

Harry N. Scheiber and Jane Scheiber

"Martial Law and Military Courts: Hawaii in WWII"

ABSTRACT

Immediately after the Pearl Harbor attack, martial law was declared in the entire Territory of Hawaii. Contrary to precedent and in a manner open to question as to its constitutionality, the martial law regime was expanded to embrace control by the U.S. Army of all the civilian agencies of government; and even the courts were closed for criminal trials, civilians being subjected to military justice in provost courts and a military commission. It represents the longest period that a civilian population of U.S. citizens has ever been held under military control, with a suspension of civil liberties in full effect through much of the war. Our presentation will discuss how these tribunals functioned, denying ordinary constitutional protections to defendants; how the Army treated the Japanese-American population of the Islands; and how a nearly-forgotten constitutional challenge to the martial law regime was decided in the courts.