, more than 2,500 of whom experienced some form of internment or trans-Pacific removal during the war, primarily due to their ethnic identities.⁴ In the dominant narrative of World War II-era internment in the United States, Hawai'i's story is typically reduced to that of an uplifting counterpoint to the mass relocation of Japanese Americans living on mainland west coast. In Hawai'i, so the tale goes, the "spirit of aloha prevailed," keeping race relations on cordial terms and ensuring that no more than 1 percent of the islands' ethnic Japanese population suffered the pains and misfortunes of internment.⁵ Unfortunately, this romantic portrayal of events obscures a more sobering—yet illuminating—reality.⁶ The task set forth here is to reexamine Hawai'i's internment story as a crucial historical lesson in its own right, while situating Hawai'i's wartime experience within a comparative and global historical framework.

Wartime Hawai'i was a veritable social laboratory, distinct from the continental United States in numerous ways, owing to its indigenous host culture, its territorial status, and its overwhelmingly—79 percent—non-Caucasian population.⁷ Such was the environment in which the institution of martial law and implementation of civilian internment tested the boundaries of citizenship and national belonging for Hawai'i's non-Anglo communities, particularly those of Japanese descent. Although leading officials such as Military Governor Delos Emmons and Federal Bureau of

³ Allen, *War Years*, 221. For details on the composition of the territory's 16, 216 prisoners-of-war, see Provost Marshal Section, "Vital Statistics – POW Compounds, Prisoners-of-War and Internees in Hawaiian Islands, 12/7/41-9/2/45," Japanese Cultural Center of Hawai'i (hereafter cited as JCCH), Japanese Internment and Relocation: The Hawai'i Experience (hereafter cited as JIRHE) Box 9, Folder 30.

⁴ Tetsuden Kashima, "Introduction," in Yasutaro Soga, *Life Behind Barbed Wire: The World War II Internment Memoirs of a Hawai'i Issei* (Honolulu: University of Hawai'i Press, 2008), 10. Kashima counts 2,092 ethnic Japanese civilians removed from Hawai'i to internment and relocation camps on the U.S. continent, plus an additional 300 civilians who remained interned at the Honouliuli Detention Camp on O'ahu. To this number I have added 130 ethnic German and Italian residents of Hawai'i who were interned—for varying durations—on the island of O'ahu during the war. Additional civilians remained interned on the neighbor islands of Hawai'i (at Kilauea Military Camp), Kaua'i (Kalaheo Stockade), and Maui (Camp Haiku). For precise daily totals of internees at the Sand Island and Honouliuli camps, see National Archives and Record Administration (hereafter cited as NARA) Records Group 494, Boxes 334-336.

⁵ See especially, Commission of Wartime Internment and Relocation of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* (Seattle: University of Washington Press, 1997), 261. Evidence is now clear that more than 1 percent of Hawai'i's ethnic Japanese population spent time in internment camps, whether as "internees" or "evacuees."

⁶ Commission, *Personal Justice Denied*, 261.

⁷ See Army Contact Office, "Japanese Population in Hawaiian Islands, 1942," compiled by the Office of Civilian Defense (hereafter OCD) from January to April 1942, JCCH, JIRHE Box 8, Folder 13.

Investigations (FBI) Honolulu bureau chief Robert Shivers resisted the type of blanket forced-relocation program implemented on the mainland west coast, the unfolding of civilian internment in Hawai'i demonstrates that racial and ethnic markers often outweighed one's citizenship status.⁸

Hawai'i was coded in the American imaginary as a romantic and exotic getaway, but also as a place of danger and racial otherness.⁹ Arriving with lofty expectations of an island paradise stoked by Hollywood films and the advertising industry, soldiers and war workers from the U.S. mainland often found it difficult to navigate a social landscape in which "whiteness" was not the norm.¹⁰ Officials in Washington D.C. were leery of the islands' multi-ethnic composition, especially the 159,000 ethnic Japanese residents who formed 38 percent of the territory's total population.¹¹ There were even officials in the nation's capital who preferred to strip the island community of its civil liberties en masse, with Secretary of the Navy Frank Knox going so far as to recommend "taking all of the Japs out of O'ahu and putting them in a concentration camp on some other island."¹² Opponents to such a massive internment program included General Emmons, who cited labor needs and shipping challenges in an attempt to forestall a plan that—as Knox envisioned it—would have entailed the incarceration of more than 90,000 civilians.¹³ Nevertheless, similar plans for mass internment received support from Army leaders and President Franklin D.

⁸ For General Emmons's and Assistant Secretary of War John J. McCloy's arguments against a more comprehensive internment of Hawai'i's Japanese population, see Harry N. Scheiber and Jane L. Scheiber, "Constitutional Liberty in World War II: Army Rule and Martial Law in Hawaii, 1941-1946," *Western Legal History* 3 no. 2 (Summer/Fall 1990), 350-351; Commission, *Personal Justice Denied*, 262, 265, 269-274; and Tetsuden Kashima, *Judgment Without Trial: Japanese American Internment during World War II* (Seattle: University of Washington Press, 2004), 75-78.

⁹ The image of Hawai'i as a romantic and exotic island paradise crystallized in pre-war Hollywood films such as *Waikiki Wedding*, a 1937 release starring Bing Crosby. For an excellent discussion of the Hawaiian Pineapple Growers Association's marketing strategies in the continental United States, see Gary Okihiro, *Pineapple Culture: A History of the Tropical and Temperate Zones* (Berkeley and Los Angeles: University of California Press, 2009), 143-152.

¹⁰ For more on the topic of white soldiers' experiences in wartime Hawai'i, see especially Beth Bailey and David Farber, *The First Strange Place: Race and Sex in Hawaii in World War II* (Baltimore: Johns Hopkins University Press, 1994), 15-19.

¹¹ See Army Contact Office, "Japanese Population, 1942."

¹² Commission, *Personal Justice Denied*, 272

¹³ For figures regarding the territory's ethnic Japanese population, broken down by island, see Army Contact Office, "Japanese Population." More than 70,000 of O'ahu's 90,000 ethnic Japanese residents were United States citizens.

Roosevelt himself, even though more than three-quarters of the would-be victims were American citizens.¹⁴

Much like the attack on Pearl Harbor in 1941, the events of September 11 forced American citizens to reconsider the relationship between personal freedoms and national security. The horror of December 7 and September 11 prompted ethnic mistrust and discrimination that tested the resilience of Americans' theoretical commitment to multiculturalism. Wartime Hawai'i, with its ethnically diverse population, thus provides a crucial historical reference point for teachers to engage their students in issues of continued concern: How can democratic states ensure national security without violating civil liberties? How do we navigate the space between citizenship and national belonging? Once freedoms have been seized or surrendered in the name of security, how can concerned citizens and state officials work to restore and revitalize them? Hawai'i's experience with martial law and internment provides an instructive case study in response to these questions.

While narratives of wartime internment typically center on President Roosevelt's February 1942 Executive Order 9066—authorizing the relocation of some 120,000 ethnic Japanese civilians from the U.S. west coast—this development mattered little in the Territory of Hawai'i. Far from resulting from an outpouring of aloha, the absence of a comprehensive internment program in Hawai'i can be explained by the simple fact that martial law largely rendered it redundant. Under the terms of Hawai'i's Organic Act, Governor Joseph Poindexter placed the U.S. territory under martial law on the afternoon of December 7, transferring power to General Walter C. Short, amidst fears of an impending Japanese land invasion.¹⁵ For the next thirty-four months, military commanders governed the islands through a series of directives and general orders.¹⁶ The reign of martial law thus transformed the entire island chain of

¹⁴ For more on Secretary Knox's efforts to intern the entire Japanese population of Oahu and President Roosevelt's position on the matter, see Commission, *Personal Justice Denied*, 264-265, 269-274; and Scheiber and Scheiber, "Constitutional Liberty," 349. For Army leaders' efforts to secure authorization for a concentration camp on the island of Molokai, see Commission, *Personal Justice Denied*, 270.

¹⁵ For more on the declaration of martial law and the transfer of power, see Kashima, *Judgment Without Trial*, 69; Commission, *Personal Justice Denied*, 263-264; Dorothy Ochiai Hazama and Jane Okamoto Komeji, *Okage Sama De: The Japanese in Hawai'i, 1885-1985* (Honolulu: Bess Press, 1986), 123; and Gavan Daws, *Shoal of Time: a History of the Hawaiian Islands* (Honolulu: University Press of Hawai'i, 1968), 344.

¹⁶ See Commission, *Personal Justice Denied*, 266; Allen, *War Years*, 188-189; and Scheiber and Scheiber, "Constitutional Liberty," 346-347.

Hawai'i into a veritable police state, placing the territory's 400,000 civilians under direct control of the United States Armed Forces.¹⁷

Preparations for martial law in the Territory of Hawai'i, including the internment of civilians, commenced long before the Japanese bombing of Pearl Harbor. Preliminary steps consisted of assigning responsibilities, procuring facilities, and creating custodial detention lists of ostensibly dangerous civilians. As early as March 1941, the Justice and War Departments started to develop plans for the internment of enemy aliens in the U.S. territories of Alaska, Hawai'i, the Panama Canal Zone, the Philippines, and Puerto Rico, finalizing an agreement on the precise division of responsibilities in July.¹⁸ With a war in the Pacific region looming, Secretary of War Henry J. Stimson wrote to Surgeon General Thomas Parran Jr. in May to request transfer of Honolulu's immigration building and its quarantine station on Sand Island in the event that "Army authorities are directed to take over internment of enemy aliens."¹⁹

The FBI, under the leadership of J. Edgar Hoover, spearheaded internment preparations in motion across the United States long before Pearl Harbor. Central to Hoover's project was the creation of custodial detention lists of individuals whom he felt "may become potential enemies to our internal security."²⁰ In addition to Axis nationals, these lists included numerous U.S. citizens,²¹ with Hoover publicly expressing concern over what he termed, "the naturalized citizen whose cloak of citizenship is a sham and is dangerous to the nation's security."²² With its sizeable Japanese population, Hawai'i became a focal point for Hoover's nationwide "Alien

¹⁷ For population data, see Army Contact Office, "Japanese Population, 1942"; and Scheiber and Scheiber, "Constitutional Liberty," 342.

¹⁸ Secretary of War Henry Stimson, "Letter to Attorney General," 7 March 1941, NARA Record Group 407; "Recommendations of Representatives of the War Department and of the Department of Justice for Cooperation Respecting Internment of Alien Enemies," 26 March 1941, NARA Record Group 407; Judge Advocate General Allen W. Gullion, "Memorandum for the Assistant Chief of Staff," 12 May 1941, NARA Record Group 407; and "Joint Agreement of the Secretary of War and the Attorney General Respecting Internment of Alien Enemies," 18 July 1941, NARA Record Group 407. All of these documents can be found in JCCH, JIRHE Box 6. See also Kashima, *Judgment Without Trial*, 23-26; and Stephen Fox, *Fear Itself: Inside the FBI Roundup of German Americans during World War II* (Lincoln: iUniverse, 2007), xxxviii.

¹⁹ See Henry L. Stimson, "Letter to Thomas Parran," 9 May 1941, NARA Record Group 407, JCCH, JIRHE Box 5. See also Kashima, *Judgment Without Trial*, 72.

²⁰ J. Edgar Hoover, as quoted in Kashima, *Judgment Without Trial*, 21-22. For more on Hoover's preparation for civilian internment, see Fox, *Fear Itself*, xxxii-xxxvii.

²¹ See Kashima, *Judgment Without Trial*, 124.

²² See J. Edgar Hoover, "Alien Enemy Control," *Iowa Law Review* 29 (1943-1944), 407.

Enemy Control Program." In fact, the creation of custodial detention lists provided the impetus for the reestablishment of the FBI's Honolulu field office in August 1939. Special Agent in Charge Robert L. Shivers, newly arrived from Miami, collaborated with the Office of Naval Intelligence (ONI) and the army's Military Intelligence Division (MID) to gather the names and addresses of civilians in Hawai'i deemed to be dangerous in the event that war broke out.²³

Owing to years of diligent—but covert—preparation, the Honolulu's FBI branch was able to move into action immediately on the afternoon of December 7, 1941. The roundup of civilians in Hawai'i commenced just hours after the attack on Pearl Harbor, aided by the declaration of martial law. In fact, Hoover ordered Hawai'i's FBI agents into action even before the United States proclaimed itself at war with Japan.²⁴ Agents arrested over two hundred members of the territory's Japanese community in a three-hour span on December 7, working, as J. Edgar Hoover described it, "with the greatest dispatch according to pre-arranged plans."²⁵ Sweeping arrests of ethnic Germans and Italians followed on December 8. Already by December 9, 473 local residents had been detained, including forty-three American citizens.²⁶ Hoover publicly referred to this roundup as part of his "Alien Enemy Control Program" and only acknowledged the detention of foreign nationals, but the arrest reports he received from the FBI's Honolulu office divided the internees neatly into lists of "citizens" and "aliens."²⁷

Although federal authorities undertook elaborate preparations for the apprehension of mistrusted civilians in Hawai'i, few arrangements were made for the actual detention of these individuals. Following an extended stay in the crowded confines of the Honolulu immigration station, the majority of Hawai'i's interned civilians were stationed in makeshift quarters on Sand Island, nestled comfortably inside of

²³ Kashima, *Judgment Without Trial*, 68. See also, Federal Bureau of Investigation Honolulu Homepage, "The Honolulu Division: A Brief History," <<http://honolulu.fbi.gov/history.htm>> (21 May 2010). For more on J. Edgar Hoover's involvement in civilian internment in Hawai'i, see J. Edgar Hoover, "Alien Enemy Control," *Iowa Law Review* 29 (1943-1944), 396-408.

²⁴ Kashima, *Judgment Without Trial*, 46-48, 69.

²⁵ Hoover, "Alien Enemy Control," 402.

²⁶ Kashima, *Judgment Without Trial*, 72. Gwenfread Allen reports 482 people taken into custody on the island of O'ahu alone by December 10. See Allen, *War Years*, 42.

²⁷ For an example of this, see R.L. Shivers, "Letter to Director of Federal Bureau of Investigation" and accompanying lists, 6 February 1942, FOIPA file 100-2-200. (File provided by Doris Berg Nye.)

Honolulu Harbor. Several hundred of the territory's local residents were packed into this five-acre site, which was surrounded by a fifteen-foot-high fence lined with barbed wire and guarded by American soldiers armed with machine guns.²⁸ Internees slept in tents, with cots laid directly on the coral floors. The island was vulnerable to flooding during heavy rains, causing internees' tents to fill up with water.²⁹ Sand Island inmates included two of Hawai'i's territorial legislators (Sanji Abe and Thomas Sakakihara) and several naturalized Americans of European birth who had served in the U.S. Armed Forces.³⁰ The ranks of "dangerous" civilian internees also featured refugees from Nazi-occupied Austria, such as Ernst and Zdenka Orenstein—a Jewish couple from Vienna—and their son, Otto, as well as architect Alfred Preis, who would later design Pearl Harbor's USS *Arizona* Memorial. Early accommodations on the island of Maui were not any better, as fifty-six internees were crammed into the recreation room of the county jail in Wailuku.³¹ Similarly, dozens of civilians on the island of Kaua'i were packed into the local county jail, where they initially slept on iron beds (without mattresses) and shared quarters with convicted criminals.³²

Hawai'i's Camps in Global Perspective

The proliferation of government-run detention camps was one of the most salient features of the Second World War, during which time an unprecedented number of human beings were confined to lives behind barbed wire. In addition to prisoner-of-war (POW) camps—which housed an estimated 35 million people during the war³³—

²⁸ Sand Island's internee population reached a peak of 456 exactly one year after the bombing of Pearl Harbor. See "Sand Island Roster," 7 December 1942, NARA Record Group 494, Entry 25, Box 334.

²⁹ For more on conditions at the Sand Island Detention Camp, see Soga, *Barbed Wire*, 29-65; Kashima, *Judgment Without Trial*, 74-75; Alfred Preis, "Interned: Experiences of an 'Enemy Alien,'" in Michi Kodama-Nishimoto, Warren Nishimoto, and Cynthia Oshiro, eds., *Talking Hawai'i's Story: Oral Histories of an Island People* (Honolulu: University of Hawai'i Press, 2009); and Kaetsu Furuya, interview by Japanese-American Resource Center, tape recording, Honolulu, HI, 11 November 1982, Hawaiian War Records Depository, Archives & Manuscripts Department, University of Hawai'i at Manoa (hereafter cited as HWRD), Japanese Internment and Relocation: The Hawai'i Experience, no. 233.

³⁰ Examples of internees who had served in the U.S. Armed Forces include Carl Armfelt, Arthur Baltrusch, Claude Lyderson, Mario Valdastrì, and Hans Zimmerman. Transcripts from individual hearing board sessions in which individual histories are discussed can be found in NARA, Record Group 389, Entry 461.

³¹ See "Reports Concerning Alien Enemies and Prisoners of War," 28 January 1942, JCCH, JIRHE Box 8, Folder 19.

³² See Coopman, "American Experiment"; Jukichi Inouye, interview by Japanese-American Resource Center, tape recording, Eleele, HI, 12 November 1982, HWRD, Japanese Internment and Relocation: The Hawai'i Experience, no. 236, 4; Furuya interview, 1-2.

³³ For a more detailed discussion of the treatment of POWs in the United States, see S.P MacKenzie, "The Treatment of Prisoners of War in World War II," *The Journal of Modern History* 66 no. 3 (1994), 487-520; and Matthias Reis, "Bronzed Bodies behind Barbed Wire:

there were a variety of evacuation and relocation centers, internment camps, displaced persons (DP) camps, concentration camps, and forced labor camps scattered across the globe.³⁴ Although the German invasion of the Soviet Union brought about a decline in the Gulag population, which appears to have peaked at 2.3 million, the expanding scale of war in Europe bolstered the rapid growth of other camp systems.³⁵

The most horrific example of World War II camp life was, undoubtedly, the Nazis' establishment of six massive extermination facilities in occupied Poland, created for the express purpose of genocidal murder. Although wartime captives in government custody perished in large numbers across the globe, nothing matches the scale or brutality of the Nazi camp system, through which an estimated 18 million individuals passed—and 11 million souls perished.³⁶ In the decades that followed, Hannah Arendt and Primo Levi (among others) made the important distinction between the six Nazi-run "death camps"—which they also dubbed "extermination camps" and "killing centers"—and the vast networks of concentration, labor, and POW camps that dotted the landscapes of warring and occupied nations.³⁷ Even the Hawaiian Islands, nestled in the middle of the Pacific Ocean, seven thousand miles away from the Nazi death camps, did not escape this transnational boom in state-run camps. It is important, however, to acknowledge that Hawai'i's wartime internment and POW camps did not resemble the death factories of Eastern Europe, either in terms of scale or function.

Nevertheless, studying the commonalities across camp systems can be a fruitful exercise, shedding light on the myriad ways in which state power may impinge upon the rights of individuals in times of war, whether they are soldiers or civilians, citizens or aliens. Common features among the different types of wartime camps included the

Masculinity and the Treatment of German Prisoners of War in the United States during World War II," *The Journal of Military History* 69 no. 2 (2005), 475-504.

³⁴ For a detailed study of the lives Holocaust survivors in German displaced persons camps, see Margarete Myers Feinstein, *Holocaust Survivors in Postwar Germany, 1945-1957* (New York: Cambridge University Press, 2010).

³⁵ Edwin Bacon, *The Gulag at War: Stalin's Forced Labour System in the Light of the Archives* (New York: New York University Press, 1994), 102-103. For data on the Soviet Gulag population in the 1930s, see Nick Baron, "Production and Terror: The Operation of the Karelian Gulag, 1933-1939," *Cahiers du Monde russe* 43 no. 1 (2002), 139-179.

³⁶ Doris Bergen, *War and Genocide: A Concise History of the Holocaust*, 2nd ed. (Lanham, MD: Rowman & Littlefield Publishers, 2009), 196.

³⁷ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1994), 87, 89, 93, 212, 214; Primo Levi, *Survival in Auschwitz: The Nazi Assault on Humanity* (New York: Touchstone Books, 1996), 27. For more on the emergence of the concept of the Holocaust during the course of the 1961 trial of Adolf Eichmann, as well as the emerging distinction between concentration camps and death camps, see Omer Bartov, "Defining Enemies, Making Victims: Germans, Jews, and the Holocaust," *The American Historical Review* 103 no. 3 (1998), 771-816.

absence of due process, dehumanization of the enemy, destruction of families, and varying levels of abuse, torture, and starvation. Framing questions along these lines allows us to compare—rather than equate—a wide range of state-run camp systems. To what degree were individual camp prisoners provided the opportunity and means to defend themselves in the courts? What types of strategies and practices were implemented to erode (or protect) prisoners' identities and self-respect? What efforts were undertaken to destroy (or preserve) family relationships? How effectively did camps meet prisoners' fundamental needs for food, shelter, and safety? How extensive was abuse and torture, both mental and physical?

Although it might seem inappropriate to characterize American wartime internment facilities as "concentration camps," contemporary officials and observers within the United States readily deployed this terminology. In fact, as early as 1936, President Roosevelt privately called for the creation of a "special list" of Japanese living in Hawai'i "who would be the first to be placed in a concentration camp in the event of trouble."³⁸ The president also twice described American internment facilities as "concentration camps" in public.³⁹ The "concentration camp" moniker was deployed during conversations between Army leaders and the Joint Chiefs of Staff regarding the creation of a massive internment facility on the island of Moloka'i.⁴⁰ In March of 1942 the Joint Chiefs of Staff ordered General Emmons to transport any ethnic Japanese civilians that might "constitute a source of danger" to the continental U.S. to be "placed under guard in concentration camps."⁴¹ Several years later, the plight of civilians still interned on the U.S. mainland prompted the *Chicago Tribune* to demand that "the organizers of the American concentration camps be called to account for their desecration of law and their sins against humanity."⁴² Many Hawai'i residents

³⁸ Gary Okiihiro, *Canefires: the Anti-Japanese Movement in Hawaii, 1865-1945* (Philadelphia: Temple University Press, 1991), 173.

³⁹ See Greg Robinson, *Tragedy of Democracy: Japanese Confinement in North America* (New York: Columbia University Press, 2009), viii.

⁴⁰ These plans never materialized, largely due to the objections of General Emmons. See Commission, *Personal Justice Denied*, 270.

⁴¹ Tetsuden Kashima, "Introduction," in Soga, *Barbed Wire*, 10.

⁴² *Chicago Daily Tribune* article, 14 January 1946, as quoted in Stephen Fox, *America's Invisible Gulag: A Biography of German American Internment and Exclusion in World War II* (New York: Peter Lang, 2000), 106.

remained cloistered inside of these camps on the U.S. mainland months after the end of hostilities with Japan.⁴³

The "concentration camp" designation has also become quite prevalent in subsequent scholarship on wartime internment in the United States.⁴⁴ Most notably, Tetsuden Kashima, who defines the concentration camp as "a barbed-wire enclosure where people are interned or incarcerated under armed guard," regards it as "the most accurate overall descriptive term" available.⁴⁵ The internment facilities established by the U.S. Army, the Department of Justice, and the War Relocation Authority (WRA)—both on the U.S. mainland and in Hawai'i—would all certainly meet Kashima's inclusive definition. Historian Stephen Fox favors the label "nationwide Gulag" to describe America's (less well-known) wartime internment of civilians of German descent "based solely on their ethnicity and opinions."⁴⁶ Either of these terms could also be applied to the wartime civilian internment programs developed in Canada and the United Kingdom. Canadian authorities rounded up 22,000 Japanese civilians on the west coast of British Columbia, while British officials examined 73,355 individuals—most of whom were Jewish or part-Jewish—and interned 22,000.⁴⁷

Sizeable as they might have been, Hawai'i's POW and internee populations constituted just a fragment of the more than half a million individuals confined behind barbed wire on American soil during the war. The largest segment of this total consists of an estimated 438,000 prisoners of war.⁴⁸ Although considerable public and

⁴³ A petition of 42 Hawai'i residents at the Santa Fe Internment Camp, dated 25 October 1945, can be found in NARA, Record Group 389, Entry 461, Box 2605.

⁴⁴ Examples include Kashima, *Judgment Without Trial*, 8; Richard Nishimoto and Lane Hirabayashi, *Inside an American Concentration Camp: Japanese American Resistance at Poston, Arizona* (Tucson: University of Arizona Press, 1995), xxi-xxii; Roger Daniels, *Concentration Camps: North America: Japanese in the United States and Canada During World War II* (Malabar, FL: Krieger Publishing, 1993); Richard Drinnon, *Keeper of Concentration Camps: Dillon S. Myer and American Racism* (Berkeley: University of California Press, 1987); and Paul Bailey, *City in the Sun: the Japanese Concentration Camp at Poston, Arizona* (Los Angeles: Westernlore Press, 1971). For a recent exception to this trend, see Robinson, *Tragedy of Democracy*, viii. Robinson prefers the terms "camp" and "confinement."

⁴⁵ Kashima, *Judgment Without Trial*, 8.

⁴⁶ Fox, *America's Invisible Gulag*, xv, xix. For other studies of the internment of ethnic Germans, see Fox, *Fear Itself*; Arnold Kramer, *Undue Process: The Untold Story of America's German Alien Internees* (Lanham, MD: Rowman & Littlefield Publishers, 1997); John Christgau, *Enemies: World War II Alien Internment* (Lincoln: University of Nebraska Press, 2009).

⁴⁷ For more on the wartime internment of ethnic Japanese residents in Canada, see Robinson, *Tragedy of Democracy*, especially 5-6, 40, and 171. Stephen Fox discusses internment in the United Kingdom in Fox, *Fear Itself*, xxxvii-xxxviii. Kramer discusses internment in Canada and the United Kingdom in Kramer, *Undue Process*, 15-21.

⁴⁸ This is a composite figure including 371,000 German POWs, 51,000 Italian POWs, 5,000 Japanese POWs interned on the U.S. mainland, and 11,000 Japanese, Korean, and Okinawan POWs in Hawai'i. Japanese POWs interned in Australia, New Zealand, or

scholarly attention has been directed at the forced "relocation" of 118,803 ethnic Japanese civilians away from the west coast into WRA camps,⁴⁹ the Department of Justice supervised the incarceration of an additional 31,899 individuals of Japanese (17,477), German (11,507), and Italian (2,730) ancestry under Hoover's Alien Enemy Control Program.⁵⁰ Despite the official name, many of those targeted were dual or naturalized American citizens. The U.S. State Department also pressured nineteen different Latin American governments to intern their Axis nationals, more than six thousand of whom were deported to the United States for prolonged internment and prisoner exchanges.⁵¹ Sadly, certain states—including Panama and British Honduras—"proved especially eager" to deport Jewish residents (of German ancestry) as enemy aliens.⁵²

Numbers, however, only tell part of the story. One must also consider the quality of life inside of each camp system, looking for evidence of dehumanization, starvation, and abuse. All told, the living conditions in Hawai'i's internment facilities were more favorable than other concentration camps. Swedish Vice Consul Gustaf Olson and representatives from the International Red Cross each conducted inspections of camps on O'ahu and Hawai'i's neighbor islands, and their reports were generally encouraging.⁵³ Inspectors praised the construction, cuisine, and medical care at Honolulu's Sand Island Detention Camp, which operated until early March 1943. Olson took three tours of Sand Island's replacement camp at Honouliuli, noting the installation of electricity and the "humane treatment [internees] received from camp guards."⁵⁴ The Swedish Vice Consul saved his strongest praise for Camp Haiku on the

Allied or American territories (other than Hawai'i) have been excluded. For a precise accounting of German POWs in the United States, see Reis, "Bronzed Bodies." For a detailed study of Italian POWs, see especially Louis Keefer, *Italian Prisoners of War in America, 1942-1946: Captives or Allies?* (New York: Praeger Publishers, 1992). For more information on Japanese POWs, see Ulrich Straus, *The Anguish of Surrender: Japanese POWs of World War II* (Seattle: University of Washington Press, 2003).

⁴⁹ This figure comes from Kashima, *Judgment Without Trial*, 136.

⁵⁰ These totals are provided by Kashima, *Judgment Without Trial*, 124.

⁵¹ For more on Latin American deportees, see Krammer, *Undue Process*, 98; Commission, *Personal Justice Denied*, 305-307; Kashima, *Judgment Without Trial*, 88-103; and Fox, *Fear Itself*, 217-225.

⁵² Fox, *Fear Itself*, 241.

⁵³ See Gustaf W. Olson, "Reports on Hawai'i Internment Camps," 19 June 1943 and 23 September 1943, JCCH, JIRHE, Boxes 7 and 8; Alfred L. Cardinaux, International Committee of the Red Cross, "Report on the Prisoner of War Camps on the Territory of Hawaii," 1 February 1945, JCCH, JIRHE, Box 9, Folder 27; and Sociétés de la Croix Rouge, "Detention Camp Sand Island" in *Revue Internationale de la Croix-Rouge: Bulletin International des Sociétés de la Croix Rouge* 25 no. 291 (March 1943), 213.

⁵⁴ Olson, "Reports," 19 June 1943.

island of Maui, describing it as "a delightful place," while adding that, "being on vacation at the time of my visit, I would have rather stayed there than return to the hotel in Wailuku."⁵⁵

Despite these positive reports, stories of suffering and mistreatment among Hawai'i's internees abound. Families were torn apart, with young children left to fend for themselves amidst the chaos and confusion that followed the attack on Pearl Harbor. When FBI agents arrested Joe and Dora Pacific on December 8, the couple's nine-year old daughter remained alone at home.⁵⁶ Similarly, when FBI agents picked up Fred and Bertha Berg—both American citizens—later that evening, they left seven year-old Anita in the care of her eleven year-old sister Doris, with both children assuming for weeks that their parents had been killed.⁵⁷ The Bergs remained confined behind barbed wire, separated from their children, until the summer of 1943.⁵⁸

Material losses were also severe. Internee families fell into poverty, as their incomes were halted and their assets frozen. Accountant Herb Walther and his wife, Nikki—naturalized citizens—lost their car, home, and furniture for failing to meet payments while interned.⁵⁹ Faced with the same predicament, Joe Pacific lost his shoe and luggage repair shop.⁶⁰ His boat seized, fisherman Minosuke Hanabusa of Wai'anae had to forge a new career after returning from more than three years of internment on the U.S. mainland.⁶¹ Bertha Berg saw a successful nursing home enterprise collapse while she wasted time away at two internment camps.

Internees continued to experience the social stigma of internment after the war, repeatedly encountering obstacles to gainful employment. Facing severe "financial

⁵⁵ Olson, "Reports," 23 September 1943.

⁵⁶ Susan Morrison and Peter Knerr, "Forgotten Internees," *Honolulu Magazine* (November 1990), 109; Interview with Joe Pacific, in Center for Oral History, *An Era of Change: Oral Histories of Civilians in World War II Hawai'i* Vol. 1 (Honolulu: Social Science Research Institute, University of Hawai'i, 1994), 163-189.

⁵⁷ Doris Berg Nye, interview by Japanese-American Resource Center, digital recording, Kapolei, HI, 5 December 2009, 16.

⁵⁸ Nye interview, 44.

⁵⁹ Morrison and Knerr, "Forgotten Internees," 112; Fox, *Fear Itself*, 63. For more on the freezing of internee assets in Hawai'i, see Hazama and Komeji, *Okage Sama De*, 87.

⁶⁰ Morrison and Knerr, "Forgotten Internees," 112.

⁶¹ Minosuke Hanabusa, interview by Japanese-American Resource Center, tape recording, Wai'anae, HI, 11 February 1982, HWRD Japanese Internment and Relocation: The Hawai'i Experience.

problems" after his release, former Japanese language school principal Kaetsu Furuya accepted a position as a "yardboy at Punahou School"—Barack Obama's alma mater—in an attempt to rebuild his life after the war. Banker Ernst Orenstein eventually found work on a sugar plantation, while Fred Berg—who held the equivalent a Master's degree in engineering from the University of Cologne—was dismissed from a position at a Coca Cola bottling factory due to fear that he might poison the beverages.⁶²

The treatment of internees inside of the actual facilities was far from ideal, especially during the first few weeks of America's entrance into the war. Civilians were surrounded by armed guards, who initially regarded their charges with contempt. Newspaper editor Yasutaro Soga later recalled the presence of one "cocky young MP, apparently fresh from the mainland," who ordered around the internees "like dogs with his bayonet."⁶³ Alfred Preis remembered the indignity of being forced to clean toilets with his bare hands.⁶⁴ Each internee received an official numerical designation (containing a combination of eleven or twelve letters and digits), and this marker was then stamped on internee clothing in white paint.⁶⁵ Prisoners were stripped naked for medical examinations that covered everything from the mouth to the anus.⁶⁶ Daily roll calls—conducted in undergarments—tested the discipline and endurance of the internees, many of whom were elderly or infirmed.⁶⁷ Finally, isolated from their families and cut off from contact with the outside world, Hawai'i's internees developed a variety of strategies for coping with their new nemesis: boredom.⁶⁸ Hundreds of interned ex-community leaders engaged in carpentry,

⁶² For more on Ernst Orenstein, see Fox, *Fear Itself*, 60; and NARA Record Group 494, Entry 19, Box 272. For more on Fred Berg, see Nye interview, 44–45.

⁶³ Soga, *Barbed Wire*, 28. See also interview with Alfred Preis in Kodama-Nishimoto, *Talking Hawai'i's Story*, 232.

⁶⁴ Interview with Preis in Kodama-Nishimoto, *Talking Hawai'i's Story*, 232.

⁶⁵ Soga, *Barbed Wire*, 45, 72.

⁶⁶ See Furuya interview, 3; and Soga, *Barbed Wire*, 68.

⁶⁷ For more on the roll calls, see Soga, *Barbed Wire*, 30–34; and Furuya interview, 2–3. Furuya claimed that the roll calls caused the death of Kaua'i resident Kokubo Takara, who perished at the Sand Island camp. See JCCH, JIRHE Box 3, Folder 61.

⁶⁸ See Soga, *Barbed Wire*, 35–36, 61. Soga claims that Sand Island internees were not allowed family visits until after May 25, 1942. Family members were permitted to visit the Honouliuli site once a month. Internees on the islands of Kaua'i and Maui were allowed more frequent family visits.

gardening, and daily chores to avoid—as internee William Senda put it—spending "day after day in idleness" behind barbed wire.⁶⁹

Legal Challenges in Martial Law Hawai‘i

Although most civilians initially welcomed the curtailment of civil liberties in exchange for an improved sense of security, tensions eventually surfaced over the military's suppression of the judicial system. In what was arguably the most significant aspect of martial law, Hawai‘i's military leaders abolished trial by jury, suspended the privilege of habeas corpus, and prevented civil courts from carrying out their normal judicial functions.⁷⁰ Peacetime courts were replaced with a military commission and provost courts that hardly functioned as paragons of justice. Hawai‘i's provost courts, which heard 37,000 civilian cases, typically featured a single military officer (or plantation manager) serving as judge.⁷¹ There were no warrants, no written charges, no juries, and no rights to appeal. Provost judges advised defendants not to procure lawyers. Without such "formalities" of jurisprudence, the average trial time was reduced to five minutes and guilty verdicts were handed down in over 90 percent of the cases. Sentencing included such unconventional punishments as compulsory war bond purchases and blood donations.⁷² The legal obstacles faced by Hawai‘i's interned civilians were thus significantly more imposing than those on the American mainland.

Hawai‘i's civilian internees were able to plead their cases in front of hearing boards, but these makeshift courts did not provide defendants any of the rights guaranteed under the Sixth Amendment. The agreement hammered out by the Justice and War Departments before the war stipulated that internees in Hawai‘i be entitled to legal counsel for their hearings, but they were forced to do so at their own expense.⁷³ Few internees had the means to hire an attorney, and those that did were still denied access to state's evidence and were unable to confront the anonymous witnesses who had

⁶⁹ William J. Senda, interview by Ben Asakawa, 1982, *Kana‘i Times*, JCCH, JIRHE.

⁷⁰ See Garner Anthony, "Martial Law, Military Government and the Writ of Habeas Corpus in Hawai‘i," *California Law Review* 31 no. 5, 481; Commission, *Personal Justice Denied*, 267-268; and Scheiber and Scheiber, "Constitutional Liberty," 344, 346.

⁷¹ This figure comes from Allen, *War Years*, 206.

⁷² For a comprehensive discussion of the provost courts, see especially Scheiber and Scheiber, "Constitutional Liberty," 352-353.

⁷³ See Kashima, *Judgment Without Trial*, 73. Kashima asserts that "no records were found of any person asking for or receiving such representation," but this claim is not accurate. For an example of an internee who hired an attorney for his hearing, see Yasutaro Soga's hearing board transcript in NARA Record Group 389, Entry 461, Box 2637.

testified against them.⁷⁴ As a result, Hawai'i internees have depicted their hearings as mere interrogation sessions. There are even accounts of military officers threatening defendants with brandished weapons and forcing them to sign false declarations.⁷⁵

While hearing boards for interned civilians were established across the country, only in martial law Hawai'i did army officers accompany the three standard civilian board members.⁷⁶ Boards received considerable procedural autonomy and cases ranged anywhere from fifteen minutes to four days.⁷⁷ Internees in Hawai'i—unlike those on the mainland—went through a two-stage process, with the final decision on parole or internment resting in the hands of a committee composed of members of the FBI, ONI, and MID—the very same organizations that had created the custodial detention lists in the first place. As such, even in cases in which the hearing board ruled in favor of an internee, the decision could be—and often was—overturned behind closed doors by a committee comprised entirely of state agents.⁷⁸

The case of internee Hans Zimmerman is particularly illuminating, as it constituted the first of several legal challenges to martial law in Hawai'i, eventually reaching the U.S. Supreme Court.⁷⁹ Zimmerman's case did not challenge the legality of martial law on December 7, 1941, but rather the military leadership's continued obstruction of the civil courts after the territory was no longer in "imminent danger" of attack or rebellion.⁸⁰ Like many others, Zimmerman—a naturalized U.S. citizen and U.S. Army veteran—was picked up by FBI agents on December 8 under the pretext of martial

⁷⁴ Hundreds of Hawai'i hearing board transcripts can be accessed in NARA Record Group 389, Entry 461.

⁷⁵ For examples of this, see Allen, *War Years*, 146; The man Allen refers to was probably Carl Armfelt, a count of Swedish and Finnish ancestry, who was a U.S. citizen by birth. For more on Armfelt, see NARA Record Group 389, Entry 461, Box 2607. For other examples of internees being intimidated or threatened at gunpoint, see Kwantoku Goya, as quoted in Commission, *Personal Justice Denied*, 279; and Doris Berg Nye, interview by JCCH, 4 March, 2009, 59.

⁷⁶ Kashima, *Judgment Without Trial*, 73-74.

⁷⁷ Commission, *Personal Justice Denied*, 278.

⁷⁸ Kashima, *Judgment Without Trial*, 68-69, 73-74. Numerous examples of hearing board recommendations for parole being overruled by a committee of FBI, ONI, and MID representatives can be found in the hearing board transcripts contained in NARA, Record Group 389, Entry 461. This was also the case for fisherman Minosuke Hanabusa, whose hearing board transcript can be found in NARA Record Group 494, Entry 19, Box 194.

⁷⁹ For more on the *Ex parte Zimmerman* case, see Anthony, "Martial Law," 483-486; Scheiber and Scheiber, "Constitutional Liberty," 355-357; and Mitch Yamasaki, "Martial Law in the United States: A Brief Overview," in Judicial History Center, *Hawai'i Under Martial Law: A Humanities Exhibit* (Honolulu: Judicial History Center, 1991), 32-33.

⁸⁰ Allen, *War Years*, 199.

law, without ever being shown the evidence or charges against him and without proper access to legal counsel.⁸¹ Zimmerman's wife, Clara, filed for a writ for habeas corpus with the Federal District Court in Honolulu in February 1942, as the military prepared to transfer Hans—and hundreds of others—to an internment camp on the U.S. mainland.⁸² With armed soldiers crowding his courtroom, Judge Delbert E. Metzger declined to issue the writ, even though he stated that Hans Zimmerman was entitled to one "as a matter of course." In denying the writ, Metzger declared his court to be held "under duress" by Hawai'i's military rulers, unable to carry out its functions "in a manner in which the court conceives to be its duty."⁸³

Although Metzger's decision thus left Zimmerman with a basis to lodge an appeal, the District Circuit Court of Appeals in San Francisco proved much less sympathetic. Instead, the Circuit Court declared the suspension of habeas corpus legal while emphasizing the liminal status of Hawai'i's residents in the national body. Specifically, the Circuit Court maintained that the "Hawaiian Islands, owing to ... the inclusion in their population of so large an element presumptively alien in sympathy, are peculiarly exposed to fifth column activity." The court also confirmed the unrestrained authority of Hawai'i's military leaders to perpetuate the rule of martial law according to their own discretion.⁸⁴

Zimmerman's case is also noteworthy in that it attracted the attention of the American Civil Liberties Union (ACLU) as well as the nation's highest-ranking government officials. In addition to assisting Clara Zimmerman with her husband's case, ACLU attorneys interceded on behalf of all thirteen American citizens of German and Italian ancestry who had been transferred from Hawai'i to a U.S. Army

⁸¹ For more on the Zimmerman arrest, see Scheiber and Scheiber, "Constitutional Liberty," 355. For Zimmerman's case file and hearing board transcript, see NARA Record Group 389, Entry 461, Box 2646.

⁸² Scheiber and Scheiber, "Constitutional Liberty," 355; and Eugene F. Scoles, "Notes and Legislation: Recent Developments of Martial Law in the Pacific Area," *Iowa Law Review* 29 (1943-1944), 491. Zimmerman's case is also discussed in detail in Krammer, *Undue Process*, 64-66. One hundred and ninety-nine Hawai'i internees were sent to the mainland on 21 February 1942, followed by an additional 169 on March 21. This included 33 American citizens. See Kashima, *Judgment Without Trial*, 78; and Soga, *Barbed Wire*, 226.

⁸³ See Anthony, "Martial Law," 485-486; Scheiber and Scheiber, "Constitutional Liberty," 355-357; Allen, *War Years*, 199; and Daws, *School of Time*, 355-356.

⁸⁴ Anthony, "Martial Law," 485. See also Scheiber and Scheiber, "Martial Law," 356-357; and Scoles, "Notes and Legislation," 491-492.

internment facility at Camp McCoy, Wisconsin.⁸⁵ ACLU Director Roger Baldwin made inquiries with Assistant Secretary of War John J. McCloy in late June and early July 1942, seeking the whereabouts of the internees in question.⁸⁶ Justice Department representatives quickly expressed concerns over the policy of interning Hawai'i residents on the mainland, where habeas corpus rights were still in effect.⁸⁷ Secretary of War Stimson and Assistant Secretary of War McCloy also began to question the legality of interning this group of American citizens. McCloy warned General Dwight Eisenhower of the "grave legal difficulties in placing American citizens ... in concentration camps," while Stimson indicated in his diary that the arrest of U.S. citizens in Hawai'i "without very much evidence of disloyalty" and their transfer to the American mainland was "contrary to law."⁸⁸ The War Department soon ordered the Hawai'i command to cease the trans-Pacific transport of American citizens, but American authorities still faced legal challenges from Zimmerman and the ACLU.⁸⁹

The government's response to the Zimmerman case was to avoid any possible Supreme Court showdown that could subvert the legal basis of martial law in Hawai'i. Stimson presented President Roosevelt with a formal solution in mid-April, making explicit reference to the Hawai'i internees at Camp McCoy:

Their case has been taken up by the Civil Liberties Union and habeas corpus writs are contemplated. The Department has examined into the evidence as to the dangerous character of these particular persons and I am satisfied that they cannot be held in confinement under the present legal situation in this country. As there are relatively few involved as of

⁸⁵ For a list of the internees in question, see Alien Enemies Claiming American Citizenship, note to Adjutant General in Washington D.C., 27 March 1942, NARA Record Group 407. Note that the custodial detention lists developed by the FBI's Honolulu office had previously recognized these internees as American citizens.

⁸⁶ See correspondence between Roger Baldwin and Assistant Secretary John J. McCloy, June and July 1942, NARA Record Group 107, JCCH, JIRHE, Box 1, Folders 49, 57, and 58.

⁸⁷ See Kashima, *Judgment Without Trial*, 78-79; and A.L. Lerch, "Memorandum for the Adjutant General," 30 March 1942, U.S. Army, Records of the Provost Marshal General's Office, NARA Record Group 407, JCCH, JIRHE.

⁸⁸ Commission, *Personal Justice Denied*, 271.

⁸⁹ Kashima, *Judgment Without Trial*, 79.

*yet, we are considering returning them to Hawai'i where martial law still exists and they can be detained.*⁹⁰

When the ACLU's Roger Baldwin finally filed for writs of habeas corpus in Madison on behalf of six of the Camp McCoy internees, he was informed that the men in question could not be produced, as they had been transferred to California.⁹¹ In reality, the internees were already en route back to the Hawaiian Islands, as federal authorities colluded to circumvent habeas corpus challenges, just as Secretary Stimson had advised.⁹² However, Zimmerman and his counsel refused to relent, preparing an appeal for the U.S. Supreme Court. Hawai'i's military leaders, fearing a challenge to the Circuit Court's favorable decision, craftily evaded a retrial by shipping Dr. Zimmerman back to the mainland and releasing him there—just one day before his wife, Clara, filed her case.⁹³

Even though the Army's successful silencing of Zimmerman's case appeared to constitute a severe setback for opponents of martial law, it prompted federal officials to alter internment policies in Hawai'i. In mid-July 1942, just as the ACLU was challenging the legality of detaining Zimmerman on the U.S. mainland, President Roosevelt announced a sudden procedural about-face. From that point forward, "no United States citizen of any derivation whatsoever, either naturalized or native-born, now residing in Hawai'i ... [would] be transferred to the continental United States for internment."⁹⁴ Of course, citizens were still shipped out from Hawai'i to the mainland, but this was now considered part of a voluntary program of "evacuation" under the auspices of the War Relocation Authority. Some may wish to dismiss this as a convenient euphemism, but WRA camps did offer internees better living conditions

⁹⁰ Secretary of War Henry J. Stimson, "Memorandum to President Franklin D. Roosevelt," 15 April 1942, NARA Record Group 107, HWRD, Japanese Internment and Relocation Experience.

⁹¹ Roger Baldwin, "Letter to John J. McCloy, Assistant Secretary of War," 4 September 1942, NARA Record Group 107, JCCH, JIRHE. For more on the government's handling of these McCoy internees, see Fox, *America's Invisible Gulag*, 229-230.

⁹² See Anthony, "Martial Law," 505. Also of interest here is Hans Zimmerman's letter to President Roosevelt, sent from Sand Island on 14 October 1942, in NARA Record Group 389, Entry 461, Box 2646.

⁹³ See B.M. Bryan, "Release of Internee Hans Zimmerman," 4 March 1943, in NARA Record Group 389, Entry 461, Box 2646. For more on the Army's response to the Zimmerman petition, see Scheiber and Scheiber, "Martial Law," 357; Clinton Lawrence Rossiter, *The Supreme Court and the Commander in Chief* (Ithaca: Cornell University Press, 1976), 57; Daws, *Shoal of Time*, 356; and Fox, *America's Invisible Gulag*, 229-230.

⁹⁴ J.R. Deane, Memorandum for John J. McCloy, 17 July 1942, HWRD, Japanese Internment and Relocation Experience.

than Army-run sites, in addition to the opportunity for broken Hawaiian families to be reconstituted behind barbed wire.

Finally, Zimmerman's dispute with Hawai'i's military leaders paved the way for further legal challenges to the suspension of habeas corpus and the rule of martial law. In fact, the next two cases that questioned the legitimacy of continued military rule in Hawai'i came from two more naturalized citizens—Walter Glockner and Edwin Seifert—who were being interned at Honouliuli. In this instance, District Court Judge Metzger issued the writs of habeas corpus, leading to a direct confrontation with General Robert Richardson, who not only refused the writ but also issued a general order threatening the judge with a military tribunal and five years of hard labor if he continued with the proceedings. The Army once again ended the standoff abruptly by shipping the petitioners to the U.S. mainland and releasing them, preventing any verdict on the status of habeas corpus.⁹⁵

The definitive ruling would come from the U.S. Supreme Court in the 1946 case of *Duncan v. Kabanamoku*. Lloyd Duncan had initiated his habeas corpus challenge at Metzger's court two years earlier, after the Army-run provost courts had handed him a six-month prison term for fighting two Marines. With wartime passions now somewhat deflated, the Supreme Court reprimanded Hawai'i's military rulers for having unnecessarily obstructed the civil courts. Penning the majority opinion, Justice Hugo Black asserted that, "our system of government is the antithesis of total military rule."⁹⁶

Justice Frank Murphy took the issue a step further in a separate concurring opinion, acknowledging the underlying current of racial intolerance that fueled the prolonged suppression of civil liberties in wartime Hawai'i. Murphy admonished martial law commanders for citing the allegedly questionable loyalty of Japanese Americans as just cause for continuing to suspend the right of trial-by-jury:

Especially deplorable, however, is this use of the iniquitous doctrine of racism to justify the imposition of military trials. Racism has no place whatever in our

⁹⁵ For more on the cases *Ex parte Glockner* and *Ex parte Seifert*, including Judge Metzger's confrontation with Hawai'i's military commander, General Richardson, see Anthony, "Martial Law," 486-497; Scheiber and Scheiber, "Constitutional Liberty," 366-369; and Daws, *Sboal of Time*, 356. Glockner's and Seifert's original petitions, as well as General Richardson's replies, can be found in NARA Record Group 494, Entry 64, Box 494.

⁹⁶ Jon M. Van Dyke, "*Duncan v. Kabanamoku* 327 U.S. 304 (1946), in *Hawai'i Under Martial Law*.

*civilization. The Constitution as well as the conscience of mankind disclaims its use for any purpose, military or otherwise. It can only result, as it does in this instance, in striking down individual rights and in aggravating rather than solving the problems toward which it is directed. It renders impotent the ideal of the dignity of the human personality, destroying something of what is noble in our way of life.*⁹⁷

The lesson contained in Justice Murphy's reprimand is not limited to wartime Hawai'i, but provides a crucial lesson to citizens of democracies in any era or world region. As democratic states become increasingly heterogeneous, the need to stand up for the rights of ethnic, cultural, and religious minorities only intensifies.

Although Hawai'i is often cited as a paragon of cultural diversity, the events that unfolded during the Second World War demonstrate that the islands' path towards tolerance and multiculturalism was often a bumpy one. World history teachers can use Hawai'i's narrative of martial law and wartime internment to explore a range of issues related to civil liberties and the struggles of minority groups to overcome the perils of liminality. Densho: The Japanese American Legacy Project (<http://www.densho.org>) provides a vast array of primary-source materials, including documents, photographs, and video interviews—many covering wartime Hawai'i. Similarly, the Japanese Cultural Center of Hawai'i has produced a website entitled "World War II Internment in Hawai'i" (<http://www.hawaiiinternment.org/>), specifically designed for educators and featuring primary-source documents, photographs, and ready-made (high school) lesson plans. One classroom possibility would be to stage a mock provost court trial or internee hearing, omitting the use of written charges, juries, defense attorneys, and cross-examinations. Instructors wishing to place the Hawai'i experience in a more global context could develop a compare-and-contrast exercise in which students assess conditions in a variety of wartime settings: internment camps, POW camps, forced labor camps, death camps, and DP camps, for example. A similar activity could be developed around the theme of martial law, by assigning students one specific instance of martial law in modern world history and asking them to report back to the class on the circumstances involved: how and why martial law was declared, what legal justifications were provided, which—if any—segments of the population suffered

⁹⁷ See Justice Frank Murphy's "Concurrence," in *Duncan v. Kabanamoku*, U.S. 327 U.S. 304 (1946). For a more detailed analysis of *Duncan v. Kabanamoku*, see especially, Van Dyke, "Duncan v. Kabanamoku"; and Scheiber and Scheiber, "Constitutional Liberty," 343, 371-378.

greater surveillance or suppression, and how the period of military rule was brought to an end.

The significance of Hawai'i's wartime experience for the post-9/11 world is painfully clear, as governments around the globe grapple with the dilemma of safeguarding civil liberties on the one hand while responding to citizens' demands for security measures on the other. The practice of profiling has become a particularly controversial topic in democratic societies, as states attempt to monitor residents—whether officially or unofficially—whose ethnic or religious identities cause others to perceive them as potential security risks. After the Second World War, General Delos Emmons testified that Hawai'i's military regime had "leaned over backward in interning people in order to achieve as much security as [it] possibly could."⁹⁸ Citizens' desires for security should not be taken lightly, and the general deserves praise for minimizing the scale of civilian internment that took place under his watch. Nevertheless, Hawai'i's wartime experience shows that state security measures are rarely implemented evenly. All too often, immigrants, minorities, and people on the margins of society become targets of state power. As global citizens, the obligation to protect ethnic and religious minorities living in our midst from civil rights abuses and persecution—especially in times of national crisis—falls upon each of us. Perhaps Hawai'i's internment story can serve as a legal and historical repository to guide our course of action.

⁹⁸ Allen, *War Years*, 144.