

INVESTIGATE CONDITIONS OF HAWAII

HEARING
BEFORE THE
COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES
SEVENTY-SECOND CONGRESS
FIRST SESSION
ON
H. Res. 212
INVESTIGATE CONDITIONS OF HAWAII

MAY 19, 1932



INVESTIGATE CONDITIONS OF HAWAII

THURSDAY, MAY 19, 1932

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D. C.

The committee met at 10.30 o'clock a. m., Hon. Edward W. Pou (chairman) presiding.

The CHAIRMAN. The committee will be in order. Mr. Williams has a matter to present to the committee.

[H. Res. 212, Seventy-second Congress, first session]

RESOLUTION

Resolved, That there is hereby created a select committee to be composed of five Members of the House, to be appointed by the Speaker, one of whom he shall designate as chairman. Not more than three members of such committee shall be members of the same political party. The committee is authorized and directed to make a thorough and complete investigation, as soon as practicable, of the government of the Territory of Hawaii; of the administration of civil affairs and criminal law in the Territory; of conditions as to law enforcement therein; and of the relations between the government of the Territory and the people thereof, and the agencies of the United States Government within such Territory. Such investigation shall be made with the view of determining whether changes in the political status of such Territory, in its organic law, in its Territorial laws, and in the administration of its civil affairs and the criminal law in such Territory are advisable. The committee shall, as soon as possible, report to the House the results of its investigation, together with such recommendations for legislation as it deems advisable.

SEC. 2. For the purposes of this resolution the committee is authorized to sit and act during the present Congress at such times and places in the continental United States or in the Territory of Hawaii, whether or not the House is sitting, has recessed, or had adjourned, to hold such hearings, to employ such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to take such testimony, to have such printing and binding done, and to make such expenditures, as it deems necessary. Subpoenas shall be issued under the signature of the chairman, and shall be served by any person designated by him.

STATEMENT OF HON. GUINN WILLIAMS, CHAIRMAN OF THE COMMITTEE ON TERRITORIES, HOUSE OF REPRESENTATIVES

Mr. WILLIAMS. Mr. Chairman and gentlemen of the committee, I appear before you this morning in the interest of H. Res. 212. I will say for the information of the committee, if you will read this resolution, that this resolution was introduced by me as chairman of the Committee on Territories after request of several members of the committee on both sides of the House that this resolution be introduced. I refused to assume responsibility of introducing the reso-

COMMITTEE ON RULES

HOUSE OF REPRESENTATIVES

SEVENTY-SECOND CONGRESS, FIRST SESSION

EDWARD W. POU, North Carolina, *Chairman*

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| WILLIAM B. BANKHEAD, Alabama. | FRED S. PURNELL, Indiana. |
| JOHN J. O'CONNOR, New York. | EARL C. MICHENER, Michigan. |
| ADOLPH J. SABATH, Illinois. | HARRY C. RANSLEY, Pennsylvania. |
| DANIEL E. GARRETT, Texas. | JOSEPH W. MARTIN, Jr., Massachusetts. |
| ARTHUR H. GREENWOOD, Indiana. | |
| E. E. COX, Georgia. | |
| THOMAS S. McMILLAN, South Carolina. | |

WILLIAM S. MOYE, *Clerk*

lution without a meeting. The committee was called and each member of the committee was advised when the committee would meet and what would be under consideration by the committee, and most of the members of the committee, of both the majority and minority, were present and authorized me to introduce this resolution, which provides that the Speaker shall appoint a committee of five Members of the House, three of one party and two of another, to investigate the conditions of Hawaii.

Of course, you realize this is a result of the unfortunate conditions that have existed in the Territory of Hawaii in the last several months, or few months, the publicity given through the press, and the disposition of many Members of the House of Representatives for legislation to be introduced changing the form of government in a way affecting the form of government which now exists in the Territory of Hawaii. Just the other day I noticed Congressman Britten introduced a bill providing for a military form of government in the Territory of Hawaii, changing the territorial form of government. Well, it occurs to me that this House would not be in a position to act intelligently on that, or any other legislation changing the form of government in Hawaii, unless a committee selected by this House have gone over there and made a thorough investigation and reported the facts back to this House.

At the meeting the other day, when this resolution was authorized to be introduced, the Delegate from Hawaii was present. He is present this morning and there would have been several Republican and Democratic Members here in the interest of this resolution, had I been advised yesterday in order to communicate with them this morning. Mr. Gibson, the ranking member of the committee, is out of the city. He came to see me just the other day as he was leaving to go to a convention in his State and said to say to this committee, "Were I here, I would be there to press consideration of this committee resolution."

There is no use for me to take up the time of the committee. You are as familiar with the conditions in Hawaii as I, and you recognize the necessity of information being furnished the House of Representatives before we pass some legislation or consider legislation that might be ill advised.

Mr. McMILLAN. What is your estimated expense for that investigation?

Mr. WILLIAMS. You can not estimate it. I will say one thing, that I do not think there would be anybody appointed on the committee who would not hold the expense to the minimum. This resolution provides—

* * * The committee is authorized and directed to make a thorough and complete investigation, as soon as possible, of the government of the Territory of Hawaii; of the administration of civil affairs and criminal law in the Territory; of conditions as to law enforcement therein; and of the relations between the government of the Territory and the people thereof, and the agencies of the United States Government within such Territory.

And so on.

In other words it gives the committee the authority to have a thorough investigation.

I will say this further to the members of the committee: While my judgment might not be worth anything, it occurred to me that if

this resolution was adopted and the committee appointed, the Speaker in his wisdom would appoint one or two members of the Judiciary Committee on this committee. I think that is economy; I think that is necessary to get information that would be of value to the House. In other words this gives us authority to go over there and investigate civil and criminal law. Well, what do I know about those things, or many members of my committee, and I am going to suggest to the Speaker, if this is passed, that two members of the Judiciary Committee be appointed on the committee.

Now speaking about the expense, it goes on and provides for all the authority in the world, but does not provide for the expense. Where are we going to get the money—

Mr. McMILLAN. I raised the question, because ordinarily in resolutions of this character there is some figure set as the maximum amount.

Mr. WILLIAMS. I will say this to the gentleman from North Carolina, that whatever is the wisdom of this committee, or of the House, or whatever that limit is, it is perfectly agreeable to me, and I want to impress on the committee again that it does not interest me as a Member of Congress. I do not care anything about it.

Mr. O'CONNOR. You would not mind if this investigation were made by the Rules Committee, would you? [Laughter.]

Mr. WILLIAMS. No; I do not care anything about it. I will answer the gentleman and I will say, frankly, if this committee is appointed, I will have to change my mind before I will be a member of the committee; because I do not think my business will permit me going this fall. I do not care anything about going there.

The CHAIRMAN. We thank you for your statement and we will take it under consideration.

Mr. BANKHEAD. Of course that was just the Irish humor of my friend.

Mr. WILLIAMS. Of course, I know. Now, I do not know whether it is correct, if this committee should report this out, that they report it with an amendment providing where we are going to get the expenses, or for it to be put in on the floor. I had not noticed there is no provision where the money is to come from.

Mr. McMILLAN. I simply mentioned that to show what we are doing. We do not want to be placed in the position—at least I do not—of reporting out a resolution here that is unlimited in the amount of expenses.

Mr. WILLIAMS. If I were a member of this committee, before I reported this out, I would limit that amount. Now, gentlemen, the Delegate from Hawaii is here.

The CHAIRMAN. We will be glad to hear from you, Mr. Houston.

STATEMENT OF HON. VICTOR S. K. HOUSTON, MEMBER OF THE COMMITTEE ON TERRITORIES, HOUSE OF REPRESENTATIVES

Mr. HOUSTON. Mr. Chairman, it has been said with respect to this resolution by some who are opposed to it that it would to a degree be perhaps a duplication of the work done by Mr. Richardson and his associates when they were down there recently in response to a Senate resolution to investigate the judiciary in the Territory of Hawaii and the conduct of judicial proceedings. That was princi-

pally their job; it did not refer to the whole matter of the government. In his recommendation he did, however, make some references to amendments of the organic act, which would change the governmental set-up, the administrative set-up. The work that he did has been very highly praised by some and has been criticized as to some features of his recommendations by others; but the one thing which has made it not generally acceptable to the community is the fact that it was conducted in camera. In other words, the proponents or opponents had no opportunity of hearing what the other man had to say upon various subjects, and the material, except as it is embodied in the report, has not been published and has not been made available to the people of Hawaii. A single copy of the transcript of evidence was transmitted to the chairman of the Committee on Territories and Insular Affairs of the Senate, and it is held in that committee as being for committee use only, and I have not had access to it except as I have been able to see certain passages through the courtesy of the Assistant Attorney General's Office.

For that reason, it would seem desirable that before any such radical change in the form of government be undertaken, the House should familiarize itself thoroughly with the situation. You realize and we realize only too well that we are at a matter of some five thousand miles away from the seat of government here and, just as our people do not understand certain of the reactions that take place here, just so it is perfectly natural that you should not understand all of the difficulties that confront us.

Mr. GREENWOOD. May I inquire would the people of Hawaii welcome this kind of investigation?

Mr. HOUSTON. Yes; I think so. I have a telegram from the Speaker of the House which has been in session this year on two separate occasions, but is now in recess to be brought back at a subsequent date toward the end of this month, for the completion of further work, and he said—

Propose that legislature take following action: First, invite congressional committee to visit Hawaii to examine conditions. * * *

I replied to him at that time—he asked in the dispatch as to what my recommendations were—

Mr. BANKHEAD. What was the date of that message?

Mr. HOUSTON. This is the 27th of April. It is quite recent, and I replied to him on the date of its receipt, or the following day after its receipt, after having somewhat scanned the situation here, and I said:

By reason of the economic situation—

And I had in mind the expense feature of such an investigation—there is opposition to congressional committee visiting Hawaii.

Perhaps I was wrong in sending him such a dispatch; but in view of the coming elections and the campaign and the conventions, and the fact we had not yet adjourned, and the difficulties with respect to budgeting, I felt that represented at least a partial sentiment in Congress. I further added:

Believe it would be better if Hawaiian commission were provided to attend sessions in Washington.

I might perhaps go back now in my statement and say that as a result of the report of the Richardson commission there was transmitted to the Senate a draft of certain bills and Senator Bingham introduced those bills in the Senate. Then I further said in this dispatch:

Resolutions on Bingham bills should not be en gros but should refer to each separate bill on its merits after extended public hearings and with record of hearings and report giving summary of committee reasons for action.

Since that time, acting somewhat, I suppose, upon my suggestion and further discussion in special session of the legislature at home, they passed a resolution in which they provided for a joint committee of the Territorial legislature to study each one of those bills that were introduced in the Senate and to record the hearings and make the matter available for discussion for committees in Congress. They have also pending a resolution to provide for a commission if in the wisdom of the Congress it shall decide not to send a committee to Hawaii. The governor, upon having been notified of the introduction or of the intention to introduce this resolution—it was prepared, I think, by Mr. Gibson and submitted to the chairman of the committee, Mr. Williams, and the action took place as he indicated—I advised him of the language of his resolution and in his reply to the Secretary of the Interior he stated the following:

While it is believed that the proposed thorough legislative investigation would be largely a duplication of the investigation conducted by the Department of Justice, yet if the Congress decides to send such a committee, I will extend fullest cooperation.

That, of course, was to be expected.

Mr. BANKHEAD. Did I understand you to say that the report and recommendations made by Mr. Richardson are secret documents and not available to the public?

Mr. HOUSTON. A report was made which was published as Senate Document No. 78 and the report refers to volumes of the transcript that were brought back. The transcript has not been published; that is to say, the testimony that was given by those—

Mr. BANKHEAD. Do you know of any reason why, in the public interests both of the people of America and Hawaii, full publicity should not be given to all the facts brought out in that investigation?

Mr. HOUSTON. No, sir. There are many at home who have asked me to obtain for them some of the testimony and I have not been able to do it, of course.

Mr. BANKHEAD. Do you know whether or not the Attorney General has recommended secrecy in connection with the information?

Mr. HOUSTON. I do not believe he has. I can not say for sure. I think it was a matter of expense involved, rather than anything else. I would welcome the publication of the material and I have no doubt it would be helpful in a further study of congressional action. I think it must be done; it should be done. It is unfortunately bulky, of course.

Mr. MICHENER. As I understand, the Attorney General made the investigation under the direction of a Senate resolution, with instructions to report to the Senate. The investigation was made, the report was returned to the Senate, and the Attorney General says to the Senate, "Here is the report; now you do with it as you see fit.

We assume no further responsibility than that placed upon us by the resolution." Is not that the situation?

Mr. HOUSTON. Yes; I think that is it.

Mr. MICHENER. And then the Senate committee, for some reason, decided not to publish it now, as I understand it.

Mr. HOUSTON. The report itself is a bulky volume.

Mr. BANKHEAD. Do you know whether or not the testimony taken by the Richardson commission has been reduced to print, or there is just the stenographic notes of it and that not published?

Mr. HOUSTON. Stenographic notes were taken, but the notes were not corrected; they were transcribed as received and they transmitted a copy to the Senate which constitutes, as I understand it, 15 volumes of testimony.

Mr. PURNELL. In your opinion, would a committee such as contemplated by this resolution be able to develop more facts than were developed by this investigation, or would it be a duplication?

Mr. HOUSTON. It would not be a duplication, because you must realize that having been conducted in camera, it only represented one side of whatever particular question was being discussed, or being referred to: that those who held opposite views, perhaps upon that very question, did not have a chance of either refuting the propositions, or of elaborating on them. That is the only feature that probably would be duplicated and then, of course, the investigation could be conducted upon the basis of certain prepared bills, or changes. They, of course, had no idea as to what was to be recommended and their testimony was merely an elaboration of the existing situation as they saw it with respect to the conduct of the courts and the police down there, and did not bear upon any bills. Now, when such important matters as a change of administrative set-up, which would largely take away from the community its powers of local self-government, are contemplated, it does seem as though the people should be entitled to comment directly upon the proposal and, to that extent, of course, it could not possibly be said that the investigation would be a duplication of the previous one.

Mr. BANKHEAD. As I understand from what you say, then, Mr. Houston, the report made by Mr. Richardson is more in the nature of a fact-finding report, without any specific recommendation or any change in the status quo by the Department of Justice?

Mr. HOUSTON. Oh, yes, he does make some specific recommendations, but those recommendations were drawn from the finding of facts rather than as a result of an investigation or a hearing conducted upon specific proposals.

Mr. McMILLAN. As a matter of fact, is an investigation a finding of facts if he only heard one side of the question?

Mr. HOUSTON. That, of course, is the other phase of it.

The CHAIRMAN. Excuse me; but the committee wants to have an executive session after you conclude.

Mr. HOUSTON. Yes, sir. Briefly speaking, then, to come down to the proposals that have been made—I will just take five minutes, if you will be kind enough to check me on the time—the two principal ones are that the administration of law down there shall be through a set-up provided by a President's appointee and that in a similar way the policing power shall be through a Federal appointee. That, as you know, would be a very radical departure

from the existing powers of self-government, where the attorney general, of course, is appointed by the governor; but, the governor himself being a presidential appointee, there is an indirect control there. And we have provided, since the unfortunate happenings down there, for a great many changes in the existing machinery. We can not, of course, meet all the changes that are recommended by Mr. Richardson, because they are in the organic act and the organic act is only amendable by Congress.

One phase, however, to which I would like to invite your attention is that many of the difficulties that come to us—and this is a point upon which Mr. Richardson has not commented—is because of the procedure in the courts and, therefore, we welcome, of course, members of the Judiciary Committee. Our procedure there is based upon the procedure in the United States courts and you know yourselves just what comments have been made with respect to faults of the American judiciary, and any change that is made in such proceedings, in the procedure for the United States courts, of course will reflect a better administration of justice in the Territory as well. We are limited, also, by the Federal Statutes, criminal statutes—one that I have in mind which says that in the Territories and in the United States' jurisdictions the judge may not comment upon the failure of a defendant to take the stand in his own behalf. You who are lawyers, of course, know why that was done and whether or not it is still necessary to maintain such an attitude with respect to the courts which are set up now for the purpose of trying to provide justice and a degree of punitive action merely to be corrective. And our crime commission—a commission which was appointed long before those difficulties occurred—last year made a specific recommendation asking that one of these statutes should be changed. Of course, when they came to amend the revised laws of Hawaii, they found that the law was based upon the Federal Code and, therefore, they could not change them.

I have the resolution that was passed by the legislature at the time to which I referred before, which also said that they were conducting these hearings on the various proposals as expeditiously as possible, but that they did not think they would be able to get the material ready before the 1st of July and they ask, therefore, that any action upon bills be deferred to a time subsequent to that date.

I want to assure the committee that the people of Hawaii want to cooperate in every respect with the committees of Congress and with the Congress in seeing to it that there is a better degree, perhaps a maximum degree, of law and order in the Territory. May I not assure you that our people at home are as loyal with respect to the flag as any community in the country. We now are somewhat concerned over a restriction of our measures of local self-government, because you know Hawaii did not come to the United States by reason either of conquest or purchase; we came to the United States of our own free will, after negotiation of a treaty. In the wisdom of Congress, it saw fit to provide that the annexation of our Territory should not be consummated by a treaty, but it should be done by a joint resolution; but the preamble of that joint resolution recited in almost identical words some of the language that was used in the treaty and we have since the taking

over of the administration relied thoroughly upon the word and upon the assurances that we would be treated in every respect, with respect to measures of local self-government, as would be a Territory of the United States. We have been very fortunate up to the present time but we have had these unfortunate occurrences which, as Mr. Richardson said in his report, might have happened anywhere else. He does not find, if I may point out to you, that conditions in Hawaii with respect to lawlessness are any worse than they are on the average in the mainland. He said, on the contrary, that if anything they are a little bit better there, because there is not the organized crime that exists in many communities of the mainland.

Mr. Cox. I wonder if it would be any comfort to your people for me to say that there is a feeling on the part of many that the attitude the American public took toward the islands, because of the recent unfortunate happenings down there, is most regrettable.

Mr. Houston. Thank you very much.

Mr. Cox. Because the laws are supposed and should be administered by the courts without pressure brought to bear upon a department of the Government by the legislative branch, and that this legislative agitation with respect to changing conditions down there, rather than operating to support the courts in the administration of law, has had just the contrary effect—undermined the courts and destroyed the integrity of their proceeding.

The CHAIRMAN. Thank you, Mr. Houston.

Mr. Houston. Thank you very much. If you want me at any time, I am at the call of the committee.

Mr. Williams. Mr. Chairman, for the record, may I say there are here this morning Mr. Parsons, Mr. Walcott, and Mr. Curry.

(The committee thereupon went into executive session, at the conclusion of which an adjournment was taken subject to the call of the chairman.)

