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THE SPECTER OF COMMUNISM IN HAWAII
1947-53

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAII IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
IN HISTORY
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PREFACE

There is no gainsaying the fact that there was a Communist Party in Hawaii in the years immediately before and after World War II. The character of that party is, however, a far more complex matter. But as the Cold War became a reality, in Hawaii as well as on the Mainland of the United States, people grew fearful. Stereotypes were created in the minds of many who saw Communism as a menace to the very existence of the nation.

In some cases there seems to be little doubt that Americans actually served as spies for the Soviet Union. People such as Harry Gold, David Greenglass, Morton Sobell, and Julius and Ethel Rosenberg were surely tied to the spy ring, headed by the British physicist Klaus Fuchs, which delivered secret information about the atomic bomb to the Soviet Union.

Other cases involving such names as Alger Hiss, William Remington, Owen Lattimore and Harry Dexter White are obviously far more complex. Many individuals suffered in the 1940's and 1950's for their radical infatuations of the 1930's.

Political reputations were destroyed by means of guilt by association, but they were also made, Richard Nixon and Joseph McCarthy were two of the most dramatic examples of the latter phenomenon.
It was also during the period immediately following World War II that the ex-Communist came into his or her own. Whittaker Chambers, Elizabeth Bentley and Louis Budenz became household names. Even the FBI got into the act with Herbert Philbrick of "I Was a Communist for the FBI" fame. The FBI became so intricately involved in the American Communist apparatus that, at one point, one unwitting FBI agent exposed another as a Communist agent.

Although there is humor to be found in such episodes, anti-Communism in the late 1940's and early 1950's was an intensely serious matter. This was an era of fear, a period when people were questioning the results of the great cataclysm which had ended so short a time ago. It was a fear which manifested itself in the Territory of Hawaii as well as on the Mainland of the United States. This work seeks to show how that fear first took solid root in post-war Hawaii, how it affected the lives of some very real individuals, how it threatened to split the labor movement, and how it polarized Hawaii's politics.

It is inevitable that anyone working for three years on a project such as this would develop some opinions and prejudices. In fairness to the reader, these should be stated before plunging into the body of the work.

The author rejects the polarized view of the world which characterized so much of the thinking of both Communists and anti-Communists. Neither the Communist Party in Hawaii
nor the business community of Hawaii was ideologically mono-
lithic. On the Communist side, there were those for whom
Marxism was a genuine faith, one for which they were willing
to make great personal sacrifices. There were relatively
few in this category. There were others, particularly among
the leadership of the International Longshoremen's and Ware-
housemen's Union (ILWU), who saw Marxism as a philosophy and
the Communist Party as a vehicle which could be used to
create the kind of class consciousness necessary to build a
solid union, a union which could stand up to Hawaii's "Big
Five," the powerful factoring organizations which had long
controlled the Territory's shipping and agriculture.

The Big Five firms were Alexander & Baldwin, American
They dominated Hawaii's economy for most of the first half
of the twentieth century through their control of agri-
culture, banking, insurance, utilities, ground transporta-
tion, wholesale and retail merchandising, and inter-island
and mainland shipping.

Within the Big Five there was a maze of interlocking
boards of directors which allowed a relatively small group
of men at the top to manipulate Hawaii's economic life to a
remarkable degree. These men tended to take a paternalistic
view of their workers. They were vigorously anti-union.
The Big Five had used the precept "divide and rule" to pre-
vent the development of strong unions, the divisions gener-
ally being made along racial and ethnic lines.
Shortly before World War II, organized labor in Hawaii began to make real strides, but with the attack upon Pearl Harbor progress was suspended. But the union spirit was not dead, only dormant. And the spirit was fed by the repressive labor practices followed by the military government, working hand-in-hand with the leaders of the economic oligarchy during the war.

As the war ended, the ILWU exploded into prominence in Hawaii. From 1944 to 1947, it grew from 900 members to an astounding 30,000 members. And with the successful seventy-nine day sugar strike in the fall of 1946, the ILWU had arrived as a major countervailing force to the Big Five.

(In the years following World War II, the Big Five saw their economic hegemony eroded in many ways, particularly by organized labor and by aggressive Mainland business firms. Today, the Big Five, though still deeply influential, bear little resemblance to the tightly knit ruling oligarchy of the past.)

The third major group of individuals making up the membership of the Communist Party in Hawaii was composed of rank and file union members (from the ILWU mostly), workers who responded affirmatively to the call of a secret organization which they understood existed to combat the alleged conspiracy of the bosses.

The workers were not without justification in their mistrust of their employers. But the employers were not, in
spite of what the union leaders might say, totally intran-
sigent. Under the leadership of James P. Blaisdell, the
Hawaii Employers Council, founded in July 1943, began to
reflect a new business attitude toward unions. And in May
1945, a Republican dominated Territorial legislature,
abundantly representing Big Five interests, passed the
Hawaii Employment Relations Act, generally referred to as
Hawaii's "Little Wagner Act," paving the way for more
effective unionism in the Territory, particularly in the
area of agriculture which was not covered in the national
legislation.

The employers found it difficult to understand why the
workers of Hawaii did not appreciate their effort and
agreement which was behind the Little Wagner Act. But the
union leaders saw employer efforts at the end of World War II
as an attempt to coopt the inevitable union movement in
Hawaii and to use company controlled unions as the vehicle
for continued paternalism.

The employers saw the inevitability of change, but
they favored gradualism and they wanted their own foot on
the brake. The ILWU demanded independence for the workers
and sought radical changes in wages, working conditions and
in the semi-feudal perquisite system. The ILWU wanted its
hand on the throttle. A battle was inevitable. Communism
played an important role in that battle which was waged in
both the economic and political arenas.
This work is concerned with the specter of Communism in the Territory of Hawaii from 1947-53. The major focus, however, is upon a single year within that period—the year that anti-Communism became one of the dominant themes in the life of the Hawaiian Islands. This year began on November 11, 1947, with an Armistice Day speech given by Governor Ingram M. Stainback in which he declared war on Communism in the Territory of Hawaii. The year ended on October 29, 1948, with the dismissal of two teachers, John and Aiko Reinecke, by the Territorial Commissioners of Public Instruction for their "failure to possess the ideals of democracy." This euphemism was the Commissioners' way of saying that the Reineckes had been found, to their satisfaction, to have been members of the Communist Party in Hawaii.

One reason for focusing upon the year in which Communism first blazed into the public limelight is that the entire story of Communism in Hawaii, as it came to be known during the period from 1947-53, was substantially revealed in that year. Subsequent events were virtually all variations on the basic theme which was first played from November 11, 1947 through October 29, 1948.

It might be helpful for the reader to understand how the author arrived at the selection of his topic. The first interest in the topic came by way of a concern with American foreign policy, its formulation, and the relationship between foreign policy formulation and domestic affairs.
To be more specific, it came out of the author's interest in the Cold War and the manner in which that phenomenon affected and was affected by American domestic politics.

The author was first attracted to the Hawaiian scene by Hawaii's Smith Act trial of 1952-53. From there, he worked backward to the year 1947. Having done so, the author noted that Hawaii had experienced the three basic governmental approaches to the menace of Communism: the judicial (through the Smith Act trial), the legislative (through the 1950 hearings in Honolulu of the House Committee on Un-American Activities), and the executive (through the suspension and ultimate dismissal of John and Aiko Reinecke by the Territorial Commissioners of Public Instruction in 1947-48).

With this view of anti-Communism in Hawaii and with a basic understanding of the best known ways in which anti-Communism had manifested itself on the Mainland of the United States, the author began his serious research for this work.

General histories of Hawaii which covered the period in question were reviewed, particularly Gavan Daws, Shoal of Time and Lawrence H. Fuchs, Hawaii Pono. The newspapers of the period were mined very heavily, notably the Honolulu Advertiser, the Honolulu Star-Bulletin and the Honolulu Record. Outer island newspapers were consulted at appropriate times, specifically the Hilo Tribune-Herald, the Maui
News and The Garden Island (Kauai). Some specialized publications such as the ILWU Reporter and IMUA's Spotlight were examined with care.

Interviews were another valuable source of information and perspective for the author. Without the contributions of many of the participants in the events which are discussed here, it would have been impossible to achieve the depth which has been reached. But in the process of interviewing the author became acutely aware of some of the dangers of oral history as well as its rewards. The first significant limitation the author encountered had to do with the fact that some very important people chose not to discuss events which were so volatile so short a time ago. An even more frustrating variant of this theme was the situation where an individual would discuss an event, but refuse to have his comments attributed to him. The author has honored every confidence when any restriction was placed upon him by an individual being interviewed. The second major problem with interviews is tied to the very nature of the process of remembering. It is a very selective process, and much is forgotten or remembered in a way which will favor the individual being interviewed. This is not surprising, but it should be kept in mind lest too much credence be given to the factuality of oral history.

The major research efforts for this work were the detailed examination of the transcript of the hearing of
John and Aiko Reinecke by the Territorial Commissioners of Public Instruction (which ran to more than 4,000 pages), the transcript of the testimony given before the House Committee on Un-American Activities (more than 500 pages), and the transcript of the Hawaii Smith Act trial (over 16,000 pages). There is a deadening sameness to much of the transcript material which repeats itself in predictable cycles. This is particularly true of the transcript of the Smith Act trial which is heavily laden with material which was read into the record. But these transcripts are basic documents in the record of official anti-Communism which, prior to this investigation, remained substantially unworked. The transcript of the Reinecke hearing is easily the most rewarding because it was the only proceeding in which any individual accused of being a Communist chose to respond directly to the charges.

Finally, it must be remembered that what seems wrong, or even silly, in 1975, may have seemed right and terribly serious in 1947, 1950, or 1953. One of the responsibilities of the historian is to reproduce a faithful account of the times about which he writes. The author has made every effort to analyze the events and emotions of this critical time in Hawaii's and the nation's history in their proper context. The author, alone, is responsible for any errors of fact or interpretation.
During the years immediately following World War II, the Territory of Hawaii experienced a Red Scare. Many of the contributing causes were the same as those which produced the so-called McCarthy Era throughout the United States: the development and intensification of the Cold War, the use of loyalty as an issue in partisan politics, and the emergence of individual politicians who sought to use the issue of Communism for personal political gain. The most central common element was the existence of a Communist Party organization, the scope and purposes of which were a matter of considerable speculation.

In Hawaii there were some features of anti-Communism which were unique to the area: the strategic location of the Hawaiian Island chain, the issue of statehood, the nature of Hawaii's plantation economy with its immigrant labor force, and the emergence of the International Longshoremen's and Warehousemen's Union as a major Island force.

The Specter of Communism in Hawaii, 1947-53, deals with Hawaii's reaction to the alleged threat of Communism in the Territory. Three public proceedings are central to the work: the 1948 hearings before the Territorial Commissioners of Public Instruction over the dismissal of two public school teachers who were accused of being members of the Communist Party, the 1950 hearings in Honolulu held by the House
Committee on Un-American Activities, and the 1952-53 trial of the so-called "Hawaii Seven" for violation of the Smith Act. The transcripts of these three proceedings have been given scant attention in the past, and therefore have been a rich source of primary material for the author. Since many of the principals of the events in question are still living, interviews have been another valuable source of information. Journalistic accounts of the period in question have also been used extensively.

Many conclusions can be drawn from this work, but two stand out as being most important: first, in Hawaii as on the Mainland, the threat of internal subversion posed by indigenous Communism was greatly exaggerated; second, that threat was used in Hawaii by an economic and political oligarchy to postpone an inevitable social revolution.
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PART I. THE SPECTER EMERGES

CHAPTER I

THE STAINBACK BATTALION

On November 15, 1947, there appeared in a letter to the Honolulu Advertiser an emotional response to a call for action. William H. George wrote:

I admire forthrightness, courage, conviction, whereas I despise pussyfooting, dodging, hedging, hiding out like a skunk in a hollow tree. Dr. Stanley D. Porteus [in his book on Pearl Harbor] has pointed out effectively to us what happens if the watchman shall see the sword come, and "Blow Not The Trumpet." Our watchman on the battlements is Governor Ingram M. Stainback, and he has already sounded the trumpet, and he will continue to sound it. But what if those who hear the trumpet do nothing about it? Their blood shall be on their own hands; the watchman is in the clear.

Hereby I enroll in the Stainback battalion, and am willing to stand up and be counted.¹

Mr. George, a lifelong Republican, was responding to the Armistice Day declaration of war against Communism in the Territory of Hawaii made four days earlier by Governor Ingram M. Stainback, a lifelong Democrat.

On the twenty-ninth anniversary of the end of World War I, scarcely two years after the end of World War II, Governor Stainback lashed out against the Communist threat to our national security. "We are facing a struggle for the very

¹Honolulu Advertiser, November 15, 1947, p. 22.
survival of our nation," he told his audience at the National Memorial Cemetery of the Pacific (Punchbowl). "Totalitarianism in the form of Communism is a threat to every democratic nation."²

Governor Stainback, originally appointed by Franklin D. Roosevelt in 1942, had been reappointed by President Truman in 1946. He served as governor until the spring of 1951, when Oren E. Long was appointed to replace him. In spite of the fact that he had been in the Territory since 1912, Stainback was still considered something of an outsider in Hawaiian politics. His road to power had been achieved in the national Democratic Party, not the local organization. In his anti-Communism, Stainback reflected the current sentiment of the Truman administration; which equated capitalism with democracy and Communism with allegiance to the Soviet Union; which had produced, in March 1947, an elaborate set of loyalty procedures for Federal employees. It was the growing sentiment of the Cold War.³

²Honolulu Advertiser, November 12, 1947, p. 12.
³Truman made his decision to institute a permanent government employee loyalty program on March 22, 1947, just ten days after his dramatic announcement of the so-called Truman Doctrine before a specially called joint session of congress. For a valuable discussion of this period see Athan Theoharis, Seeds of Repression (Chicago: Quadrangle Books, 1971), especially Chapter 3, "Rhetoric and Reality in Foreign Policy," and Chapter 5, "The Quest for Absolute Security."
In November 1947, the military establishment in Hawaii was in the process of screening 26,000 civilian employees of the army and navy. Governor Stainback, who had received his first warnings about the character of the Communist threat in Hawaii from military intelligence, fully intended to do his part in purging the Territorial government of any taint of Communism. He made this very clear in his Armistice Day speech:

I know there are many of our citizens of these Islands who refuse to see any menace to our nation in communism. Some of these people have gone to 'read' politically with the communists; others are fellow travelers. Others are well meaning people who decry as hysteria what they term as "red baiting."

Now, as I have warned you many times of the dangers of communism in the Territory and of its active spread, I am going to read you just one paragraph from a plan of the communists under which they have operated in the Territory for many years, which is devised particularly for the Territory by one of its so-called brainiest leaders.

As Governor Stainback indicated, he had warned the people of Hawaii about the dangers of Communism on many occasions. Since his discovery of the menace in the early spring of 1947, the governor had sounded the alarm in speeches given on Navy Day, during Army Week, on the Fourth of July, on Labor Day, and again as recently as October 24, before a gathering of the American Federation of Labor (AFL). But in his Armistice Day speech he offered something new, something

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5 Honolulu Advertiser, November 12, 1947, p. 12.
beyond a general warning. He submitted what purported to be
the Communist plan for the Territory, and though he did not
mention the name of the author, he made it clear that he was
at large among the people of the Territory of Hawaii. The
governor quoted from this document views which were certain
to be offensive to much of the Islands community. The title
was "What Must We Do?"

Goals acceptable to liberal as well as radical
elements in Hawaii should be set up and striven for
(on the side) as a means of arousing popular support.
For example:
Anti-militarism: first attack ROTC in the high
schools, then in the university; attack kowtowing to
military in the local press and in public affairs;
weaken the national guard unit as much as possible
and propagandize its members to make them sympathetic
to unions; attack militarization of Boy Scouts.
Education: wide extension of educational oppor
tunities; removal of all fees and rentals; aid to
poor students (See Rex David, International Pamphlet
Number 39). No discrimination in placement of teachers.
It is highly important to win the teachers, and univer
sity and high school students.
Civil Rights: aim at legislation abolishing re
pressive legislation (present laws against "sedition,"
picketing, and curbing foreign press), and legalizing
strikes and picketing.
Religion: as immediate objective, take the
Christian religion out of the public schools, showing
how the other religions are discriminated against in
a subtle manner by use of Christian prayers, Easter,
Thanksgiving, and Christmas exercises, use of schools
by Catholic priests, etc. Go on to attack Mission
Board for its use of ministers and workers to hoomali
[i a Hawaiian word meaning: to placate by the use
of meaningless verbal massage] plantation employees.
Attack Roman Catholics for interference in public
affairs (as in attack upon sterilization bill). Attack
Buddhists for keeping up Japanese chauvinism. Attack
exploitation of Mormons by Later Day Saints church.
Taxation, social legislation: work for change in
incidence of taxation and outline a complete program of
social legislation to be agitated for.
Governor Stainback concluded his speech with a request that all good citizens join him in the fight. He warned the listeners that the Communists saw Hawaii as fertile ground for Communism. He told them there were even Communists in his Territorial government. But, the governor assured his audience, "I shall immediately take steps to unearth these activities that are going on in this territory and, where possible, expose and dismiss Territorial employees who are involved."  

Hawaii was primed for some anti-Communist action. The Board of Supervisors for the City and County of Honolulu [called the City Council since 1959] passed a resolution on October 28, 1947, calling for an investigation of Communism in Hawaii. The resolution was sitting on the desk of Honolulu's Democratic Mayor John Wilson at the time Stainback was making his Armistice Day speech. Wilson, never one to be stampeded, ultimately refused to sign the resolution, though he did allow it to go into effect without his signature. The result, however, was no more than an expression of the sentiment of the Board of Supervisors.

The American Legion was quick to praise Stainback's speech and called upon the governor to disclose the names of

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6*Honolulu Advertiser*, November 12, 1947, p. 12.
7*Honolulu Advertiser*, November 12, 1947, p. 12.
all Communists working in the Territorial government. The Legion quickly came up with its own answer to the problem of investigating Communism in Hawaii. A. F. Wallace, chairman of the Americanism Committee of the American Legion, Department of Hawaii, met with the Territory's Delegate to the United States Congress, Joseph R. Farrington, himself a member of the Legion. The Delegate subsequently requested that United States Attorney General Tom Clark fully cooperate with the American Legion in their proposed investigation. The Honolulu Chamber of Commerce and the American Federation of Labor quickly supported Farrington in his endorsement of the American Legion as the proper agency to carry on a Red probe in Hawaii.

The American Legion's offer had a short life. Tom Clark was not about to open FBI files for the Legion and, besides, Governor Stainback had plans of his own. The Territorial Attorney General's office had been investigating Communism in the area for nearly half a year. The first fruits of their effort was quick to come to light. On November 25, 1947, Dr. John E. Reinecke, a teacher at Farrington High School, and his wife, Aiko, a teacher at Waialae Elementary School, were suspended from their teaching positions without pay. Dr. Reinecke had seventeen years of teaching experience to his credit in the Territory of Hawaii, and his wife had twenty. The announcement was made by Dr. W. Harold Loper, Superintendent of Public Instruction for the Territory of
Hawaii. Dr. Loper also announced that December 18, 1947 had been set as the date for a hearing on the charges against the Reineckes. The hearing was to be held by the Territorial Commissioners of Public Instruction.

The charges, as summarized by the Honolulu Advertiser were as follows:

1. That they are members, and have been for many years, of a secret, underground organization or society existing in the Territory of Hawaii calling itself the Communist Party.

2. That said secret society has existed in the Territory unlawfully without a license, contrary to the provisions of Chapter 281 of the revised laws.

3. That the Communist Party in the Territory follows a course of action which will be beneficial to the interests of the Communist Party of the Union of Soviet Socialist Republics.

4. That the policies of the Communist Party are the antithesis of and opposed to the principles of democracy.

5. That the said secret society is undemocratic. That some of the practices advocated by this secret society, and some of the activities in which it indulges, are highly dishonorable and reprehensible.

6. That the membership of Dr. and Mrs. Reinecke in the Communist Party has been exposed and publicized in the community, thereby bringing them into disrepute and causing them to lose the trust and confidence of the community.

7. That by reason of their membership in the Communist Party the conduct of the two teachers has not been exemplary.

8. That as members of said secret society they are not possessed of the ideals of democracy.

9. That as members of the said secret organization they do not bear undivided allegiance to the government of the United States.
10. That because of their membership in the Communist Party there is reasonable doubt as to their loyalty to the United States.

11. That their continued employment as school teachers will bring great odium and disrepute upon the department of public instruction. That their dismissal from service will be for the benefit of the department of public instruction.8

The initial response to the charges came from the Reineckes' legal counsel, Harriet Bouslog.9 "The suspension

8Honolulu Advertiser, November 29, 1947, p. 4.

9Attorney Bouslog originally came to Hawaii prior to World War II with her husband, an instructor at the University of Hawaii. She had attended law school at the University of Indiana. She was licensed to practice law in the states of Indiana and Massachusetts, and while studying for the bar examination of the Territory of Hawaii did legal research for the Big Five law firm of Stanley, Vitousek, Pratt & Winn. Bouslog passed the bar in December, 1941, in time for the closing of civil courts following Pearl Harbor. During the war she went to Washington, D.C. where she worked for the War Labor Board. Her position there brought her into contact with many of the top labor leaders in the United States, including Harry Bridges, President of the ILWU. In 1944, Bouslog left the War Labor Board and became the ILWU's Washington representative on the CIO Maritime Committee. In October, 1946, after the beginning of the ILWU sugar strike in Hawaii, Bouslog was brought to Hawaii along with Myer Symonds, a lawyer with the San Francisco firm of Gladstein, Anderson, Resner & Sawyer, the ILWU's West Coast law firm. Symonds was not yet a member of the Hawaii bar and had to wait a year before he would be qualified to practice in Hawaii's courts. This was the day of the loyalty oath, and Symonds' membership in the National Lawyers Guild, which was on the Attorney General's list, delayed his admittance to the bar until 1948. The law firm of Bouslog and Symonds came to be intimately associated not only with the ILWU, but with the political left in general. They earned a well-deserved reputation as champions of the underdog. They also earned a reputation as the implacable foe of the Big Five, an interesting irony considering Bouslog's earlier association with the law firm of Stanley, Vitousek, Pratt & Winn. This information came from an interview with Harriet Bouslog on June 14, 1973.
of Mr. and Mrs. Reinecke," she charged, "is not only prejudicial to them, but is a denial of accepted standards of due process of law." Calling the suspension tantamount to conviction, Bouslog threw out a series of demands relative to the hearing which was scheduled for December 18. First, she demanded that the Reineckes be allowed to plead their case before a body which was not already prejudiced against them. This meant a group other than the Commissioners of Public Instruction. Second, the hearings should be public. Third, the names and addresses of all witnesses against the Reineckes be provided within five days. Fourth, all documents and other exhibits to be used as evidence against the Reineckes be made available to the defense within five days. Fifth, the defense be allowed to subpoena witnesses. And finally, defense counsel be notified within five days of the rules of evidence to be utilized during the hearing. Territorial Attorney General Walter D. Ackerman, in a letter which read like a lecture in administrative law, dismissed Bouslog's demands as being "without support in law."

But if the attorney general was ready for Bouslog's first salvo, he was not prepared for her second. Two days after her original demands, Bouslog offered Ackerman a legal lesson of her own:

10 Honolulu Advertiser, November 27, 1947, p. 5.
11 Honolulu Advertiser, December 5, 1947, p. 9.
My clients are charged with violating a criminal law of the Territory prohibiting secret societies—a law which is unconstitutional on its face. If the Governor, the Attorney General, or the Superintendent of Public Instruction believe that this law is valid and that Dr. and Mrs. Reinecke have violated it, then these officials are duty-bound to turn over evidence to the proper prosecuting officials. The place to try criminal charges is in the regularly established courts with the customary safeguards of the criminal law.  

Bouslog's reference to criminal law was directed at a rarely used secret associations statute dating back to 1884. It had somehow found its way into chapter 281 of the Revised Laws of Hawaii, 1945. Its inclusion in the charges against the Reineckes created a constitutional question which, in the eyes of Federal Judge Delbert E. Metzger, had sufficient merit to be presented before a three-judge Federal court. Hasty efforts to amend the charges, deleting the reference to the criminal code, were unsuccessful and the Territory's plans for a December 18 hearing were dashed. It would be eight months before the hearings finally began.

Dr. Reinecke, now exposed as the mastermind behind the "Communist masterplan in Hawaii," was quickly named as a leading member of the Communist Party in Hawaii in a pamphlet alleged to have been written by a former Communist by the name of Ichiro Izuka. The pamphlet was issued on November 15, 1947, just four days after Governor Stainback's speech.

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12 Honolulu Advertiser, November 27, 1947, p. 5.
13 For an extensive discussion of Izuka and his pamphlet, see Chapter II, this dissertation.
Reinecke's first public response appeared in the newspaper on November 29, and is of sufficient interest to present here in its entirety:

The charges against Mrs. Reinecke and myself amount to this—that we "are not possessed of the ideals of democracy," and that we do not "bear undivided allegiance to the government of the United States."

The facts of our lives are to the contrary. In our hearings before the Commissioners of Public Instruction, we are prepared to prove both our good reputation as teachers and also our active devotion to the ideals of democracy. Mrs. Reinecke and I have never made any secret of our political views. We are ready to state them in public for the edification of the attorney general as in the past we have always been willing to state them in private conversations and letters to the local newspapers.

Through our civic activities since 1927, we have constantly upheld the fundamentals of American democracy—political, economic, and racial. It is just because we have worked openly for our beliefs and perhaps more actively than most well-minded citizens, that we have incurred enmity and have been singled out to bear the first blows of a purge that is political in purpose.

Although we are called undemocratic, no single instance of undemocratic conduct is stated. Nor can any be found.

These charges against us include the statement that our supposed membership in the Communist Party "has been exposed and publicized in the community." This "exposure" comes from the governor's Armistice Day speech and from a recent pamphlet that names us as Communists and attacks Delegate Joseph R. Farrington as a tool of the Communist Party. The political issues are greater in importance than our two jobs.

In these two publications—the speech of the governor and the pamphlet—the final political aims lie right on the surface. It is no accidental matter that the pamphlet appeared immediately after the governor's speech was made. Nor is it a coincidence that both the speech and the pamphlet are now in heavy use to prejudice visiting members of congress against statehood.
It is probable that our hearing will be of value to the community. If the hearing is held in a fair and judicial manner, we have complete confidence that we shall be teachers in the public schools for another 20 years.14

Governor Stainback was clearly not interested in the "facts" of the Reineckes' lives. He was concerned with one fact--and one fact alone. "Mr. Reinecke," the governor wrote in response to the school teacher's press statement, "carefully sidestepped the only question: Is he or is he not an enrolled Communist? Instead of answering this question, he says that the charges against him are a plot by me against statehood. Quite the contrary, it is obvious that the greatest service I can render statehood will be to clean the Communists out of our Territorial government and certain local labor unions."15 In this rather revealing statement, Governor Stainback was hinting at what he would shortly make more explicit when he stated that the investigation of Communism by the Territory was primarily for the purpose of setting a good example for the ILWU, so that union might "clean its own house."16

In another statement, the governor indicated that he was simply trying to follow the lead of the Truman administration in the area of loyalty procedures. This certainly was one of the governor's motivations, being an appointee of the

14 Honolulu Advertiser, November 29, 1947, p. 4.
16 Hilo Tribune-Herald, December 1, 1947, p. 2.
President of the United States. The establishment of loyalty procedures by the Truman administration in the spring of 1947 corresponded almost exactly with the first revelations about Communism in Hawaii that the governor had received from military intelligence. Stainback had developed a fairly friendly relationship with labor during his early years as governor. He had, as a matter of fact, appointed such ILWU leaders as Jack Kawano and Jack Hall to public commissions. Now the names of Kawano and Hall were coming before the governor as members of the Communist Party in Hawaii. This embarrassment to the governor undoubtedly confirmed him in his present course, a course which was a public demonstration of his own loyalty and patriotism.

There were many, besides the governor, who wanted a straight answer from Reinecke to the question, "Are you a Communist?" When asked this question directly by a reporter from the Honolulu Star-Bulletin, Reinecke replied: "It is very well known that I share a number of opinions with the communists, but that doesn't say I am one." The reporter persisted: "Then are you denying that you are a communist?" Reinecke refused to answer directly, saying that he had been smeared with the label so often that he did not see any point in talking about it.17

The *Honolulu Advertiser* was quite clear about its view of the constitutional rights of a man who is charged with being a communist. "Persons under investigation should not," the paper editorialized, "be allowed to take refuge in silence."\(^{18}\) Only the day before, the *Advertiser* had printed a column by the fire-breathing columnist Westbrook Pegler which seemed to capture very well the editorial feeling of Honolulu's morning daily with regard to American communists. "When Congress asks a man whether he is a communist," Pegler wrote, referring to the House Committee on Un-American Activities, "the question actually means 'are you a sworn enemy of the United States?'"\(^{19}\)

Governor Stainback was by no means alone in the community in speaking out against the Communist menace. The *Advertiser* had been carrying on a steady anti-communist campaign since 1946. As a matter of fact, the *Advertiser* had been critical of Governor Stainback, himself, for not speaking out against the Congress of Industrial Organizations' Political Action Committee, an organization considered by the *Advertiser* to be a Communist front.\(^{20}\) Stainback could also be assured of

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\(^{18}\) *Honolulu Advertiser*, November 14, 1947, p. 22.

\(^{19}\) *Honolulu Advertiser*, November 13, 1947, p. 22.

\(^{20}\) This organization will appear in this work abbreviated in various forms. Often referred to as the CIO-PAC, it was more commonly referred to simply as the PAC. Since the ILWU was the dominant CIO union in Hawaii, the abbreviation ILWU-PAC was also used. However designated, the PAC was founded by CIO leaders, particularly Sidney Hillman, after the
support in the business community. In a speech given before
the Hawaiian Sugar Technologists, shortly after Governor
Stainback's Armistice Day Speech, Philip Spaulding, president
of C. Brewer & Co., Ltd., one of the Big Five firms, warned
three hundred assembled members: "Our own communists are
endeavoring in every way to keep production down and achieve
personal success on a foundation of chaos and misery."21
From December 28, 1947 through January 2, 1948, the Advertiser
published a series of articles by attorney Alfred L. Castle,
a missionary descendant intimately related to the Big Five,
entitled "There Can Be No Compromise with Communism."

Nor was the Stainback battalion restricted to the
Territory of Hawaii. The governor's papers contain an exten-
sive correspondence with the virulently anti-Communist labor
writer, Victor Riesel. One letter from Riesel to Stainback is
particularly revealing. It is dated March 25, 1948 and
Riesel writes:

You will remember that sometime ago you were
good enough to send me some information on Communist
activities in your territory. I used this to very

Democratic losses in the 1942 congressional elections. The
PAC had a significant impact upon national politics in the
elections of 1944 and 1946, but by 1948 the interest of the
left had shifted to Henry Wallace's Progressive Party and
the CIO was deeply locked in a struggle to purge the union
of its Communist elements.

salutary advantage when I found that none of it was
known here in the United States.

I passed some information on to Lieutenant
Governor Arthur W. Coolidge of Massachusetts, and,
as I gather it, he contacted you. In a speech sub­
sequently delivered by Mr. Coolidge, he discussed
a set of instructions issued by the Communist Party
to its agents, and he said that he had received these
documents from you. I wonder if I couldn't get a
photostatic set. My outlets now are in 102 cities,
and we can do some good in telling the story.22

The reference to Lieutenant Governor Coolidge dealt with
a speech the man had made in Quincy, Massachusetts on
February 24, 1948. There is a letter in the Stainback Papers
from Coolidge to Stainback dated December 17, 1947, requesting
information on "on Communist infiltration in Hawaii and on
the rumor that the Reds plan to stage a general strike in
your territory in February."23 In his reply, dated February
11, 1948, Stainback told Coolidge, "Communism has made great
headway in the Territory, particularly in some of our labor
organizations. The ILWU . . . is completely dominated by
the Communists . . . We also have some in our University and
among our school teachers. I am enclosing a copy of an
article written by one of the communists entitled 'What Must
We Do?'"24 Stainback added that his recent exposure of the

22Letter of Victor Riesel to Ingram Stainback, March 25,
1948. Found in The Papers of Ingram M. Stainback, Communism
1942-48 (Archives of Hawaii). Cited hereafter as Stainback
Papers.

23Letter from Arthur Coolidge to Ingram Stainback,

24Stainback to Coolidge, February 11, 1948, Stainback
Communist threat in Hawaii had averted the general strike which had been threatened.²⁵

Lieutenant Governor Coolidge sent Stainback a copy of the Quincy speech in which he had declared, "I have in my possession a photostat copy of orders issued by the Communist Party, outlining a program . . . to make Hawaii the most completely communist area under the Stars and Stripes. This document was sent to me by the Governor of Hawaii, Ingram M. Stainback."²⁶

In time, Stainback found that he needed to take a less conspicuous role in his anti-Communist crusade. When Victor Riesel asked Stainback to appear in his space as a guest columnist in the spring of 1948, the governor declined, saying, "I find that discussion of Communism in the Islands has been a rather ticklish proposition as so many of our advocates of statehood seem to try to conceal its presence here and are very resentful of any disclosures or comments. However, I plan to discuss the whole problem with Washington authorities and hope to get the green light."²⁷

²⁵The author is unable to determine what, if anything in specific, Coolidge had in mind when he first mentioned a general strike scheduled for February, 1948. Certainly, there was no open discussion of one. And nobody with whom the author has spoken knows of any such event in the planning.


There is additional evidence in the governor's papers that he fed information to Senator Pat McCarran, staunch anti-Communist and foe of Hawaiian statehood. McCarran had been in Hawaii at the time of the revelations of November, 1947. Upon returning to the Mainland, he told a Los Angeles reporter, "I told them to clean out their Communists. Some of their union leaders, high on the executive councils, are Communists. They have infiltrated deeper than on the Mainland. They seek to make it a Red outpost, just as they would like to do with Cuba."28

The governor was active in bringing Jack B. Tenney, Chairman of the California Senate Fact-Finding Committee on Un-American Activities, to Hawaii in 1949. Tenney, never bashful about promoting himself, had originally proposed the visit to address the Territorial legislature in a letter to Governor Stainback on January 26, 1949. Tenney told Stainback, "I have been concerned over the growing Communist menace in the Islands. We learned several years ago that Communist activities in the Islands are largely directed from California."29 Stainback could not have agreed more. In making the arrangements for Tenney to speak before the Territorial legislature, Stainback turned to Senator William C. "Doc" Hill, a fiercely anti-Communist Republican from the

Island of Hawaii. Shortly thereafter, and on the recommendation of Jack Tenney, Stainback sent two of his assistant attorneys general, William Blatt and Robert Griffith, to a work session on Communism in San Francisco put on by a privately sponsored right-wing group called the National Americanism Committee.

Governor Stainback maintained his vigorous anti-Communist views in the face of severe criticism from those who resented the disunity he created in his own party and from those who felt the governor's approach represented a serious roadblock to Hawaiian statehood. But Stainback was never able to capture the public's imagination as the leader of an anti-Communist crusade and the Stainback battalion was never more than a small platoon.
CHAPTER II

THE TRUTH

In less than a week after Governor Stainback's Armistice Day speech, a sensational thirty-two page pamphlet entitled The Truth About Communism in Hawaii was released to the public. It was purported to have been written by Ichiro Izuka, former vice-president of ILWU Local 135 on Kauai, and a self-confessed former Communist. In a prefatory note, Izuka explained why he had written this document which named no less than forty-seven Communists who were active in the Party during the time of his membership:

Because of all that I did to strengthen the Party in the days of my blindness, I now desire to tell you the truth of my experience whatever the consequences may be to myself. You must know what is among you before it is too late. This is my warning.  

The pamphlet contained a story which would be told many times, in various forms, during Hawaii's struggle with the issue of Communism. One of the most important questions about the document was whether or not it was actually written by Izuka. That matter will be dealt with later at

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1Ichiro Izuka, The Truth About Communism in Hawaii (Honolulu, 1947), p. 3. According to Izuka in a June 7, 1973 interview, the costs of publication of the original 30,000 copies was underwritten by advances from the Hawaii Government Employees Association and the Teamsters Union. He also indicated that the Hawaii Sugar Planters Assn. later provided the money for the printing of a Filipino version of "The Truth About Communism in Hawaii."
some length, but at this point *The Truth About Communism in Hawaii* will be treated as Izuka's own story, for that is how it was presented to a public still aroused by Governor Stainback's Armistice Day speech.

Ichiro Izuka was thirty-six years old at the time his pamphlet was published. He had been born at Hanapepe, Kauai, on June 5, 1911, the sixth of nine children born to parents who came to the Islands from Japan as contract laborers in 1900. Izuka left the plantation when he was sixteen to work as a boatman at Port Allen, Kauai. Working conditions were harsh and dangerous and Izuka soon found himself caught up in the growing labor movement on the island of Kauai.

Izuka explained that it was during the 1937 strike of the independent Kauai longshoremen's union that he first heard about the Communist Party. During the strike, the Kauai dock workers were assisted by many people in the labor movement including two who made a very strong impact upon Ichiro Izuka: Jack Hall and George Goto. "Hall and Goto were members of the Communist Party," Izuka stated. "They had brought with them plenty of communist literature and distributed it secretly. . . . I devoured it, and for the first time thought I had discovered a party that really had something to offer the workers." 

^2Izuka, p. 6.
Within a year Izuka was ready to join. The pamphlet described the excitement the dock worker felt as he became a member of the Communist Party. Izuka named Jack Kimoto as the individual who was directly involved with his induction into the Party. Kimoto was described as a direct representative of the Communist Party in Hawaii while Hall and Goto were depicted as "union Party members."3

The Izuka pamphlet placed great importance upon the secret character of the Communist Party. It also developed a detailed exposition of the relationship between the Communist Party and the ILWU. The following passage combined both efforts:

At our secret meetings, sometimes held in my home, sometimes in my automobile in lonely spots, we were taught how to control union meetings, parliamentary procedure, and, of course, Party principles. We were taught, too, that the Big Five was a fascist organization, and that both political parties were like a coin--heads or tails, it's the same coin. These lessons were given to us by Hall and Kimoto, sometimes together, sometimes separately.4

Izuka assured his readers that the same tactics were still being used in the ILWU, "and the union members still do not realize what is happening to them."5

The influence of the Communist Party on Kauai did not stop with the union, Izuka explained. The Progressive League

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3Izuka, p. 7.
4Izuka, p. 7.
5Izuka, p. 8.
of Kauai was alleged to have been controlled by the Party without the knowledge of the membership. The Communists, through the Progressive League, were credited with the defeat of Kauai's conservative Republican Territorial Senator Lindsay Faye in 1938. The pamphlet does not indicate that the beneficiary of this alleged Communist support, Democrat J. B. Fernandes, knew of such aid. Izuka also contended that Hall personally extended the influence of Communism into Kauai politics through his control of Territorial Senator Clem Gomes. Gomes, who utilized Hall as a speech writer, was unaware of Hall's Communist affiliation, said Izuka. The author added that he had recently been told that Hall still boasted of having Senator Gomes under his control.

Izuka next described how he became involved with recruiting for the Communist Party on Kauai. He said their method was "to recruit only the strongest and most fanatical elements who know how to obey orders." As a reward for his efforts, and as an investment in his future potential to the Communist Party, Izuka told of having been sent to the Party's school in San Francisco in 1939. The decision to send him was made, Izuka said, by the central committee of the Communist Party in Hawaii. The chairman of this committee was said to be Jack Kimoto. The other members were identified as: Dr. John E. Reinecke, Jack Hall, Jack Kawano and Ah Quon Leong [the future Mrs. Robert McElrath].

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6Izuka, p. 8.
Jack Hall was sent to the Communist Party school along with Izuka, the author said. While attending the school in San Francisco, Hall and Izuka met Robert McElrath who was described by Izuka as "one of the greatest advocates of extending Communist power throughout the unions." 7

In the eyes of the general public, one of the most damning allegations made in the Izuka pamphlet was the description of the alleged efforts of the Communist Party to subvert the American effort to aid the Allies after the beginning of the war in Europe in 1939. Izuka said he was attending the Communist Party school in San Francisco at the time war broke out. Here is his description of the reaction at the school to the outbreak:

Louise Todd, a Communist Party instructor, called Jack Hall and me into one of the offices and instructed us to destroy all evidence, including books and other literature, important Party papers, membership books, etc., because after the Soviet-Hitler pact the Party expected raids from the F.B.I. 8

Upon his return to the Islands, Izuka indicated that he actively engaged in anti-war work until the German invasion of the Soviet Union [which was erroneously dated July 5, 1941 in the pamphlet].

Undoubtedly, the pamphlet's heaviest attacks were made against Jack Hall. Izuka sought to belittle the role played

7Izuka, pp. 9-10.
8Izuka, p. 10.
by Hall in the development of the ILWU in Hawaii. At one point, Izuka charged that Hall urged the Kauai longshoremen to affiliate with the ILWU rather than the AFL because "the Communists had trouble working through the AFL." Hall was later described as having taken the Kauai dock workers out on a needless ten-month strike in 1940-41, a strike in which the workers "took a real beating." Izuka said, "This was the first time I seriously doubted the Communist plan for 'helping' the laboring men of Hawaii. At this time Jack Hall was a Communist representative and adviser to the union, although not many members realized his true character."

The Truth About Communism in Hawaii continued with a description of the reactivation of the Communist Party in Hawaii at the end of World War II. It began with informal discussion groups at which wary middle-class people were indoctrinated with Communist literature. The leading lights in these discussion groups, Izuka said, were John Reinecke, Mr. and Mrs. Robert McElrath, Peter and Alice Hyun (brother and sister), Eileen Fujimoto, Jack Kawano, Jack Kimoto, and Izuka himself. When orders came from San Francisco to reactivate the Party, the discussion groups were dropped.

There followed a rather detailed description of the various cells, clubs, or fractions (these are three terms

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9 Izuka, p. 8.
10 Izuka, p. 11.
meaning the same thing) which were formed primarily according to occupational groupings or geographic location. It was in this section that Izuka built his list of forty-seven Party members in quick order. Many of these names were to appear over and over again, in the press, at hearings, in a variety of reports (official and otherwise), on the strength of their having been present in the Izuka pamphlet.

The most striking feature of Izuka's membership lists was the obvious connection between the Communist Party and the ILWU, from the secretarial level (Elizabeth Bristow, Peggy Uesugi, Jeanette Nakama, Pauline Rosenthal, Eileen Fujimoto), all the way to the top ILWU staff members in Hawaii (Jack Hall, David Thompson, Jack Kawano, Robert McElrath). In all, there were no less than twelve groups identified in the Izuka pamphlet in what appeared to have been a rather fluid organizational structure.

In an interesting aside to the general description of the Party organization, Izuka described the manner in which the Communist Party used one member, Koichi Imori, to infiltrate the AFL Teamsters union. Imori, who had worked his way into the confidence of Art Rutledge, head of the Teamsters, was assigned by Rutledge to assist Robert Mookini in raiding the ILWU pineapple workers. Mookini, formerly president of the ILWU pineapple local on Oahu, had been suspended by the ILWU for openly breaking with union policy in May, 1947. The raid was not successful, and the strong
The inference of the Izuka pamphlet was that Imori was effective in his quiet efforts to subvert the drive which was being led by Mookini. Imori, denounced by Rutledge, resigned from his position in the Teamsters union on May 23, 1947. Izuka indicated that Rutledge openly attacked Imori after he discovered that Imori was soliciting subscriptions from AFL members for the West Coast Communist newspaper, People's World.

Another interesting characterization in the Izuka pamphlet was that of Yasuki Arakaki, president of ILWU Local 148 at Olal. Arakaki was reputed to have been converted by Jack Kimoto and Mr. and Mrs. Charles Fujimoto. "The argument that won him over," Izuka asserted, "was that joining the Party was the only way to control Hall and Thompson because they, too, were subject to Party discipline."\(^\text{11}\)

The description of the organization of the Communist Party in Hawaii concluded with the following characterization of the Party's central controlling body:

> Each cell group elects a delegate to the Executive Board which is the supreme authority in Hawaii, but in turn responsible to California. Before I resigned in November 1946, the Executive Board of the Communist Party in Hawaii was as follows: Denichi "Jack" Kimoto, chairman; Dr. John Reinecke, treasurer; James Freeman; Mrs. Ah Quong [sic] (Robert) McElrath; Jack H. Kawano; Charles Fujimoto; Eileen Fujimoto; Ralph Vossbrink and David Hyun.\(^\text{12}\)

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\(^{11}\)Izuka, p. 22.

\(^{12}\)Izuka, p. 22.
This group was supplemented, from time to time, by the addition of Yasuki Arakaki and Harry Kamoku from the Island of Hawaii and Yoshikazu Morimoto of Maui, according to Izuka. In addition, the pamphlet asserted, Jack Hall, Robert McElrath and Henry Schmidt, an ILWU official from San Francisco, were called in for important problems. "We might say," Izuka summed it up, "that the union feeds the Party and in return the Party controls the union in the interests of Party policies and objectives . . . geared to the policies and objectives of the Soviet Union. If one changes, the other changes."13 Izuka offered no evidential basis for the link-up with Moscow.

In the next segment of the pamphlet, the Izuka message became more strident as the cause of his departure from the Communist Party was treated. He charged that the ILWU-PAC was dominated by the Communist Party and came to work against the best interests of the working man in Hawaii. It was over the PAC endorsement of Delegate Joseph R. Farrington instead of his Democratic opponent, William Borthwick, that Izuka reputedly quit the Communist Party. "The Communist leadership," Izuka charged, "had decided to crucify Borthwick for thirty pieces of silver."14

The "thirty pieces of silver" the PAC sought, and according to Izuka got, was the neutrality of the Honolulu

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Star-Bulletin in the 1946 sugar strike. Farrington, the major stock holder in the Star-Bulletin was either bought or duped in this evil bargain, according to Izuka. Izuka did not deal with the possibility that the ILWU may have had substantial pragmatic justification in securing the neutrality of the Honolulu Star-Bulletin, Hawaii's most widely circulated newspaper, during the historic 1946 sugar strike. The whole matter was treated as an episode in a sinister international conspiracy.

Izuka, the narrative continued, had openly challenged the decision to endorse Farrington. Called on the carpet by the Communist Party, his support of Farrington was made a matter of Party discipline. The following day, October 12, 1946, Izuka submitted a letter of resignation. Izuka insisted that there were others in the Party who wanted to support Borthwick in the delegate's race. Wilfred Oka and his wife, Koichi Imori and Charles and Eileen Fujimoto were named. But they were prevented from doing so by Party discipline which they were willing to follow. Izuka commented on Borthwick's loss to Farrington by 8,500 votes: "He lost because a conspiratorial Communist Party deceived the workers of Hawaii, who did not know they were Communists, into following their leadership in simple trust."^15

^15Izuka, p. 28.
Izuka then closed with a flourish:

I quit the Communist Party because it is not honest with the workers. With Adolph Hitler, the Party believes that the lie is a very useful means for gaining its ends. The bigger the lie, the better it works . . . Moreover, the Communist Party is not interested in the workers in Hawaii as human beings or individuals . . . Its loyalty is not to Hawaii or America, but to the Soviet Union.16

The Izuka pamphlet served two very important immediate purposes: first, it underscored Governor Stainback's warning about the menace of Communism in the Territory of Hawaii, and second, it set the stage for the events which were to follow in rapid succession. Ten days after the pamphlet was issued, the Reineckes were suspended. A little more than a month after the Izuka pamphlet was made public, the ILWU had a revolt on its hands.

16Izuka, pp. 30-31.
CHAPTER III
TROUBLE IN THE RANKS

Writing for the Department of Labor in 1948, University of Hawaii economics professor James H. Shoemaker commented on the phenomenal growth of unions, particularly the ILWU, in the Territory of Hawaii in the years immediately following World War II: "Until 1944, Hawaii was one of the least organized areas in the United States," Shoemaker said, "but within two years it had become one of the most highly organized areas."\(^1\)

With this rapid growth, internal stresses were inevitable. Within the ILWU the issue of Communism became a significant cause for stress and for some a convenient tool for an oblique approach to other issues. Ascribing motivation for a man's anti-Communist stance is a difficult and dangerous proposition. With man's immense powers of rationalization, it is this writer's opinion that the primary actors would have found it difficult to make an objective analysis of their own motivations. This factor creates a serious problem in analyzing the events surrounding the so-called Ignacio revolt and the establishment of the Union of Hawaiian Workers (UHW).

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On Sunday, December 14, 1947, Amos Ignacio, vice-president of the Hawaii Division of the United Sugar Workers, ILWU Local 142, announced to the executive board of that division that he was leaving the ILWU and that unit 6 at Pepeekeo, island of Hawaii, was leaving with him. The minutes of that meeting quote Ignacio, who was also a member of the Territorial legislature, as follows:

I want to be a free man and want no part of communism. In the interest of the workers in the plantations we will set up an independent union. I realize that we are going to run on rough sailing with the ILWU out to destroy us. I realize that there are other units that would like to take the same stand. 2

Asked if there was any proof of Communist domination of the ILWU other than the Izuka pamphlet, Ignacio said that he, himself, had been approached to join the Communist Party and had refused. David Thompson, ILWU International Representative, replied:

This comes as a great shock to me. Rumors have been going around about communism, but in spite of these rumors that I have heard, I, as International Representative, have been working here trying to help the people of this island. I have not given these rumors much credence. I have had differences of opinion in the past with Brother Ignacio, but I thought we were working along an honest program. ... This action is going to destroy the Labor movement in the Territory, if you are successful. The ILWU is not going to sit down. This is going to be taken to the membership. ... As an independent union your units will have

2 ILWU Local 142, Minutes of Executive Board, Hawaii Division, United Sugar Workers, December 14, 1947, p. 1.
favors for a couple of years, until the Employers can succeed in destroying the Union here. You must realize the power the International has given you. I don't see how you can take this step in honesty. You are not representing the wishes of the rank and file.

Communism is not the issue. It is a weapon that the bosses are using to destroy the Unions in the Territory. But, if that is the issue, you are off the beam. The ILWU is not a communist organization. It may be that some ILWU members are communists, but the program of the ILWU is what the people make it.

As the meeting proceeded, the discussion grew more personal and Thompson became more agitated. "If Amos asks me if I am a communist," Thompson declared at one point, "I will tell him it's none of your business. Do you think that if I'm a communist, then I'm not a good American? I fought in the last war for America and have a wooden leg now."

The meeting of the executive board took three hours and twenty minutes that Sunday morning in December of 1947, and Ignacio was unshakable. He refused even to hold off his announcement until the International Representatives might have a chance to talk with the rank and file, as requested by Yasuki Arakaki. "We will," Ignacio concluded, "operate as an independent union as of tomorrow morning."

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4 ILWU Local 142, Minutes, Dec. 14, 1947, pp. 4-5.
5 ILWU Local 142, Minutes, Dec. 14, 1947, p. 9. In an interview with the author on March 13, 1975, David Thompson, for many years the ILWU's Educational Director, commented on some of the reasons for Ignacio's bolt from the Union. Thompson posited that Ignacio, as a member of the Territorial
The next morning's Hilo Tribune-Herald told the story, in somewhat exaggerated form, in its banner headline: 4,000 BOLT ILWU RANKS. The story stressed that Ignacio was a highly respected union leader and a two-term member of the Territorial House of Representatives. Ignacio was quoted as saying, "There have been no denials of communism in the ILWU." Ignacio struck another responsive chord for many by denouncing the kind of thinking which was represented by International Vice-president J. R. Robertson, who, on a recent visit to the Big Island, had been quoted as saying to the rank and file, "There are smart bosses, but there are no good bosses."

In Honolulu, ILWU leadership played down the Ignacio revolt while planning their strategy. But on the island of Kauai, Ignacio found an ally and it appeared to some that the Union of Hawaiian Workers just might become a viable, Territory-wide organization. The ally was George Aguiar who, in the spring of 1947, had achieved notoriety of sorts when, as a newly elected Democratic member of the Territorial legislature, was living under the "pressure of respectability," that he wanted to be well thought of by the "best" people in the community. Ignacio's personal pride had been assaulted when the ILWU sugar locals were consolidated. In the process, he lost his position as president of the union, having to settle for a vice-presidency in the newly amalgamated union.

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House of Representatives, he broke an eighteen day organizational deadlock by voting for the Republican candidate for the Speaker of the House. Now Aguiar was announcing his resignation from the Democratic Party, and he said he chose December 15, 1947, the day after Ignacio's bombshell, to make his announcement in order to support his fellow legislator's bold act. Aguiar protested the control of Kauai's Democratic Party organization by ILWU leaders such as "Slim" Shimizu and Robert Kunimura. "They are only interested," Aguiar charged, "in controlling the local party for their ends, and for those of their leaders in Honolulu."8

Those same leaders were the ones responsible, Aguiar revealed, for his decision in the last legislature:

I have never made any statement regarding how I reached the decision to vote to break the deadlock in the recent legislature. I can say now that the reason I did resulted from my being given unquestionable proof that the Democratic delegation in the House were Communists. I might add that as the result of being presented with the facts regarding Communism in Hawaii, the Isuka pamphlet was no surprise to me.9

Amos Ignacio followed up on the opening Aguiar had given him as rapidly as possible. In the next day's Hilo Tribune-Herald, he was quoted as saying, "I have always considered Kauai the stronghold of the ILWU in the territory, and I believe the desire of the Kauai workers to withdraw

from the ILWU is proof that the union has outlived its usefulness in Hawaii.\textsuperscript{10} Either Ignacio was trying to "fill an inside straight" or he did not realize how totally isolated George Aguiar was on Kauai. Robert Kunimura, president of ILWU Local 149, called Ignacio's statement a "bold-faced lie," and produced a statement to that effect signed by every local unit official on Kauai, including Ichiro Izuka's brother, Freč, who was president of the American Factors unit at Hanapepe.\textsuperscript{11}

In founding the Union of Hawaiian Workers, the Honolulu Advertiser saw a great future in Amos Ignacio's handiwork. The Advertiser saw the dawn of a new era in Hawaii's labor relations "in which employer and employee meet on a basis of mutual respect and trust, each realizing that one is necessary to the other. It should mean that, together, the employer and the employee may go forward to the ultimate goal of security for all in a future the possibilities of which we do not dream at present."\textsuperscript{12}

The ILWU did not waste time in reasserting itself. Returning from a three-day executive board meeting of the International in San Francisco, Jack Hall, on December 19, 1947, announced that the Union had reversed its decision of July 1947 and would now comply with the anti-Communist

\textsuperscript{10}Hilo Tribune-Herald, December 16, 1947, p. 1.
\textsuperscript{11}The Garden Island, December 23, 1947, p. 1.
\textsuperscript{12}Honolulu Advertiser, December 17, 1947, p. 22.
provisions of the Taft-Hartley Act. "It will not be our purpose to be isolated from the main stream," the ILWU's Regional Director told reporters upon his return to Honolulu.13

Hall also wrote a letter to the rank and file membership of the ILWU in Hawaii stating flatly that he was not a member of the Communist Party, adding, "The writer's denial that he is a member of the Communist Party . . . will not put a stop to the circulation of the lies and our membership must expect it to continue."14 Indeed, Hall's enemies were already demanding that Hall state not only that he was not a member of the Communist Party at that time, but that he had never been a member.

The ILWU, looking for a showdown, chose the Hilo Armory for a Unity Conference on January 3-5, 1948. International President Harry Bridges suggested a variety of issues for discussion, only one of which was whether Hawaii's sugar workers preferred to be represented by an independent union. On that question, Bridges suggested a secret ballot to resolve the issue. At first Ignacio accepted Bridges' offer with certain conditions: (1) the conference must be for sugar workers only, (2) there should be no interference from San Francisco, and (3) the secret ballot should be

supervised by the National Labor Relations Board, not the ILWU. Ignacio was also skeptical about a Bridges move to open the conference to the press. Further, the president of the Union of Hawaiian Workers wanted the issue of Communism to be debated openly at the conference.

But clearly, the ILWU did not plan to run the Unity Conference for the benefit of Amos Ignacio and the Union of Hawaiian Workers. Ultimately, Ignacio did not attend the conference although the vice-president of the UHW, Akoni Pule, did attend.

Louis Goldblatt was on hand from the International office in San Francisco. Non-sugar leaders such as Harry Kamoku and Bert Nakano of Hilo's longshoremen and Ernest Arena, president of ILWU Local 150, were very much in evidence. As described by Tom O'Brien, a conservative radio announcer and correspondent to the Honolulu Advertiser, "Antonio Rania, head of the recently amalgamated sugar local 142, gave the delegates the true pitch right from the start. 'I thought I'd be in the battle of the bulge when I flew to Hilo after Ignacio's revolt,' Rania said. 'I'm in a tight spot, so I called the best man on the coast to come and help me, . . . Brother Louis Goldblatt.'"\textsuperscript{15}

Goldblatt was responsible for one of the most important decisions of the Unity Conference. He convinced many

\textsuperscript{15}Tom O'Brien, \textit{The Plot to Sovietize Hawaii} (Hilo, Hawaii, 1948), p. 45.
reluctant union leaders that Izuka should be allowed to appear before the delegates to plead his case. In a letter requesting the right to appear, Izuka stated:

As author of the pamphlet, "The Truth About Communism in Hawaii," I have been slandered and lied about by certain ILWU officials who are attempting to discredit me and the facts contained in my pamphlet in the eyes of rank and file sugar workers. I have been called "a moron, renegade, self-confessed liar," and other uncomplimentary names.

I believe sincerely that the real issue facing the sugar workers of Hawaii is Communist domination, both here and on the west coast, and no smokescreen should be raised at this time to becloud the issue.

I am in Hilo to present my side of the story to the Unity Conference, and to answer the lies and slander directed at me. Your International officers have publicized the ILWU as "the most democratic union in the United States." Now is the time to prove whether this is true or false. 16

How well or how badly Izuka performed at the Unity Conference is largely dependent upon the prejudices of the observer. One thing is certain: Izuka was operating in hostile territory. The Maui News reported that Izuka "stood alone facing a constant barrage of questions, accusations, catcalls, laughs and mockery." 17 He spoke to the delegates for about forty-five minutes on global Communism for the past twenty years, making little reference to his pamphlet or matters of local concern. When he did get around to his pamphlet, he admitted there had been a ghost

writer working with him, but refused to divulge his identity. This was clearly not satisfactory to the delegates.

At one point during the question and answer session, a delegate jumped to his feet and asked, "Mr. Izuka, do you know my name?" Izuka replied that he recognized the face, but could not remember the name. "My name, Mr. Izuka, is Thomas Yagi and I was one of those mentioned in your pamphlet." Yagi, a sugar worker from Maui, was reported in the Izuka pamphlet to have been asked to join the Communist Party by a fellow union member, but had declined on religious grounds. Now Yagi denied that he was ever asked by anyone to join the Communist Party. He challenged Izuka to tell the delegates how he had come by the story he told in his pamphlet. Izuka replied that he had been told the story by Yoshikazu Morimoto, whereupon Morimoto rushed to the speaker's podium and denied the whole thing.¹⁸

In the eyes of a friendly observer, Tom O'Brien, Izuka's performance looked this way:

Frankly, most of his discussion about Communism itself was far over the heads of the delegates. He spoke of the Communist Manifesto, about Karl Marx, and the international intrigue of the Kremlin. It was all above the grasp of the little delegates, and the big ones pretended they did not understand. When Izuka asked for questions, the real railroading started.

"Is it legal to be a Communist?"
"Will the Communists overthrow the U.S.A. by force?"

"When you were a Communist, did you plan any sabotage?"

The questions came tricky and fast . . . It was soon obvious that both Jack Hall and Louis Goldblatt were engineering the entire inquisition . . .

I left the Hilo Armory that rainy evening with the conviction that Izuka had really won. He had stood up in the midst of his enemies, unafraid, and had done a good job.19

Few of the delegates shared O'Brien's view and this writer finds it difficult to understand O'Brien's definition of "tricky," based on the examples he used. Izuka's credibility suffered its greatest setback when he was asked to name a Communist Party program in the ILWU. When he responded that a strike could disrupt the government and destroy the democratic system, the boos were deafening.

In an interview with this writer on June 21, 1973, Ichiro Izuka repeated his complaints that the question and answer session during his presentation at the Unity Conference was manipulated by Goldblatt, McElrath, Hall and Steve Murin who, according to Izuka, had been admitted into the conference by means of fraudulent press credentials from the Japanese language newspaper, Nippu Jiji.20

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19 O'Brien, p. 48.

20 Murin was not directly associated with the ILWU, but was very close to many union members. Murin had arrived in Hawaii in 1947 at the age of twenty-nine. He had come from Boston where he was a student attending Boston University on the G.I. Bill. His primary occupation was as a full-time student at the University of Hawaii from which he received his B.A. degree in 1951. But Murin had achieved notoriety in the community due to his leading role in the establishment
Izuka attended the Unity conference for the purpose of defending himself, not for the purpose of supporting Amos Ignacio. Izuka claimed that the first time he had spoken with Ignacio about the Union of Hawaiian Workers was at lunch on the same day he appeared before the Unity Conference. Izuka told the author that he saw no driving ambition in Ignacio, that he had ignored the positive appeals which the ILWU could honestly make to the workers and offered an entirely negative program. Izuka was never associated with the UHW.

There were propaganda efforts on both sides during the Unity Conference. The ILWU in December 1947 issued a twenty-three page pamphlet entitled *The Mysterious Stranger*. It told of a retired newspaper editor from San Francisco by the name of Lee Ettleson. Ettleson, a product of the Hearst organization, was, according to the ILWU pamphlet, "an

of the Hawaii Civil Liberties Committee (HCLC) in response to the plight of John and Aiko Reinecke. In a 1973 interview, Murin described himself in 1948 as having been a "radical left-winger." In the 1930's he had been a member of the Young Communist League in Pennsylvania where he grew up. Murin's first wife, Bessie Steinberg, was once identified before the House Committee on Un-American Activities as an officer of the Communist Party in the state of Pennsylvania. Murin was unwilling to comment on whether he had been a member of the Communist Party in Hawaii, but there is no doubt that he was at least sympathetic with its philosophy and objectives. Murin has been an employee of the United Public Workers (UPW) since 1951 (it was called the United Public Workers of America until 1953 when it was expelled from the CIO due to Communist influences). This information came from a personal interview with Steve Murin on June 7, 1973.
expert at red-baiting, race-baiting and labor wrecking."[21]
Ettleson's advice to the bosses, it was charged, was to
weaken the union from within. Praise responsible unionism,
Ettleson supposedly told the bosses, and seek to isolate
the workers from their leadership. "Find some ex-Communist,
he continued, give him some money and put his name on a
pamphlet and be sure to 'expose' every militant leader as
a 'red'."[22] On the story went, with a self-serving
explanation which portrayed the events of the past month-
and-a-half as nothing more or less than a bosses' plot.

The concluding section of The Mysterious Stranger was
sub-titled "Nailing the Lies." One of the "lies" it sought
to "nail down" was "The International officers are outsiders,
'reds,' and agitators."[23] Interestingly, the response to
this question dealt only with whether the International
officers were "outsiders." The question of whether they
were "red" was ignored, an omission which did not elude
the ILWU's critics. But woven in with the overblown
rhetoric about the bosses' plot was an effective deliniation
of the progress of Hawaii's workers under the leadership of
the ILWU.

Among the organizations supporting Ignacio's bolt from
the ILWU was the American Legion. The Legion distributed

Longshoremen's and Warehousemen's Union, Pier 11, December
five hundred copies of an open letter to Jack Hall to the delegates at the ILWU Unity Conference. The letter asked the rank and file:

Has he ever told you during the nearly six years since the Roberts Report on Pearl Harbor was published, that this report lied when it called Mr. Hall a Communist? Has he ever told you that he is fearful of your learning what the Roberts Report said about him? . . . Mr. Hall, in his letter to you, has denied he is now a member of the Communist Party. However, the day after the letter was reported in the newspapers he refused to answer a news reporter's question: "Have you ever been a member of the Communist Party?" He stated that he would only answer that question "at the proper time . . . ."

Isn't this the "proper time" for Mr. Hall to explain to you his connection with the Communist Party—a party whose avowed purpose is to destroy our unions in order to successfully destroy our United States.24

The reference to the Roberts Report requires elaboration. It is a troublesome matter in a sense similar to the 1935 statement, "What Must We Do?" which had been attributed to John Reinecke. It keeps coming back periodically, throughout the period with which we are dealing here, and always out of context. Under the leadership of Supreme Court Justice Owen J. Roberts, a special commission met in Honolulu from December 22, 1941 to January 9, 1942. They reconvened in Washington D.C. from January 16-24, 1942. Their purpose was to determine responsibility for America's inadequate response to the Japanese sneak attack on Pearl Harbor on December 7, 1941. The Roberts Report itself is

24Honolulu Advertiser, January 4, 1948, p. 11.
only twenty-one pages in length and was submitted secretly to President Franklin D. Roosevelt. The report said absolutely nothing about Communism.

But in the spring of 1947, the United States government declassified and released thirty-nine massive volumes of material related to the proceedings, including an enormous amount of raw data which had been accumulated by the Federal Bureau of Investigation, data which, for the most part, was given no consideration by the members of the special commission. Volume 25 of that material included a chart, prepared by the FBI, which listed the Central Committee of the Communist Party in Hawaii. Those named were Jack Hall, Jack Kimoto, John Reinecke, Robert McElrath and Ah Quon McElrath. The chart also listed twenty-four organizations which were deemed sympathetic to Communism, several Communist front organizations and two ILWU locals which were alleged to be infiltrated by Communists.25

The American Legion statement that the Roberts Report had been published for "six years," was obviously intended to mislead. Governor Stainback, himself, said in December 1947, "I doubt if prior to early this year anyone in Honolulu outside of the various intelligence departments and

their superiors, knew that the Roberts Report contained a list of communist-dominated organizations and the so-called executive committee of the communists in Hawaii.\(^{26}\) The executive committee members named may well have occupied those positions at that time, but this was no official government finding, and when it came down to the organizations named, many innocent people were to become "implicated" as the frequent mention of the Roberts Report gave the document additional currency in the community.

An ILWU pamphlet entitled *The Big Lie* sought to deal with the Roberts Report in an interesting fashion as the rank and file was being urged by anti-Communists to rid itself of Jack Hall on the basis of his appearance in the infamous document:

> Should they follow this course, their next move must be to seek the dismissal of Circuit Court Judge A.M. Cristy. Judge Cristy is listed in the "Roberts Report" as being a member of a German propaganda agency. He is listed in FBI Chart XVI and his FBI code number is (100-1559).

> They must ask for the Chamber of Commerce to drop from membership several prominent individuals in the Territory's business world. For example, there is Guido Giacometti, Mill Superintendent of the Olaa Sugar Company, and his son, Luigi. These individuals are listed in FBI Chart XVII as being members of Italian "observation and listening posts." The senior Giacometti's FBI number is (100-1538), his son's number is (100-1539).

> Has Ingram Stainback suggested that the American Legion remove from its membership rolls a man listed by the FBI as being an "advisor" to the Japanese Consul in Honolulu immediately prior to

\(^{26}\) *Honolulu Advertiser*, December 3, 1947, p. 6.
to Pearl Harbor? He has not. FBI Chart III lists an ex-Legion official and high officer of the Boy Scouts, Wade Warren Thayer, as a member of the "Advisory Council" of Nagao Kito, Consul of the Imperial Japanese Government. Mr. Thayer's FBI number is (100-617).

Has the Governor requested that the Royal Brewery fire its brewmaster, Walter Glockner. Herr Glockner's name appears on FBI Chart XVI. His number is (65-15).²⁷

And so the charges and counter-charges continued.

But the ILWU left the Unity Conference at Hilo intact.

On February 21, 1948, Amos Ignacio was tried by the union, in absentia, was found guilty of dereliction of duty and was expelled, a gesture referred to with some justification as "a farce."²⁸ In July, the Union of Hawaiian Workers was welcomed into the American Federation of Labor as Sugar Workers' Union, Federal Local 24405, AFL, with John Owens, AFL Territorial Representative remarking, "The workers of Hawaii realize ILWU-CIO leaders have not answered the big $64 question about Communism."²⁹

The Union of Hawaiian Workers was never a viable organization. Not even the AFL could breathe life into it. On December 10, 1948, nine months after recognition, the


UHW was suspended by the AFL, and after losing a representation election at Laupahoehoe on January 4, 1949, the union Amos Ignacio had started scarcely a year before with such high hopes had died a quiet death.  

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CHAPTER IV

POLITICS IN HAWAII--1948

The Communist issue cut deeply into Hawaii's politics in the years immediately following World War II. It was a major issue in 1948. But to understand 1948, we must briefly go back to 1946.

Hawaii, like much of the rest of the nation, had felt the impact of the CIO's Political Action Committee in both 1944 and 1946. The success of the PAC in 1944 had made friend and foe alike realize that organized union voting could have a powerful impact upon the political process.

The PAC was avowedly non-partisan, though there was an obviously greater community of interest with the Democratic Party than with the Republicans. However, it was the endorsement of a Republican, Delegate Joseph R. Farrington, by the PAC which ignited the anti-communist flames in the 1946 election. The PAC endorsement was attacked by Republicans and Democrats alike. Many Republicans resented the fact that the Republican incumbent to the Territory's most significant elective office did not repudiate the endorsement. The chairman of the Territorial Republican Central Committee, Roy Vitousek, said, "We want a government run by, and for the people of this Territory
instead of for the PAC, other organized minorities, communist front organizations and pressure groups.\footnote{1}{Honolulu Advertiser, September 19, 1946, p. 1.}

The Republican Campaign Committee passed a resolution that no Republican candidate could speak from a PAC platform, but in deference to Farrington they did not call upon any candidate to repudiate a PAC endorsement. Farrington, himself, spoke very little about the PAC endorsement, a fact regularly called to his attention by the \textit{Advertiser}. It was sometimes difficult to determine whether the \textit{Advertiser}'s opposition was rooted in political philosophy or in the fact that Farrington was owner and publisher of the rival \textit{Star-Bulletin}.

When Farrington did speak out on the endorsement, on the eve of the primary election, he made it clear that he accepted the support of all groups. He also made it clear that in accepting the endorsement of any group he did not endorse their principles. Farrington explained: "The action of this committee [PAC] involves nothing more or less than an endorsement of the record I have made and the position I have taken on statehood for Hawaii."\footnote{2}{Honolulu Star-Bulletin, October 3, 1946, p. 1.}

Farrington's approach to the PAC endorsement sustained a blow when \textit{Time} magazine printed an article in its October 28, 1946 issue saying: "This week PAC got a kiss of death.
Moscow Radio, speaking in English, urged U.S. voters to cast their ballots for PAC backed candidates.  

Beginning October 30, 1946, and continuing through election day, the Advertiser printed a daily box with the heading, "Moscow Supports These Oahu Candidates," with a list of the sixteen endorsed candidates of the PAC (13 Democrats and 3 Republicans). Though Farrington won the general election rather easily with 45,770 votes to 37,210 for his Democratic opponent, William Borthwick, his margin had dropped substantially from the primary in which he had polled 41,735 votes to Borthwick's 22,734. But this tells only part of the story. Farrington was to carry the burden of the PAC's endorsement for the rest of his life. It is a tribute to his political popularity that he carried it as easily as he did.

The PAC endorsement of Farrington was an even more volatile and divisive issue on the Democratic side. William Borthwick, the Democratic candidate for Delegate to Congress, was a political ally of Governor Stainback who had appointed him Territorial Tax Commissioner. The governor toured the Islands with Borthwick in 1946, in support of his election.

3 *Time*, October 28, 1946, p. 11.


Both men were bitter about the failure of the ILWU, through the PAC, to endorse the Democratic candidate.

But the individual who carried the rhetorical burden of attacking the PAC on the endorsement issue was Ed Berman, one of the most intriguing individuals in Hawaii's recent labor history. Berman had lived in Hawaii, off and on, since 1931, and was officially involved with union activities from 1935-38. He had served as editor of the labor newspaper, the Voice of Labor and regional director of the United Cannery and Packinghouse Workers of America (UCAPAWA), of which the ILWU was the lineal descendant in the agricultural field in Hawaii. Berman also served as regional director for the CIO in Hawaii. After the disastrous Inter-Island strike in 1938, Berman went to the West Coast where he worked as a longshoreman while attending law school at night at the University of San Francisco. When he returned to Hawaii after the war, personal antipathy between Berman and ILWU leaders Jack Hall and Jack Kawano prevented his assuming any significant role in the local labor scene, a fact he was alleged by many to have resented deeply.

Berman charged that a deal had been struck between the ILWU and Joseph Farrington, the same charge which was to be echoed a year later in Izuka's The Truth About Communism in Hawaii. The morning before the general election the Advertiser printed a photostatic copy of a report by Marshall McEuen, chairman of the PAC. In it McEuen said: "I am sure
that all our people have noticed that the Star-Bulletin gave the PAC every possible break in the news columns. They have been thoroughly friendly to us and we should keep this situation in mind in future elections."\(^6\) The McEuen report went on to predict a PAC victory in the Territorial House of Representatives, and talked of legislative planning. Here, for many, was proof that a deal had been made.

All in all, the PAC record in the 1946 election in Hawaii, as well as nationally, was mixed. Throughout the Territory, the PAC had endorsed thirty-four candidates, thirty Democrats and four Republicans. Twenty of their candidates were successful and fourteen lost. In the big races, for the Delegate to Congress and for Mayor of Honolulu, PAC backed candidates were winners. Farrington, of course, won his race, and Johnny Wilson returned to the Mayor's office after some years of absence by defeating the Republican Montie Richards by a mere sixteen votes. In the Territorial Senate, the PAC-endorsed candidates won three of six races. In the Territorial House, they were successful in twelve of twenty races. And they won three of six contests for the Oahu Board of Supervisors.\(^7\)

Throughout that election campaign, Hawaii was in the midst of the most significant strike in its history: the

\(^{6}\)Honolulu Advertiser, November 4, 1946, p. 1.  
^{7}\)Honolulu Advertiser, November 8, 1946, p. 1.
1946 sugar strike, which lasted seventy-eight days, from September 1 to November 19, 1946. The ILWU successfully achieved wage increases and ended the semi-feudal perquisite system. During the sugar strike and within the context of the political season, ILWU longshore president Jack Kawano locked horns with Ed Berman. During their dispute, Kawano warned the ILWU rank and file that it had come to his attention "that one Edward Berman, representing himself as a member of the ILWU, has been touring the territory spreading dissention among the striking sugar workers." In order to maintain unity, Kawano continued, he was going to expose certain facts regarding Berman. The hand-out went on to accuse Berman of having "deserted the labor movement during its hour of need" when he left Hawaii after the Inter-Island strike of 1938. It also accused Berman of profiteering on the sale of food to the ILWU for striking workers and their families.\(^8\)

On the latter issue, Mr. Berman was most adamant in an interview with the author on July 10, 1973. In 1946, Berman was preparing to take the Hawaii Bar examination. While studying, he said, he was working for a food broker named Vivian "Scoop" Culver. This job was the sole means of support for Berman, and his family. To Berman, looking back, he had entered into a business deal to sell powdered

\(^8\)Honolulu Advertiser, November 7, 1946, pp. 1 & 4.
milk to the ILWU. Kawano, he asserted, had fabricated a story that Berman had offered to obtain the milk at cost in order to make Berman look bad. Whatever the facts were, the episode created additional animosity between the two men which was to erupt in a dramatic fashion in the future.

Another bitter episode in the aftermath of the 1946 election was the request by Governor Stainback that Jack Hall resign his position as a member of the Honolulu Police Commission, a position to which Stainback had appointed Hall. Stainback said he demanded Hall's resignation because of a public statement the ILWU chief had made about Judge Philip L. Rice of Kauai. Rice had issued an injunction against striking workers of the Lihue Plantation Company during the 1946 sugar strike. Hall had accused Rice of a conflict of interest because he had represented that company and many other Big Five companies as legal counsel. Such criticism of a Judge by a member of the Police Commission was ethically incorrect, according to Governor Stainback.

Hall's response was quick and searing:

While my statement regarding Judge Rice is ostensibly the reason for your requesting my resignation, I firmly believe that there exists a more compelling reason. . . . That reason is the refusal of the Political Action Committee to support the candidacy of Mr. William Borthwick for Delegate to Congress. It is common knowledge that Mr. Borthwick was your hand-picked candidate to run against Delegate Joseph R. Farrington, against whom you are said to be carrying on a personal vendetta.

While I am not an officer or official of the PAC, on many occasions you requested me to use my influence in obtaining PAC support for
Mr. Borthwick, or at least to have PAC support withdrawn from Delegate Farrington. I am sure you knew at the time that had I been inclined to comply with your request, I should have been specifically in violation of the statutes which prohibit political activity by a police commissioner.

Because of your continued pressure on me for support of Mr. Borthwick's candidacy, and because of the implication that I owed you such support in view of your appointing me to the police commission, I have for some time been giving serious consideration to the severing of my association with your administration.9

Hall also resigned as a member of the Labor and Industrial Relations Appeal Board, although he was under no official pressure to do so. The ILWU leader's credibility might have been greater had he actually resigned before Governor Stainback's request, but there is no gainsaying the bitterness which existed between the two men after that time. It was the basis of charge and counter-charge for years to come.

This, then, was the backdrop for the 1948 political season; this and the dramatic events which had followed in the wake of Governor Stainback's Armistice Day speech in 1947. Clearly, a change in ILWU tactics was called for.

First the ILWU dropped the PAC as a vehicle for political influence. The union felt ready to move into the Democratic Party and attempt to guide its destiny in the interests of the ILWU. The announcement that the PAC was turning to "educational" concerns evoked skeptical responses

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from a variety of sources including the Kauai newspaper, *The Garden Island*, which editorialized with the question: "You Wouldn't Kid Us Would You PAC?" The editorial, written by the paper's strongly anti-communist editor, C. J. Fern, suggested that the reason for the PAC decision might have been "the fact that too many of the lads who had an active part in the PAC in the last election have been charged with being linked too close to Communism for comfort recently."¹⁰

By the beginning of 1948, warnings were found in the newspapers about the ILWU's move into the Democratic Party. Two long-time Democrats, David K. Trask, Territorial Chairman of the Central Committee, and Senator Harold Rice of Maui, wrote a joint letter to the Central Committee asking it to deal with the Communist threat to the Democratic Party. The response was a ringing denunciation of Communism, which the Central Committee described as a philosophy which had as its objectives disunity, injustice, chaos, defenselessness, calamity, and slavery throughout the United States. The proclamation went on to declare: "any member of the Democratic Party of Hawaii who shall affiliate with the Communist Party will, in accordance with our rules, be expelled from our party."¹¹

When the Oahu County Democratic Central Committee met on January 13, 1948, a similar resolution was tabled on the motion of John A. Burns. A month later, Burns introduced an alternative measure, condemning "the current witch-hunting and name calling by which persons are branded." The resolution, although bitterly denounced by Ed Berman, passed by a vote of 34 to 3.\textsuperscript{12} Conflict within the Democratic Party was starkly apparent very early in the 1948 political season.

This conflict intensified on Oahu as it became apparent that the ILWU drive to encourage its members to join precinct clubs was succeeding spectacularly. The ILWU concentrated on Oahu's twenty-three precinct clubs which had become defunct, but did not ignore the other forty-four. The new club members called upon the County Chairman, Lau Ah Chew, to exercise a little used rule which would allow them to declare all precinct clubs disbanded on March 31, 1948 at midnight, and then order them to reorganize themselves on April first. Charles M. Hite, acting Territorial Chairman due to the ill health of David K. Trask, supported Lau's action and the battle lines were drawn. The result was a very strong--but by no means majority--position of ILWU members in Oahu's precinct clubs and in the delegations they sent to the Democratic Party's convention on May 2, 1948.

\textsuperscript{12} Honolulu Advertiser, February 11, 1948, p. 1.
In the midst of the furor over the reorganization of the precinct clubs, there was a move to establish a staunchly anti-Communist Young Democrats Club. Two of the most vociferous leaders in the move to have the Young Democrats recognized by the County Committee were Ed Berman and Art Rutledge, the front men in the Stainback wing of the Democratic Party. Rutledge defended his position vehemently: "Among the Red element here in Hawaii," the fiery Teamsters leader declared, "the worst thing you can call a man is a Stainback Democrat. I call that a compliment and something far better than being a stooge of Stalin."¹³

John A. Burns, always seeking the middle ground, intoned: "we don't question the motives of those who join the Democratic Party. It is not up to us to judge whether they are communists or ILWU or anything else. If, after joining it, they fail to abide by the party rules and party policies, then the party itself has the power to act."¹⁴ Burns then declared the obvious when he said, "we had to organize and we had nowhere to go but the ranks of labor."¹⁵ Charles M. Hite echoed a similar sentiment when he stated, "I have repeatedly said that we have no objection to labor taking over the Democratic Party if they do it as Democrats first.

¹³Honolulu Advertiser, March 26, 1948, p. 8.
¹⁴Honolulu Advertiser, March 26, 1948, p. 6.
I think your committee," Hite told Wilfred Oka who was responsible for organizing precinct clubs, "has done a bang up good job."16

Unresolved protests eventually found their way into the Democratic Territorial Convention on May 2, 1948. Most were ultimately and anticlimactically resolved in favor of the newly reorganized clubs. Eleven candidates for the Democratic Territorial Central Committee, however, were rejected for lacking the requisite three years of Party membership, including five of the biggest names in the ranks of the ILWU: Jack Kawano, Ernest Arena, Levi Kealoha, Hideo "Major" Okada and Antonio Rania. Kawano, Arena and Okada had been named as Communists in the Izuka pamphlet. On the surface, the Democratic Party came out of their 1948 convention unified. But it was a subdued convention and trouble was barely submerged.

After the convention, it became quickly apparent that there was a serious threat of a bolt by the right wing of the Democratic Party. Ed Berman announced the formation of a group known as the "Independent Democrats of Hawaii." The organization went nowhere in 1948, but it proved to be the harbinger for 1950, when the Democratic Party did come unglued.

16Honolulu Advertiser, March 26, 1948, p. 6.
When the Democratic Women's Organization of Hawaii met on May 13, 1948, they declared themselves opposed to Communism. As if to compensate for the failure of the Democratic Party convention to do so, they voted their support of the Truman and Stainback administrations. Mrs. John E. Parks was elected president of the Democratic Women's Organization after Victoria K. Holt declined the nomination. Holt had other things in mind, and on May 25, 1948, she announced that she would be a candidate in the Democratic primary race for Delegate to Congress. Her announcement came as a surprise to the party leaders who had no comment for the press. Holt was to run her campaign on one issue, and one issue alone--Communism.

As summer moved on, the campaign began to heat up. The Democrats were dealt a blow when A. T. Longley quit as president of the 30th Precinct Club of the 5th District on Oahu. Longley had been in the Democratic Party for 36 years and was Chairman of the Hawaii Statehood Commission. Longley wrote to Wilfred Oka, Secretary of the Oahu County Central Committee that, "Since the Democratic Territorial Convention, I have become convinced that the subversive and radical elements are in control of the Party with whom I, as an American and Democrat, do not agree. I now feel that I can be of more service to the Party and the Territory if I hold no office."17

17 Honolulu Advertiser, August 5, 1948, p. 8.
On Kauai, George Aguiar, who had returned to the Democratic Party in the spring and announced his intention to stand for reelection to the Territorial House of Representatives, offered a resolution to the Kauai Democratic Convention which was scathingly anti-Communist in tone and content. He called the Communist Party a "secret organization devoted to the overthrow of the government of the United States by force and violence." His resolution ended with the assertion that "Communism is slavery and atheism." The Kauai Convention tabled Aguiar's resolution and passed a more moderate statement calling upon Democrats, "to appreciate the significance of their heritage . . . and with cool and calculated courage face and deal with the avowed Communists of Hawaii and any other subversive group that may seek to overthrow the free institutions of the Territory of Hawaii." 

Governor Stainback, still smarting from 1946, and the implied repudiation of the recent Territorial Democratic Convention, did not directly involve himself in the 1948 campaign. He did not stop preaching the evils of Communism, however, and told the 15th annual Young Buddhists' Association Convention at Hilo: "this Territory is, as the Communists themselves boast, the most fertile field in the

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18 The Garden Island, August 17, 1948, p. 8.
19 The Garden Island, August 17, 1948, p. 7.
whole United States for Communist infiltration; furthermore, I regret to say that the most numerous converts in the Territory are the Japanese-Americans." Stainback was quick to add that "the record of my friendship and respect for the Japanese of this Territory is beyond question."20

The Young Buddhists, not to be outdone by the governor passed a resolution saying, "when one removes the various masks of liberalism behind which it hides, one sees the devil face of Communism--the syphilis of civil government."21

On August 23, 1948, Mrs. Alice Kamokila Campbell, former Democratic Senator from Maui and a recent convert to the Republican Party, announced that she would run for the Territorial Senate from Oahu where she now lived. In an interview with United States Senator Guy Cordn of Oregon (in Hawaii to hear testimony on the statehood issue, Campbell instructed the Senator: "why has all this Communism come into the country? From the Japanese, because they do not have enough land to live on." She went on to explain that the same lack of land had been the cause of the Russian Revolution in 1917. Then she warned: "They tell you the Chinese and Japanese hate each other. Don't you believe it, senator. They are tied together. What is to prevent the Russians from saying to the Japanese and the

Chinese: 'You come and fight for us and we'll give you the Territory of Hawaii.'"22 Refusing to endorse the Republican Party plank for statehood, Campbell was denied participation in Republican rallies. She ended up running a rather odd campaign in tandem with Victoria K. Holt, a Democrat who shared with Mrs. Campbell a common Hawaiian ancestry and a passionate distaste for Communism.

In a power play against Mrs. Holt, several members of the Territorial Democratic Central Committee supported William Borthwick's August 28, 1948 announcement that he would run for Delegate to Congress if Mrs. Holt would withdraw. In his announcement, Borthwick suggested the campaign he might have run when he commented: "If I am defeated by Delegate Farrington, it will show conclusively that subversive elements are in control of Hawaii."23 But Victoria K. Holt was not getting out. Two days later Borthwick withdrew from the race, departing the next day on a vacation to the Mainland where he sat out the campaign. The next day John A. Burns announced that he would stand for the office.

September opened with the appearance of Tom O'Brien's pamphlet, The Plot to Sovietize Hawaii. The Hilo radio announcer and Honolulu Advertiser correspondent told his

22Honolulu Advertiser, January 18, 1948, p. 2.
readers, "The enemies of democracy among us are gambling mightily on a rapid time-table built around the territory's 1948 elections." O'Brien charged that the ILWU had taken over the Democratic Party in the Territory lock, stock and barrel. The plot, according to O'Brien, was hatched in November, 1947, when Harry Bridges sent J. R. Robertson to the Islands for lengthy conferences with "nine trusted friends here, two of whom significantly were not members of the union. . . ." The plot was to take over the Democratic Party and to make a few secret alliances with Republicans so the ILWU could have some voice in the appointment of a governor in the event of a Republican president in Washington, D.C. "The task of overhauling the Democratic Party was assigned to plodding and faithful Jack Kawano. He picked two assistants; aging but still agile Marshall McEuen . . . and hustling, bustling Wilfred Oka. They tackled their job with almost fanatical enthusiasm." 

O'Brien continued with an analysis of the goals of this nefarious "plot." They included the control of the Territorial legislature and the Boards of Supervisors on each island; the elimination of Governor Stainback; the preparation of CIO union members for prolonged labor strife; 

24 O'Brien, The Plot to Sovietize Hawaii, p. 3.
26 O'Brien, p. 69.
and, finally, the creation of a crisis justifying the intervention of the ILWU controlled state legislature. How was the "plot" working? O'Brien explained:

The ILWU made a clean sweep of the Territorial Democratic Convention [and] holds in a tight fist today not only the Democratic Party's Territorial Central Committee, but also the county committees on Oahu, Hawaii, Maui and Kauai, and looks confidently to the appointment of a new governor willing to submit to their advances.

Simultaneously, the union has pushed the third objective, preparing the membership for a prolonged strike ... A letter to the international representatives, however, emphasized that the strike cannot be expected to materialize until after the elections, forestalling a repetition of the mistake of 1946.

The timetable is on schedule ... Christmas, 1948, if the ILWU plans hold to schedule, will find Hawaii in the grip of the most widespread, paralyzing strike in its history.27

The sponsor of O'Brien's rather extravagant literary effort was, according to the Honolulu Star-Bulletin, none other than Big Island Republican Senator William C. "Doc" Hill, one of the leading anti-statehood advocates in the Territory of Hawaii.28

Into this highly charged political atmosphere came the Republican candidates for the delegate's race. First on September 2, 1948, came Delegate Joseph R. Farrington, seeking his fourth term. On the following day, Walter H. Dillingham threw his hat into the ring, creating the first

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27 O'Brien, pp. 71-73.
primary contest among the Republicans for the delegateship in more than twenty years. Among the forty-three signatures on Dillingham's petition were those of Lorrin P. Thurston, publisher of the Honolulu Advertiser and "Doc" Hill.

Dillingham was a nephew of kamaaina business leader, Walter F. Dillingham and a cousin of Benjamin F. Dillingham, Republican Senatorial candidate. Walter H. Dillingham had served in the Territorial House for two terms, one before the war, and one after. During the war, Dillingham had been a combat pilot, a fact he regularly called attention to by flying his own plane around the campaign circuit. O. P. Soares, Territorial Republican Central Committee chairman, was not happy with Dillingham's entry into the race. He made it clear that he thought there was an understanding within the party that Dillingham would remain in the House. But Dillingham's declared reason for running was quite simple, and apparently quite compelling to him. "My decision to run," he explained, "is based entirely upon patriotic reasons. I feel I can be of service to Hawaii and our country as delegate and I can be counted upon to make an all-out fight against Communism."29

Dillingham reached the rhetorical peak of his campaign at a Republican rally on September 18, 1948 when he declared

"today, America and our home islands are threatened by the Red menace! And I want each and every citizen in these islands to know that I abhor, I detest Communism, whether it be in the ranks of labor or in the ranks of capitalism." 30

Though it was hard to conceive of many communists lurking in the "ranks of capitalism," one can believe that Dillingham would, indeed, have abhored them. But if that were a silly statement, his declaration of September 26, 1948, was misleading and irresponsible. "Today we are beset with strikes on most every hand," Dillingham told his audience. "Our waterfront is tied up. . . . Our mass transportation service of busses is tied up by strike . . . The telephone system throughout the islands has been struck. These strikes are caused by the 'mother of the PAC,' the un-American, irresponsible, labor agitators who have brought their curse to these islands of ours." 31

Now, the "mother of the PAC" could be none other than the CIO, or, in Hawaii, the ILWU. But, of the strikes mentioned, only one involved the ILWU, and that was on the West Coast, not in Hawaii. Granted, a West Coast shipping tie-up affected Hawaii's business, but it was hardly fair to blame Hawaii's labor leaders. He could do that the next year. But the two other strikes were both by AFL unions and their leaders were vigorously anti-Communist.

30 Honolulu Advertiser, September 18, 1948, p. 4.
31 Honolulu Advertiser, September 27, 1948, p. 1.
Farrington continued to face the Advertiser's demands that he retroactively repudiate the 1946 PAC endorsement, but this was nothing new; editorials to that effect had been in Thurston's paper since early spring. The delegate made it clear to anyone who would listen that Communists would find no comfort in his presence. At a precinct club meeting on Oahu, Farrington took some shots at the Advertiser for its "false and malicious charges concerning my sympathy with subversive interests." The delegate urged the group to vote Republican to "get a clean house by sweeping out the rats, rubbish, and Reds." On several occasions, Farrington repeated his 1946 position that his endorsement by PAC did not involve any reciprocal adoption of their views. They had simply bought his position and leadership on the issue of statehood. Former Delegate to Congress, Victor S. K. Houston brought some perspective to the issue when he correctly observed: "Joe is attacked in this election because two years ago he did not denounce the endorsement that the CIO-PAC had given to him before the last primary . . . I can vividly recall how others were seeking the endorsement which is now being held up against Joe Farrington." The "others" of whom Houston spoke, included many Republicans.

32 Honolulu Advertiser, September 10, 1948, p. 3.
33 Honolulu Star-Bulletin, October 1, 1948, p. 11.
In the meantime, the Burns-Holt race continued with Burns running a low-key campaign, largely on "bread and butter" issues and Holt running against the "Red menace." She warned the voters: "the Communist situation here is dangerous. As long as this Communist group controls the leadership of the ILWU, it controls sugar, pineapple and shipping--three of our principal industries. If it ever called a general strike, on orders from Moscow, it would ruin our economy. ... I promise all of you that should I be elected delegate, my first step will be to have a congressional committee come to the Islands and investigate the Communist situation. That will be the best way to bring the traitors out into the open." 34

The bulk of the Democratic Party demanded that Victoria Holt name names if she were going to continue with her charges. She always temporized, saying that she would do so at the proper time, while assuring those who would listen that she "had contacts in Washington and elsewhere." She explained: "I know what is going on and they know back there what is going on. ... People have asked me, 'How can you tell a Communist?' You don't have to see a skunk to know he's there." 35

Pushed on the matter of naming names, Holt finally responded by saying at a late September rally that at an

34Honolulu Advertiser, September 13, 1948, p. 2.
35Honolulu Advertiser, September 17, 1948, p. 2.
April meeting of the County Central Committee, Art Rutledge had, at the meeting in question, named "a half-dozen or so" Communists who were present. She pointed out that 150 people heard Rutledge make his assertions which were obviously true since nobody sued him. In an interview with the author, Rutledge confirmed that he had looked around the room, pointed his finger and said: "You, you, you, and you."

Art Rutledge's comments on Victoria Holt at the time of the campaign were somewhat enigmatic. "Mrs. Holt is a fine lady and I have nothing against her," he told the Advertiser. "She has been a good Democrat for many years but it is my opinion that she has been taken in by a person who was once a Communist, and who now states that he doesn't want to be one but who privately wants to get back with them." Although Rutledge was not explicit in 1948, he did tell the author in 1974 that his reference was to Ed Berman.

And so the primary campaign neared its conclusion with the featured players remaining true to their chosen roles. Republican Walter H. Dillingham and Democrat Victoria K. Holt, along with the Honolulu Advertiser, were riding the

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37 Interview with Art Rutledge, Unity House, Honolulu, Hawaii, August 29, 1974.
38 Honolulu Advertiser, September 24, 1948, p. 2.
Communist issue for all it was worth. Republican Joseph R. Farrington and Democrat John A. Burns, along with Farrington's Honolulu Star-Bulletin, sought to keep the Communist issue on the back burner.

There was a last minute flurry when the Honolulu Advertiser published an eleventh hour statement by Robert K. Mookini, Jr., former president of the ILWU pineapple local 152, containing a number of accusations relative to the Communist influences he had seen in action within the ILWU and the PAC, both of which he had served as an officer. But the featured charge in Mookini's statement was his assertion that there had, indeed, been a deal between the ILWU and Joseph R. Farrington. It was not novel to see political support exchanged for past favors, but when the added ingredient of Communism was thrown in, it became a sinister brew to many. Once again the attempt was being made to paint the delegate with a red brush. Mookini ended his statement with a flourish:

I broke with the ILWU because its policies were and still are Communistic. I have been asked to go back with the ILWU, but I absolutely refuse because I will have nothing to do with a bunch of Communists. For the same reason, I refused to speak for the Democrats. 40

Delegate Farrington's response was predictable. He called the appearance of the Mookini statement a

40Honolulu Advertiser, October 2, 1948, p. 2.
sneak attack by my opponent in exactly the character I predicted. . . . It exposes in full the shameful methods being employed in the effort at election of my Republican opponent. Mookini is not telling the truth. Knowing something of his past record, I strongly suspect that his statements are prompted by considerations that, to say the least, are improper.41

Mookini had been suspended from the ILWU in May, 1947, and was later tried and expelled from the union for malfeasance. At the time, Mookini insisted that it was all a Communist plot. The event was not given a great deal of public attention. It should be remembered that this took place six months before the Armistice Day speech of Governor Stainback and the appearance of the Izuka pamphlet. Mookini later went to work for the AFL and that union openly sought to use him to lure pineapple workers away from the ILWU. Whether Mookini quit the ILWU or was kicked out is not really important. The important thing is that there was no love lost between this man and his former union and the ILWU's Robert McElrath dismissed the Mookini statement as "just another smear attack."42

The primary results demonstrated that Hawaii's voters did not see a clear and present danger in the specter of communism. In the delegate races, Farrington easily defeated Dillingham 49,864 to 32,686. John A. Burns took the measure of Victoria K. Holt 7,977 to 5,021. In other Oahu races

where the Communist issue was raised extensively, Alice K. Campbell finished last in a five-way race for the Republican nomination for the Senate. She was beaten by a margin of more than six-to-one by the leader, Benjamin F. Dillingham (who did not share his cousin's obsession with the issue of Communism) and by more than three-to-one by the fourth place finisher. On the Democratic side, the most active anti-communist candidate for the Territorial Senate was James G. Needles who insisted on having the American flag prominently displayed wherever he spoke. Needles finished fifth in a six-way race, trailing the leader, Arthur Trask, by a seven-to-one margin and the fourth place finisher by three-to-one. The only man in the race Needles managed to defeat was J. P. Petrowski, an avowed leftist who campaigned on the assumption that anyone to the right of Henry Wallace was a fascist.

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44 Henry Wallace was not the issue in Hawaii that he was on the Mainland, primarily because the citizens of Hawaii were ineligible to vote in the presidential election. But much of the drama and tension generated by the third-party movement led by the former vice-president took place, in somewhat different form, within the Democratic Party of the Territory of Hawaii. As did the Democratic Party of Hawaii, Wallace had a very difficult relationship with the Communist Party. His problems were somewhat different because he was dealing with the open membership of the C.P.U.S.A. whereas Hawaii's Communist Party operated covertly, but the comparison remains valid. Quoting from Joseph R. Starobin, American Communism in Crisis, 1943-1957 (Cambridge: Harvard University Press, 1972), pp. 183-184: "Verbally, Wallace defended the right of the Communists to be acknowledged as a political force under the protection of the Constitution. He viewed them as wrong in their perception of the world but
In the outer islands, the anti-Communists fared no better in Hawaii's 1948 primary elections. Amos Ignacio, who had billed his Big Island (Hawaii) senate campaign as a showdown with Communism, finished seventh out of seven in the Democratic primary. Akoni Pule, who had joined with Ignacio in the Union of Hawaiian Workers, sought reelection to the Territorial House of Representatives from the second district in west Hawaii. He finished fifth out of six
defended their right to be wrong. . . . In practice, however, Wallace feared the stigma of association with Communism. Wallace's discomfiture came to a head in mid-June 1948. In an interview with Edward R. Murrow, on the eve of a mass meeting in Albuquerque, New Mexico, Wallace said: 'According to the newspapers, I'm getting a lot of support from the Communists, and the Communist leaders seem to think they have to endorse me every day or so. There's no question that this sort of thing is a political liability.' Then Wallace added what had become his characteristic position. 'I will not repudiate any support which comes to me on the basis of interest in peace. . . If you accept the idea that Communists have no right to express their opinions, then you don't believe in democracy. And if you accept the notion that it is impossible to live in a world with sharply differing opinions, then you accept the inevitability of war. I don't believe in the inevitability of war. I do believe in democracy.' But, a few days later, in Burlington, Vermont, Wallace indicated how greatly the problem of relations with the Communists preyed upon him and blurted out: 'If the Communists would have a ticket of their own, the New Party would lose 100,000 votes but gain four million.' For the most comprehensive, if sympathetic, account of the Wallace campaign in 1948, see Curtis D. MacDougall's Gideon's Army (New York: Marzani & Munsell, 1965, 3 vols.). MacDougall is particularly good on the relationship between the Progressive Party and the CIO which, by 1948, had begun the move to purge itself of the Communist elements within the organization, including the ILWU. (In Hawaii it was the ILWU, smeared with charges of Red domination, that became the burden of the Democratic Party.)
candidates. George Aguiar of Kauai, known best for his role in the 1947 organizational deadlock in the Territorial House of Representatives, sought reelection in Kauai's sixth district. Aguiar, who had at first left the Democratic Party at the time of the Ignacio revolt only later to return, campaigned almost exclusively on the Communist issue. He lost, finishing a distant eleventh out of eleven candidates.45

After the primary in 1948, virtually nothing was said about the Communist issue for the remainder of the campaign. There was bitterness within the Democratic Party over the failure of Governor Stainback to support the regular party organization and attempts were made to have President Truman, who had just won a stunning victory over Governor Thomas E. Dewey of New York, drop Stainback. William H. Ewing of the Star-Bulletin's Washington Bureau reported that the Truman administration was not pleased with Stainback, but was even less inclined to give any encouragement to his opponents.46 Governor Stainback was safe for a while longer and the Democratic Party of Hawaii was still nominally united. All-out internecine warfare would not come until 1950. When it did come, the Communist issue provided the dynamite which exploded any remnant of unity.

CHAPTER V

THE WAITING

Eight months and nine days passed between the December 1947 suspension of John and Aiko Reinecke as teachers in the public schools of Hawaii and the beginning of their hearing in August 1948. Much of the delay was caused by legal procedures which are of no relevance to the substantive issues of the case, but the mood of the public during this waiting period is a matter of concern. We have already seen some of the ways in which the Communist issue was projected into the labor and political arenas. Now we shall return to the Reinecke case, tracing the Reinecke's path as they prepared to face the judgment of the Territorial Commissioners of Public Instruction.

There had been some immediate manifestations of support for the Reineckes. Even before they were suspended, there was much speculation about the authorship of "What Must We Do?" the statement which Governor Stainback had offered as the "Communist blueprint for Hawaii" in his Armistice Day speech in 1947. An enterprising Honolulu Star-Bulletin reporter, guessing, or having been tipped-off, that John Reinecke was the author, interviewed Reinecke's principal on November 14, 1947. The interview was not quoted in the paper until the day after the Reineckes had been suspended. The principal of Farrington High School,
Walton M. Gordon, said of John Reinecke that he was "a very good teacher--one of the best we have at the senior level. There has never been," Gordon continued, "any intimation whatever of Dr. Reinecke's flavoring his own teaching with whatever his political beliefs are. I think he reserves that entirely as an out of school activity. I believe the other teachers here would say the same thing."¹

Immediate support came to the Reineckes from within the ranks of labor. On December 15, 1947 a meeting was held at Honolulu YMCA to discuss the Reinecke case. Marshall McEuen, the head of the CIO-PAC, served as chairman. Harriet Bouslog spoke to the audience of about two hundred about the civil rights aspects of the case. Most of those assembled were sympathetic to the Reineckes, but not all.

Hal Lewis, better known in recent years as "Aku," created a stir when he accused those assembled of merely "throwing jeers at the attorney general." Myer Symonds, who was speaking at the time, passed off Lewis' comments by charging that the radio personality had merely come to disrupt the meeting. With that, a lady jumped up and demanded to know where Lewis' civil rights were now. Marshall McEuen responded by giving Lewis the floor. Lewis used the floor to begin talking about the Ignacio revolt and was

¹Honolulu Star-Bulletin, November 26, 1947, p. 10. John Reinecke's former principal was unwilling to testify similarly by the time the hearing began the following August.
declared out of order. One of the members of the audience asked all those who opposed Communism to stand up. For what it was worth, about fifteen of the two hundred present rose.2

After an intermission, roughly seventy-five of those present remained to organize what came to be the Hawaii Civil Liberties Committee (HCLC). It was decided that the scope of the committee's activities would go beyond the Reinecke case, although that was the proximate issue for which the organization was being formed. HCLC supported the Reineckes throughout their ordeal, both financially and morally. It was to earn the reputation of a Communist-front organization in the eyes of many.

Unexpected support came for the Reineckes from a group of clergymen on the island of Maui. A letter to the editor of the Maui News indicated that the ten undersigned ministers believed the Reineckes had been denied their civil rights. They made it clear that, "as ministers and citizens we hold no brief for Communism. If the Reineckes are members of the

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2Honolulu Advertiser, December 16, 1947, p. 1. It is interesting that Hal Lewis had worked for the ILWU when he first came to Hawaii. His boss was Robert McElrath. In an interview with McElrath on March 21, 1975, the author was told that Lewis had worked for the union on a daily pay basis. At the end of the sugar strike in 1946, Lewis came to McElrath telling him that the "big boys" were interested in him. The ILWU chief said that Lewis had promised to stay true to the union cause and for a couple of months remained in contact with McElrath. But Lewis soon became an active spokesman for the Elks Club's Spearhead for Freedom, whose vigorous brand of anti-Communism frequently put them in a position of attacking the ILWU.
Communist Party as alleged, we feel they are misguided and are in serious error. But the present issue is not that of Communism as the governor insists. The present controversy involves the rights of citizens to believe what they see to be true; to act on those convictions within the law; and to associate with whomever they please."\(^3\) The letter went on to say that if the Reineckes had broken any law, as the original charges asserted, they should be given protections afforded by the judicial process.

This letter was the product of a resolution proposed, though not prepared, in the closing minutes of a Maui ministerial meeting. The actual author was the Reverend Mineo Katagiri who came under extreme pressure from local kaamaina church supporters. In an interview with another of the signatories, the Reverend Abraham Akaka, the author was told that it had taken a great deal of patient explaining to convince an aroused group of prominent citizens that the position taken by the ministers was "an expression of our patriotism," rather than an attack upon American institutions.\(^4\)

Four days after the original letter, another appeared over the names of five of the original ten Maui ministers.

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\(^3\) *Maui News*, December 13, 1947, p. 10.

\(^4\) Interview with Rev. Abraham Akaka, minister of Kawaiahao Church, Honolulu, Hawaii, August 31, 1974.
Neither Katagiri nor Akaka was among them. The five explained the way the actual letter had been authored, absolving themselves from any direct responsibility for the contents. They also protested the misuse of the letter in a Honolulu newspaper where it appeared juxtaposed to an advertisement seeking financial support for the Reineckes. They concluded their letter with an oblique allusion to the fact that the references to the Secret Associations Statute had been dropped from the charges against the Reineckes:

"we feel that persons whose ideologies are in conflict with American principles should not be teaching in our public schools. Our sole concern in this case is one of civil rights. If these rights have been granted, and we are now informed that they have, then we have no further issue."

In a final exchange with the editors of the Maui News, who had been quite critical of the original letter written by Reverend Katagiri, the beleaguered minister asserted:

"I still maintain that the way to fight the communists is to create here a land of freedom and the equal sharing of the earth's goods, and to bind its people by a common love for the rich blessings of liberty." The editors got the last word in the form of a question: "Does Rev. Katagiri have any recommendations as to how the United States can fight an enemy within its own borders and thus protect the

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Bill of Rights and maintain the freedom which all Americans should love above life itself?"  

Perhaps without realizing the two-edged profundity of the question posed to Reverend Katagiri, the editors rather petulantly announced that no more letters would be published on this controversy.

The social disability of being associated with an accused Communist made itself evident shortly after the Reineckes' suspension. Ray Jerome Baker, lecturer, photographer, writer of frequent letters to Honolulu newspapers, and forty years a resident of Hawaii, took John Reinecke to a meeting of his Lions Club as a guest. Shortly thereafter, Baker was dropped as a member of the club to which he had belonged for ten years. A law suit was threatened, but it is a mark of the times that Baker felt obliged to declare to the press that "I am not now and never have been a member of the Communist Party."  

By the end of February, 1948, the HCLC had raised $1,500 for the Reineckes and had collected 5,500 signatures on petitions asking for their reinstatement. The HCLC voted $500 for the support of a tour of the outer islands by John and Aiko Reinecke, and in March they were on their way. They faced generally friendly crowds, mostly union people, and got generally unfavorable editorial comment in the local papers.

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In Governor Stainback's papers there is a letter which demonstrates the many ways Communism cut as an emotional issue in Hawaii. The letter was written by a teenage girl by the name of Marian Lai. She met the Reineckes during their outer Island tour. She was drawn to the couple and obviously sympathetic about the plight in which the two teachers found themselves. Marian asked John and Aiko to sign her autograph book, and they did. Marian wrote that Aiko made the following inscription in her book: "All men may be cremated equal if we don't learn to live in Peace. Let's do our bit for humanity wherever we are." And John: "As Paul Robeson sings, 'I've got to keep fightin' until I'm dyin'"—and so must we all, if we keep our heritage as Americans and continue to go forward." The more Marian thought about these statements, the more they seemed to her a badge of shame. And so she turned to Governor Stainback to expiate her guilt. Her rather pathetic letter concluded:

I do not have anyone to confide in at home, first, because my father is a union man and cherishes the union as an ideal, while the snakes creep under the hollow trees . . .

May you receive the greatest abundance of fortitude to combat this menace to Americanism and may the Lord keep us both physically and mentally fit to combat communism without falling into it.8

Communism in the schools was a matter of concern to many. Even before the Reinecke case the Advertiser was

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writing editorials on the subject which displayed alarm if not historical accuracy:

An Island high school teacher's study of his pupils leads him to believe they are being made receptive to Communism. This is being done by adroit propaganda that pictures Hawaii's industrial history as being akin to the feudalism of Czarist Russia. It is decorated with a heroic picture of Russia's bravery in battle in World War II. Then the question is put, "If Communism hasn't given them something superior to inspire them, why then did the Russians fight? They failed under the Czar in World War I."

The teacher has made an intelligent and perceptive analysis of an effective method that is being applied diligently by Communist propagandists here and throughout the United States. The answer, of course, is simply that it was not until after they had assassinated the Czar that the Russians collapsed in World War I.

How were the schools to deal with the issue of Communism? Indeed, the matter had been much discussed since the suspension of the Reineckes. On March 16, 1948, the Superintendent of Public Instruction, W. Harold Loper, advised his principals in a circular introducing a special issue of School Life, February 1948. The issue was entitled "Zeal for American Democracy," as was Loper's circular. In his instructions to the principals, he offered very explicit guidelines on how the Communist issue was to be handled:

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9Honolulu Advertiser, August 11, 1946, p. 32. The collapse of the Russian army was almost complete by the time of the Czar's abdication in March, 1917. Indeed, the Kerensky government fell, in large part, due to its efforts to reestablish an eastern front in July 1917. Lenin's Order Number One, immediately following the Bolshevik revolution of October 1917, took Russia out of World War I permanently. Czar Nicholas II was not assassinated until July 1918, and there is no evidence to support the assertion that he could have kept the Russian people fighting.
The professional obligation of the teacher to remain neutral on controversial issues, to present impartially the facts and arguments on both sides of any question, may result in some uncertainty on the subject of Communism. ... The Communism we are talking about is not just another political party. It is a dictatorship which demands unswerving loyalty and uncritical obedience ... It tolerates no disagreement, no freedom of thought or action, crushes all opposition. ...

A wise teacher, in the discussion of any controversial issue will not use his position nor his classroom to spread propaganda for either side. ... However, where the question of Communism is concerned, such academic impartiality is a sign of uncritical thinking. There is no middle ground on this issue.10

In the final months before the Reinecke hearing, there was a flurry of activity involving the controversial Mundt-Nixon bill, a measure designed to "protect the United States against un-American and subversive activities." The bill required the registration of the Communist Party and its front organizations, as designated by the United States Attorney General. The bill also made it a crime to attempt to establish a totalitarian dictatorship under the control of a foreign power. The measure then went on to describe the Communist Party in the United States in exactly those terms. In his work on the House Committee on Un-American Activities, Walter Goodman described the confusion over the possible consequences of the Mundt-Nixon bill:

10 Principals' Circular No. 943, Department of Public Instruction, Territory of Hawaii, Honolulu, March 16, 1948, "Zeal for American Democracy," by W. Harold Loper, Superintendent, Stainback Papers, Communism, 1942-48. The full text of the circular is found in Appendix A.
The confusion . . . was dramatized in a nationally broadcast debate between the leading contenders for the Republican Presidential nomination, Governor Thomas E. Dewey of New York and Harold E. Stassen of Minnesota, as the bill was being argued over in the House. Both gentlemen appeared to favor it: Stassen favored it because it would outlaw the Communist Party; Dewey favored it because it would not.\footnote{Walter Goodman, The Committee (New York: Farrar, Straus and Giroux, 1968), p. 229.} Mundt-Nixon passed the House in April 1948 by a vote of 319 to 58. The Senate held hearings, but it was a mere formality since there was little chance of passage for so controversial a measure for which the Truman administration had no enthusiasm so late in the Congressional session. Congress returned to the Mundt-Nixon bill in 1950. That session finally produced Senator Pat McCarran's Internal Security Act, which incorporated the registration provisions of Mundt-Nixon, but avoided any effort to declare the Communist Party illegal. Goodman points out that this provision was no longer necessary because of the manner in which the Smith Act had been invoked since 1948. The Smith Act stated that it was unlawful to teach and advocate the overthrow of the American government by force and violence, or to conspire with others to do so. Thus, if the courts chose to define membership in the Communist Party as participation in a conspiracy to teach and advocate the overthrow of the American government by force and violence, as seemed to be the case in the New York Smith Act trial of the eleven members of the Communist Party's National Board in 1948-49, the provision in Mundt-Nixon outlawing the Communist Party was obviously unnecessary.

In support of the Mundt-Nixon Bill, "We, the Women," held a panel discussion at McKinley High School. Eight hundred people turned out to hear attorney Daniel G. Ridley, AFL leader John A. Owens and former Office of War Information and State Department official Norbourn Smith discuss the forms anti-Communism should take. A fourth speaker, Ichiro
Izuka, failed to show after it had been announced that he would appear.\(^{12}\)

In opposition to the Mundt-Nixon bill, the ILWU sponsored a concert tour featuring Paul Robeson, a tour which was alternately praised and criticized depending upon one's loyalties. And in June, John Reinecke handed out literature which attacked the Mundt-Nixon bill and invited readers to attend a rally against the measure sponsored by the Hawaii Civil Liberties Committee at Aala Park in downtown Honolulu. As he stood on the corner of Nuuanu and Punchbowl streets, Reinecke was accosted by two toughs, John Lewis and Mike Danguvich. After refusing to leave, Reinecke was punched in the mouth and his leaflets were scattered to the wind. Lewis and Danguvich were later found guilty of assault and received one-year suspended sentences. There is no evidence that Lewis and Danguvich were acting other than on their own, though there were many who suspected the men had been urged on, perhaps paid, by others.

\(^{12}\)"We, the Women" was first established as a coalition of women's organizations to protest a threatened general strike of all public utilities workers scheduled for July 1, 1946. The women succeeded in causing great embarrassment for the leader of the proposed strike, Art Rutledge. The strike never took place and "We, the Women" turned its attention to the menace of Communism. There was an effort on the part of a group of ILWU related women to "join" the organization. Aiko Reinecke asked from the floor of an organizational meeting why wives of labor leaders had not been invited to participate. A motion to have Ah Quon McElrath and Pauline Rosenthal included on the executive committee of "We, the Women," was tabled, and the women were initially led by a committee consisting of Thelma Akana, Mrs. Mona Hind Holmes, Mrs. Elizabeth St. John, Mrs. E. E. Black and Julia White Brown.
During this period, the Communist Party of Hawaii was actively producing propaganda much of which was directed against the Mundt-Nixon bill. This enraged the Honolulu Advertiser which demanded that the "faceless underground force" seeking to enlist the people of Hawaii "into a revolution that would have as its objective the overthrow of the American government," come out into the open.  

There was little chance of that, especially when the top twelve leaders of the Communist Party of the United States of America were arrested in July 1948 for violation of the Smith Act.  

The day before the Reinecke hearing began in August, the Star-Bulletin published a Gallup Poll which directed itself rather significantly to the issues of the proceedings which were about to begin in Honolulu. Four questions were asked:

13 Honolulu Advertiser, June 24, 1948, p. 22.

14 The twelve arrested included William Z. Foster, Eugene Dennis, John B. Williamson, Jacob Stachel, Robert G. Thompson, Benjamin J. Davis, Jr., Henry Winston, John Gates, Irving Potash, Gilbert Green, Carl Winter and Gus Hall. Before the trial at Foley Square began, William Z. Foster was dropped from the group for reasons of health. It is interesting to note that the twelve listed above were all included as co-conspirators in the 1951 indictment against Hawaii's Smith Act defendants.

1) Would you favor or oppose a law requiring all members of the Communist party in this country to register with the Justice Department? (The Mundt-Nixon bill would have done that.)

Favor 77%
Oppose 12%
No Opinion 11%

2) In general, do you think most American citizens who belong to the Communist party in this country are loyal to America or Russia?

<table>
<thead>
<tr>
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<th>December 1947</th>
<th>Today</th>
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<tr>
<td>Loyal to U.S.</td>
<td>19%</td>
<td>16%</td>
</tr>
<tr>
<td>Loyal to Russia</td>
<td>59%</td>
<td>65%</td>
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<tr>
<td>No Opinion</td>
<td>22%</td>
<td>19%</td>
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3) Should American citizens who are members of the Communist party be forbidden to hold civil service jobs or should they have the same rights as others to hold government jobs? (Another question specifically related to Mundt-Nixon.)

Forbidden 67%
Allowed 19%
No Opinion 14%

4) Should an individual accused of being a Communist have the right to a hearing before being dismissed?

Yes 68%
No 19%
No Opinion 8%

On the day the Reinecke hearing began, Whittaker Chambers, a senior editor of Time magazine, began his portentous testimony concerning Alger Hiss, president of the Carnegie Endowment for International Peace, before the House Committee on Un-American Activities. Chambers charged that he and Hiss had been fellow members of the Communist Party in the years immediately preceding World War II. Since Hiss had then been an employee of the State Department and since he had held positions of responsibility at the Dumbarton
Oaks Conference, the Yalta Conference and the San Francisco meeting where the United Nations Charter was adopted, the charge that he had been a member of the Communist Party aroused considerable attention. 16

While this Mainland drama was building, Hawaii was preparing to witness the hearing before the Territorial Commissioners of Public Instruction concerning the suspension of John and Aiko Reinecke. Any hopes the Reineckes may have had that time would bring about a more favorable climate for their hearing were surely disappointed.

16 There is an immense body of literature concerning the Hiss case including major works by the three principal actors in the drama: Whittaker Chambers, Witness (New York, 1952); Alger Hiss, In the Court of Public Opinion (New York, 1957); and Richard M. Nixon, Six Crises (New York, 1962). Perhaps the most important aspect of the Hiss case was the way in which the liberal establishment, which had initially sprung to Hiss's support, learned to avoid confrontations with those making charges of communist subversion. As Walter Goodman said in his excellent short account of the Hiss case in his volume, The Committee, "Those who in 1948 associated themselves with the sad cause of Alger Hiss made an error for which the liberal cause would pay in the next dozen years." Goodman, p. 261. Another important aspect of the case was the immense lift it gave to the career of the freshman representative from California who was Hiss's chief accuser. Richard M. Nixon, who saw the case from its rather shaky beginnings to its dramatic conclusion.
When the Reinecke hearing did begin, it started with a bang. The Territorial government flew in one of the nation's leading anti-Communist figures, Louis Budenz. Budenz had held several key positions as a member of the Communist Party, the most important of which was managing editor of the Daily Worker from 1941 until his departure from the Party in October 1945. Herbert Packer, in his volume Ex-Communist Witness, pointed out that Budenz had been the "leading interpreter of Communist theology in the many proceedings in which he has testified, partly because he has been so prolific a source of accusations against persons prominent in American political and intellectual life."¹ Budenz had no personal experience with the Communist Party in Hawaii upon which to base any accusations; he was in Honolulu to demonstrate the general proposition that no Communist could possess "the ideals of democracy."

Only the day before coming to Hawaii to testify in front of the Territorial Commissioners of Public Instruction, Louis Budenz had appeared before a special United States

Senate Investigating Subcommittee, chaired by Homer Ferguson (R-Mich.), which was looking into alleged World War II espionage activities of American Communists who held sensitive government positions.

Budenz' arrival in Honolulu produced a somewhat misleading headline in the Honolulu Advertiser: "HAWAII RED TARGET: BUDENZ." The most dramatic statement the reporter could cull out of his interview with Budenz concerning Communism in Hawaii was Budenz' comment "that the infiltration effort (in Hawaii) met with some success. But it was not as successful as the party leaders hoped."\(^2\) When it came to the purposes of the Communist Party in America, Budenz was more forceful: "The whole reason for the existence of the Communist Party in America is the overthrow by force of the republic--when Moscow wants that to be done."\(^3\) This was a revealing preview of the character of Budenz' testimony before the Territorial Commissioners of Public Instruction.

But before Budenz was to take the witness chair, there was the inevitable round of legal motions and challenges which came from defense counsel Richard Gladstein, a colorful labor lawyer from San Francisco, and from the Reinecke's local counsel, Harriet Bouslog and Myer Symonds. Most

\(^2\)Honolulu Advertiser, August 4, 1948, p. 1.

\(^3\)Honolulu Advertiser, August 4, 1948, p. 6.
interesting were the quixotic challenges leveled at the Commissioners themselves. A review of these challenges will serve as an introduction to those who were to sit in judgment of John and Aiko Reinecke.

The first challenge was leveled against Mrs. Ruth E. Black, wife of E. E. Black, the president of the Honolulu Gas Company, director of Castle & Cooke, secretary of Hawaiian Gas Products, Inc., and president of E. E. Black, Ltd., contractors. Mrs. Black was vice-president of E. E. Black, Ltd. Myer Symonds charged that Mrs. Black should be disqualified because her business background would necessarily make her biased; because she had openly displayed an anti-labor bias during the pineapple strike of 1947, during which both John and Aiko Reinecke had walked the picket lines in support of the strikers; because Mrs. Black was one of the prime movers in the vocally anti-Communist group "We, the Women," and had addressed that organization on the subject of a fifth freedom--the freedom to hold a job without being obliged to join a union; and because on April 25, 1947, Mrs. Black had entered John Reinecke's classroom at Farrington High School and had openly challenged his method of presenting an outline of the Taft-Hartley act to his social studies class.

Next, Wayne Ellis was challenged because his business and social connections on Kauai were mostly with plantation owners and management and because he had denied the Reineckes,
illegally the defense contended, the right to use a schoolroom in March, 1948, for a public and lawful meeting on Kauai.

The third challenge was against E. Stanley Elmore of Maui. Elmore was ill at the time, and subsequently removed himself from the panel of Commissioners hearing the Reinecke case.

John A. Owens, Territorial Representative of the AFL, was Symonds' next target. Symonds pointed out that there was a well-known split within the AFL with the two factions being led by Owens and Art Rutledge. Not only had John Reinecke worked for the ILWU, but he had also helped Rutledge on many occasions. This would make him double-damned in the eyes of Owens, Symonds contended. Owens had, furthermore, openly opposed the ILWU's 1946 sugar strike and during the 1947 pineapple strike had sought to raid the ranks of the ILWU. Owens had testified at a statehood hearing on January 8, 1948, that the ILWU was a Communist dominated union: he had made the same charges in a forum held by "We, the Women"; he had guided Amos Ignacio's Union of Hawaiian Workers into the AFL; and he had been a whole-hearted supporter of Governor Stainback's anti-Communist program.

Finally, Symonds turned his attention to the chairman of the Commissioners of Public Instruction, Edward N. Sylva. In March, 1948, Sylva had been appointed a deputy attorney
general for the Territory of Hawaii. His associates were presenting the Territory's case against the Reineckes. He had helped prosecute the case known as ILWU v. Ackerman, a case in which John Reinecke had been deeply involved in preparing a challenge concerning the representative character, or lack thereof, of the grand jury which had brought the original indictments. "The Reineckes . . . see no difference between Mr. Sylva sitting as chairman of the commission than if he was to go down and sit at Mr. Ackerman's (the attorney general) table, and one of the deputies were to take Mr. Sylva's place," Symonds contended. 4

Commissioners Goo and Falconer were not specifically challenged, but the board itself was challenged for being anti-union, because they were subject to appointment and removal by Governor Stainback and because in approving Principals' Circular 943, in March, 1948, they demonstrated that their minds were closed to the issue at hand. The Commissioners, after a short executive session, determined that they were fit to hear the charges against the Reineckes—to the surprise of no one.

Gladstein, knowing that Budenz had to return to Washington D.C. quickly, sought to have Superintendent W. Harold Loper as the first Territorial witness on the basis

of his having brought the charges against the Reineckes. Sylva said no. Gladstein then threatened to demand separate hearings for John and Aiko which would have made it necessary for each witness to testify twice. Sylva did not accept that either. But if Gladstein were obstructive regarding Budenz' testimony, Attorney General Ackerman offered a plan which he thought would make the hearings go very smoothly: while each side questioned its own witnesses, the other side would refrain from raising objections until the testimony of that witness had been completed. Gladstein nearly exploded:

I think it is bad enough . . . than an effort is being made to "gag" those in the teaching profession . . . but I have yet to hear, until this morning, the idea that when those teachers, imposed on as they are, are brought before a supposed bar of justice . . . that their attorneys be subjected to a similar gag rule so that when Mr. Ackerman and Mr. Budenz play a little game here, back and forth, passing the ball, we sit here silently and be prevented by rule of this commission from calling attention to what is being done. 

On this occasion, Sylva found for the defense.

Louis Francis Budenz, when not testifying for the United States government (or the Territory of Hawaii), was employed as an assistant professor of economics at Fordham University. Before that he was on the faculty at Notre Dame University, having received a faculty assignment there within forty-eight hours after his official resignation

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5Reinecke hearing, August 4, 1948, p. 69.
from the Communist Party. Budenz' renunciation of the Communist Party came in conjunction with a new assertion of the faith of his childhood, Roman Catholicism. After a brief interlude, Budenz had come forward as a prize government witness, an expert on the nature and purposes of Communist conspiracy.

On August 5, 1948, Louis Budenz launched into an account of the nature and purposes of the Communist Party in the United States for the benefit of the Commissioners of Public Instruction of the Territory of Hawaii. His testimony bore no relationship to the Reineckes directly and was replete with hearsay evidence. Attorney Gladstein objected to both aspects of Budenz' testimony, particularly to the latter, knowing it was a lost cause. Sylva disposed of Gladstein's objections regarding hearsay testimony in a perfunctory fashion: "In the taking of testimony, both by the attorney general and the defense, hearsay, and even hearsay upon hearsay, will be allowed . . . This is a hearing before this board. The technical rules of evidence do not strictly apply."6

It would serve no useful purpose here to go into Budenz' testimony at great length since it did not directly relate to either the Reineckes or the Territory of Hawaii. Its chief function was to paint a picture of the Communist

6Reinecke hearing, August 5, 1948, p. 12.
Party in the most conspiratorial tones. The character of the exchanges between Budenz and Gladstein was bitter and often personal. Honolulu Advertiser writer Hamilton Ware, commenting upon the atmosphere in the courtroom where the hearing was held, said of the hearing at this point:

At times the carnival sideshow aspect of the hearing is so marked that a witness walking in for the first time would not realize the seriousness of the issues before the commission ... From the line of questioning by Reinecke counsel, led by Richard Gladstein, it was apparent that it was the intention to smear Mr. Budenz with everything that could be found. Attorney Gladstein accused the witness of framing his answers as speeches. Territorial attorney general W. D. Ackerman, Jr., accused Mr. Gladstein of framing his questions as speeches. The average spectator would agree with both accusations.7

At one point, Budenz grew angry at Gladstein's pronunciation of his name, drawing a cutting response: "I thought that it was more in harmony with the nature of your testimony to put the accent on the 'Boo' and that's why I have been using it."8

The most telling aspects of Budenz' testimony were in exchanges such as the following between the ex-Communist and Sylva:

Sylva: In light of your experience as a Communist up to the fall of 1945, and from what you know today, and speaking just for yourself, and if you were still a Communist, what would be your attitude in the event of a shooting war?

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7 Honolulu Advertiser, August 7, 1948, p. 1.
8 Reinecke hearing, August 5, 1948, p. 57.
Budenz: As a Communist I'd do what ever the Soviet Union wanted done, as Communists in the Communist Party have always done under orders. I would, therefore, do anything that would advance the victory of Soviet Russia over the United States.  

This was damning testimony from a man who should know. The willingness of Americans, at this time, to give special consideration to the testimony of ex-Communists was one of the special features of what has come to be known as the McCarthy era. Herbert Packer, who studied all of the important ex-Communist witnesses, indicated that they tended to be unstable people with a tendency to go to extremes. They were true believers by personality type. This may account for some of the unshakable assurance with which they testified. Budenz was a master. He had a celebrity quality which helped to reinforce the predispositions carried into the hearing by the Commissioners.

When asked about teachers, Budenz pointed out that a Communist teacher might well be instructed to maintain a low profile. "The Communist Party might consider this teacher," Budenz said without any specific reference to the suspended Reineckes, "more valuable as a member of the community, operating in certain organizations, and not wanting that teacher to expose himself." Budenz made the point for the record that every member of the Communist Party was a potential espionage agent.

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9Reinecke hearing, August 5, 1948, p. 61.
10Reinecke hearing, August 5, 1948, p. 77.
Gladstein's cross-examination of Budenz was very personal at many points. He tried to establish a monetary reason for the witness's new profession as an ex-Communist. Budenz remained cool, even when Gladstein pointed out that the witness was not only collecting witness fees from the government, but getting invaluable free publicity for his recently published book, *This is My Story* (New York: McGraw-Hill Book Company, Inc., 1947).

Gladstein made even less headway when he went into Budenz' married life, seeking to depict him as a bigamist, adulterer and family deserter. This line of questioning actually became counter productive when Budenz pointed out that he had done these horrible things while under the influence of Communism.

Gladstein finished his cross-examination of Budenz with an historical excursion which would show a reader of the 1970's that the New Left is now saying very much the same thing the Old Left was saying twenty-five years ago. Gladstein's history lessons, interesting though they may have been, seem to have made no impression on the Commissioners. Budenz, his three day stint in Honolulu completed, hurried back to Washington D.C. where the more important business of the nation demanded his attention.

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11 It was not established at the Reinecke hearing just how much profit there was in being a professional ex-Communist, but in 1953 Budenz boasted of having earned $70,000 for his ex-Communist activities in that year alone. Packer, p. 124.
The Territory's second witness was W. Harold Loper, Superintendent of Public Instruction. Loper, with the Department of Public Instruction since 1921, had held his present position since 1946, when he replaced Oren Long, future governor of the Territory of Hawaii. Loper opened his testimony with an account of a meeting with John Reinecke and Walton Gordon, his principal at Farrington High School in April, 1947. The meeting had come hard on the heels of the release of the documents associated with the Roberts Report, and Loper asked Reinecke point blank if he were a Communist. Loper recalled that Reinecke hedged on that question, but was firmly negative when asked if he advocated the overthrow of the government by force and violence. When Loper asked Reinecke if he would be willing to come before the Commissioners of Public Instruction to express himself on the matters they had discussed, Reinecke is reported as having demurred.

Loper then reviewed the charges against the Reineckes. Deputy attorney general Griffith posed the big question: "Have you formed an opinion, Dr. Loper, as to whether a member of the Communist Party is possessed of the ideals of democracy?"

Loper: Well, it's my opinion that it would be impossible for a person of any considerable education to believe in the principles and practices of the Communist Party as we see it operating in the world today, and at the same time be possessed of the ideals of democracy...
Griffith: Would your answer be any different . . . if it were shown that there was an absence of any obvious act . . . of the teaching of principles of Communism in the public schools?

Loper: I think not. That is, I think, even apart from teaching Communism in the schools, that such a teacher would be unfit for service in the public schools. If we may assume that acceptance of the principles of Communism means loyalty to the party line and accepting dictatorship from above as to what a party member must do at any time, even though such a teacher had not, up to the present time, talked Communism, advocated the practices and principles of Communism to the boys and girls in the school, such a teacher might at any time be ordered to do so by the authorities, or the dictator in the Communist Party. I have another reason for my opinion on that point and it is this: That a teacher of children influences their lives almost as much by what the teacher is as by what he says. To have a known Communist continue as a public school teacher would be, in effect, saying to the boys and girls and to the parents of those children, "It is quite all right for you to join the Communist Party, too."12

And there, in brief, was the heart of the Territory's case against John and Aiko Reinecke.

In cross-examination, Gladstein hammered away at the idea of guilt by association, quoting Justice Murphy:

"The doctrine of personal guilt is one of the most fundamental principles of our jurisprudence. It partakes of the very essence of the concepts of freedom and due process of law. It prevents persecution of the innocent for the beliefs and actions of others."13 He also quoted Charles Evans Hughes:

12 Reinecke hearing, August 9, 1948, pp. 22-26.
13 Reinecke hearing, August 9, 1948, p. 97.
"It is the essence of the institutions of liberty that it be recognized that guilt is personal and cannot be attributed to the holding of opinion or to mere intent in the absence of overt acts." Loper seemed, in his response, to agree with Gladstein in theory, if not in practice.

Gladstein questioned Loper extensively about his circular to the principals and the implied threat to Hawaii's teachers contained in that document. Loper took the position that a teacher's rights were not as broad as others, citing the fact that in Hawaii a teacher could not hold a political office or hold a seat as a delegate to a political convention.

In a more philosophical discussion, it became apparent that Loper equated the terms "capitalism" and "democracy." This confusion of economic and political terms was something characteristic of most proceedings concerning the issue of Communism. Loper conceded that capitalism could exist under a dictatorship, with Hitler's Germany being posed as the prime example. But he would not concede that Communism could be democratic, and defended the right of the Department of Public Instruction to determine the character of the Communist Party in Hawaii.

When the line of questioning turned to John Reinecke, Gladstein asked a very important question: "Has there ever

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14 Reinecke hearing, August 9, 1948, p. 98.
been any evidence . . . of Dr. Reinecke's ever teaching anything that you called doctrines or principles of the Communist Party in the classes?" Loper's response: "There is no evidence that has been brought to my attention."¹⁵

Gladstein, seeking to discover just how much controversial discussion Loper was willing to tolerate, asked the superintendent about a hypothetical debate between William Z. Foster and Governor Stainback on Communism versus capitalism. "Do you think, Doctor," Gladstein asked, "that such a debate would be in the interest of the people or against the interest of the people?" Loper responded: "I think that such a debate would certainly draw a big crowd."¹⁶

Gladstein continued his cross-examination, setting a trap for Loper. He engaged in a very close inspection of the preamble of the Constitution of the Communist Party (1945). Ackerman, growing restive, told Gladstein the Territory would concede that the document was quite innocuous. Gladstein rejoined that there was nothing innocuous about the document, but that he would continue anyway. When he concluded reading the preamble, he asked Loper if there were anything he had read that was inconsistent with the ideals of democracy. Loper said no, not on the face of it. Then he fell into a trap:

¹⁵Reinecke hearing, August 10, 1948, p. 53.
¹⁶Reinecke hearing, August 10, 1948, pp. 79-80.
Loper: There is a place in the Bible that says, "By their works ye shall know them." So I would take what you are reading here as a statement that looks fine and supplement it by other information and evidence as to what they actually believe by what they do.

Gladstein: I am not opposed to that. In fact, I have been insistent that what we judge people by is their conduct and not what they believe, Doctor.17

The preceding exchange notwithstanding, the Commissioners of Public Instruction continued to hear a case against the Reineckes which was based totally upon their alleged beliefs; no instance of classroom misconduct was ever charged by the Territory.

The Territory's third witness was Ichiro Izuka. Public reaction to Izuka's testimony was mixed. The ILWU was obviously not impressed. "That's the same old stuff from the same old source," Robert McElrath barked. "Izuka was thoroughly exposed at the ILWU Hilo conference last January. All his charges have been rejected."18

Honolulu Advertiser writer Hamilton Ware was more sympathetic:

Exceptionally interesting is the similarity of thought processes which led him first to embrace the Communist philosophy and then caused him to reject it at some personal risk. In both cases he was motivated by a desire to help the cause of the ordinary man. When he found out he was being fooled, he got out.19

17Reinecke hearing, August 11, 1948, p. 22.
19Honolulu Advertiser, August 18, 1948, p. 1.
This generous interpretation of Izuka's motivations is possible, but it is also possible to make the assumption that neither side was above fooling Izuka or using him for their own purposes and that he was only too willing to be used in exchange for a moment in the limelight and a sense of belonging, however transient that might be.

The testimony of Izuka on direct examination was essentially the same as The Truth About Communism in Hawaii, with some augmentations to emphasize the participation of John and Aiko Reinecke in the activities of the Communist Party in Hawaii. The most dramatic addition was a story of buried Communist literature which fell into the hands of U.S. military intelligence during World War II.

At the outset of the war, members of the Communist Party were ordered to maintain a low profile and to destroy any literature in their possession which might link them with the Party. Rather than destroy the literature in their possession, Peter and Alice Hyun decided to bury a box of books in a field on some land they were leasing near Koko Head. The Hyun family subsequently moved, leaving the books behind. Some of the buried books belonged to John Reinecke and bore his name.

Izuka was drawn into the affair when he was called to a meeting at the home of Robert McElrath on Sunday, May 30, 1943. Also in attendance besides Izuka and Robert McElrath were A. Q. McElrath, Alice Hyun and Jack Kimoto. Izuka was
told that the new tenants of the former Hyun leasehold at Koko Head had called to say that they had discovered a box of buried books while plowing. The new tenants asked the Hyuns to come pick them up. What the group at the McElrath house did not know was that the new tenants had called military intelligence before calling the Hyuns and that a trap had been set. When Izuka, Kimoto and Alice Hyun went to dig up the books, they were arrested and detained by military intelligence for several hours. The three were released at 10:30 p.m. that evening, and nothing more was ever said about the matter by the authorities. But the story, revealed five years later in Izuka's testimony, smacked of Communist intrigue and the press gave it special attention.

Izuka added to the story's newsworthiness when he told how, after he and Kimoto were released by military intelligence, they went to Jack Hall's house where Hall "just raised hell with Kimoto and myself." Izuka also indicated in his testimony that John Reinecke had taken part in the burying of the books, a charge which Reinecke was later to deny vehemently when he took the stand.

The Territory called three witnesses to corroborate Izuka's testimony on the buried books. Charles Gilliland of Hawaiian Trust Company was called to give testimony

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20 Reinecke hearing, August 13, 1948, p. 32.
showing that the Hyun family had, indeed, leased the property in question. Everett Afook, one of the arresting officers who had subsequently joined the Territorial Attorney General's office as an investigator, verified Izuka's story about the arrest and told how it had been planned. Finally, Elaine Young, daughter of the man who then held the lease on the property in question, testified that she had seen Aiko Reinecke and Alice Hyun looking about the premises, presumably for the spot where the books were buried, a couple of weeks before the arrest. Miss Young also corroborated Afook's testimony on how Izuka, Kimoto and Alice Hyun had been set up for the arrest.

The rest of Izuka's direct examination was rather dull. Long and involved descriptions of organizations and procedures, an extensive list of names, few of which were new, and a largely self-serving description of his departure from the Communist Party comprised the remainder of Izuka's testimony for the Territory.

Sandwiched between Izuka's direct testimony and his cross-examination, the Territory's last witness was presented. He was Dr. K. C. Leebrick, acting President of the University of Hawaii. Leebrick, whose academic specialization was political science, argued with attorney Gladstein about Jefferson and Lincoln and their interpretations of the right to revolution. But when the defense counsel asked Leebrick whether it were possible for socialism to exist in
a democratic society, the professor begged off, saying "You are going way aside from political science when you take that line." Just how such a question fell outside the scope of political science, Leebrik did not say.

Leebrick's testimony concluded, the main event began -- the cross examination of Ichiro Izuka. It was not an equal match. Gladstein was urbane, sophisticated and extremely articulate. Izuka was ill at ease and inarticulate, at times to the point of incoherence. Izuka's testimony was living proof that somebody else had prepared the prose if not the substance of his now famous pamphlet.

The following dialogue gives some of the feeling of the exchange between Gladstein and Izuka:

Gladstein: During the last forty-five minutes--not last year, not ten years ago--but within the last hour this morning, at one point you have said here under oath in the record that while you were in the Communist Party, neither did you believe in force and violence, nor did you regard the Communist Party as believing in force and violence. You gave that answer at one time. Later, you gave the answer here today that when you gave such answers--similar answers--on your application for a job to the Army, you were telling a lie. Now those are two opposite statements. They cannot both be true. I want you to say here and now which time you were testifying falsely under oath this morning; the time that you said you've never believed in force or violence or the time that you said you were lying when you said "no" on that very question in the Army application blank.

Izuka: I can't understand the question; it's confusing me . . .

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21Reinecke hearing, August 20, 1948, p. 12.
Gladstein: (after once again reviewing Izuka's earlier testimony) Please, now, that's your testimony. Now those two are just opposite. I want you to tell me which is correct? Which one is right and which one's wrong?

Izuka: I didn't say those things.

Gladstein: What's that? Say that loud. You say you didn't say those things? Why, there are 500 people in the room that heard you say those things.

Izuka: I cannot understand.

Gladstein: Are you confused, Mr. Izuka?

Izuka: You're confusing me plenty. Really confused.

Gladstein: You know, there's an old saying, confusion of the mind comes from corruption of the heart.22

At times, Izuka broke out in giddy, nervous laughter. One of the more humorous, if pathetic, moments of the hearing took place when Gladstein asked Izuka why he would not look at him while he was attempting to interrogate him. It turned out that deputy attorney general Blatt instructed Izuka not to look into Gladstein's eyes in order to avoid their hypnotic effect.

Izuka was caught in a number of minor discrepancies in his testimony. He said none of his family knew of his having been a member of the Communist Party until his pamphlet was released, only to admit later that he had brought his own brother, Kame, into the Party in 1938. He characterized a PAC meeting in Hilo as a Communist Party meeting, though one of those in attendance was Sam Stevens,

a foreman at Mutual Telephone Company, whom he admitted was not a Communist. He placed John Reinecke at a Communist Party meeting at a time when Reinecke could prove he was not even in the Territory. He testified that John and Aiko were on Kauai during the 1946 sugar strike, when only Aiko was there in fact. Such errors were undoubtedly damaging to Izuka's credibility, but the overwhelming bulk of his testimony worked in his favor as did the sympathy many felt for this simple man who was being so brutally browbeaten by the carpetbagger attorney from San Francisco. One other point was also in Izuka's favor and that was the fact that the majority of what he said was true. Perhaps the manner in which it was characterized was false and the conclusions derived from his testimony were unjustified, but there was a Communist Party in Hawaii and Izuka had been a member of it as were most of those he named as members including, at least, John Reinecke. And that was what the hearing was all about.

Gladstein's fruitless probing of the relationship between Izuka and Ed Berman was interesting, but essentially superfluous. His unsuccessful efforts to get Izuka to talk about who wrote *The Truth About Communism in Hawaii* can be similarly characterized. In the final analysis, Gladstein could only attack Izuka himself:

Gladstein: Mr. Izuka, isn't it a fact that the reason or one of the reasons that you have been giving the
kind of testimony you have given here is that you hate men like Jack Hall, Jack Kawano, McElrath; isn't that right?

Izuka: I don't hate them individually. The only thing I don't like is the Communist discipline--what the Communist Party says--what the Communist Party thinks.23

By the end of his nearly five days of cross-examination, Izuka was in the mood to take some shots of his own. He implied that a part of the deal between Jack Hall and Joe Farrington in 1946 involved Hall's alleged penchant for alcohol:

Izuka: Jack likes his drinks.

Gladstein: Wait a minute. Jack Hall was in favor of supporting Mr. Farrington because he likes to have a drink? Is that your testimony? Is that your testimony?

Izuka: That's one part. Maybe the Star-Bulletin has something to do ...24

Finally, Izuka got his chance to strike out at Gladstein. Izuka was concerned about something the attorney had said about him which was printed in the paper. It produced this rather humorous exchange:

Gladstein: What did I say about you?

Izuka: I think you said something--demise

Gladstein: Do you know what the word "demise" is? (Laughter)

Izuka: I don't know, I don't know and another thing followed up saying that I'm one of the biggest liars


in what--what you say?

Gladstein: . . . that it has been my good fortune to meet.

Izuka: I would like to make one good remark against you too, just so that we'll be even. (Laughter)

Gladstein: Go ahead--make a speech.

Izuka: I was going to tell you this: that you is one of the racketeering, professional liars defending the Commies in the Territory. Now, we're even. (Laughter)

Gladstein: You want to say more?

Izuka: That's all. That's all.

Gladstein: That's all you want to say? Just so you won't feel bad, do you want to know what the word "demise" means?

Izuka: I don't know.

Gladstein: Well it simply means . . . we'll be through very shortly and I'll give you the pleasure of leaving the witness stand. . . . Now what I was saying was that the process of revealing the truth and unpeeling all the things that you wrapped yourself . . . in to give the impressions that you tried to give in your direct examination--that process was taking place and that by the time we finished with you in cross-examination, Mr. Izuka, the record of this case . . . would stamp with unquestionable permanence the fact that the things in your pamphlet and the things you have said on direct examination were not true and that the real reasons why you have been acting the way you have, the motives behind your conduct, will have come out so that people can pass on whether or not you are the savior of the rank and file in this Territory or whether you are one of its worse enemies.

Izuka: The meaning is a long meaning. First time I heard that "demise" had a long meaning like that. (Laughter)

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Moments later Izuka left the witness stand, and Richard Gladstein announced that he would have to withdraw from the case to meet an ILWU obligation in San Francisco. But before he left he made a motion to dismiss the charges against John and Aiko Reinecke, offering a definition of loyalty and Americanism taken from Mark Twain's *A Connecticut Yankee in King Arthur's Court*:

> You see, my kind of loyalty is loyalty to one's country, not to its institutions or office-holders. The country is the real thing, the substantial thing, the eternal thing; it is the thing to watch over and care for and be loyal to; institutions are extraneous, they are its mere clothing, and clothing can wear out, become ragged, cease to be comfortable, cease to protect the body from winter, disease and death. To be loyal to rags, to shout for rags, to worship rags, to die for rags—that is the loyalty of unreason.

> I was from Connecticut, whose constitution declares that all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient.

> Under that gospel, the citizen who thinks he sees that the commonwealth's political clothes are worn out, and yet holds his peace and does not agitate for a new suit is disloyal, he is a traitor. That he may be the only one who thinks he sees this decay does not excuse him, it is his duty to agitate anyway, and it is the duty of others to vote him down if they do not see the matter as he does.26

It was a moving, and perhaps apt, statement, but it reminds the author somewhat of the satirist Tom Lehrer's analysis of the Spanish Civil War. Lehrer observed that Franco may have won the war, but the Loyalists had all the best songs.

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CHAPTER VII
I NEITHER DENY NOR AFFIRM

The Reinecke case was the first tangible action in Governor Stainback's war on Communism. From the time the Governor first felt betrayed by the ILWU during the 1946 election campaign, Stainback had shown his willingness to utilize the Communist issue against his foes. As the Truman administration became more stridently anti-Communist, Stainback associated himself with its efforts and eagerly displayed his anti-Communist credentials. Thus, the Territory's case was deeply rooted in the policy of the federal government and was, to a significant degree, a reflection of the national mood.

Having built a case around the testimony of two former Communists, Louis Budenz and Ichiro Izuka, the Territory then proceeded to offer exhibits designed to tie the Reinecke case into the national scene. First, President Truman's Executive Order 9835 was offered as evidence. This order established that the United States Government could deny employment, or remove from employment, anyone who was in violation of the standards set forth in Part V of the order which included "membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of
persons designated by the Attorney General as totalitarian, fascist, communist or subversive or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States or as seeking to alter the form of the Government of the United States by unconstitutional means.¹ This order established the Attorney General's list of subversive organizations, a copy of which was submitted as evidence by Ackerman. Executive Order 9835 also established the Loyalty Review Board, an agency within the Civil Service Commission, for the purpose of providing a final review of the decisions of departmental loyalty boards.

Second, the Territory offered as an exhibit a letter from the Attorney General of the United States dated May 27, 1947, concerning the Hatch Act and the Loyalty Review Board's relation to it. The Hatch Act, which regulated the political activities of federal employees, contained in section 9-A a requirement that any federal employee found to be a member of an organization declared subversive by the Loyalty Review Board must be dismissed.

The last two Territorial exhibits came from reports of the House Committee on Un-American Activities. The first

made it clear that the Committee wanted to dispel the idea that the Communist Party was a legitimate domestic political party. The second was the testimony of J. Edgar Hoover, Director of the F.B.I., before the Committee on March 26, 1947. In tone and content, the Hoover testimony is characteristic of much of the anti-Communist sentiment being heard throughout the nation, including the Territory of Hawaii:

The Communist movement in the United States began to manifest itself in 1919. Since then, it has changed its name and its party line whenever expedient and tactical. But always it comes back to fundamentals and bills itself as the party of Marxism, Leninism. As such, it stands for the destruction of our American democracy. It stands for the destruction of free enterprise and it stands for the creation of a Soviet of the United States and ultimate world revolution.

The Communists have been, still are, and always will be a menace to freedom, to the democratic ideals, to the worship of God and to America's way of life. . . . Communism in reality is not a political party. It is a way of life—an evil and malignant way of life. It spreads like an epidemic and like an epidemic, a quarantine is necessary to keep it from infecting the nation. 2

The Reineckes, in their defense, called only one witness, Celeste Strack, for the purpose of dealing directly with the nature of Communism. The defense chose to build its case around the Reineckes' character and reputation as teachers and as members of the community. The point was to prove that the Reineckes possessed the ideals of democracy

2Reinecke hearing, August 27, 1948, pp. 26, 35-36.
and that their actions demonstrated that fact. The Reinecke hearing was unique among the anti-Communist proceedings with which we are dealing in that the accused testified in their own behalf.³

In the first two days of the Reineckes' defense, fifteen character witnesses took the stand. A few examples will suffice to show the kind of testimony which was offered in behalf of the suspended school teachers.

John C. Luiz, Principal of Central Intermediate School, had known Aiko Reinecke since 1927-29 when they had worked together, and John Reinecke, casually, since 1936. Luiz told the commissioners:

I believe they are possessed of the qualities of democracy, and I say this: basing my judgment on the way they have lived their lives, I've never heard it stated anywhere that the Reineckes have been convicted of any crime. I have not heard it stated anywhere that the Reineckes were not good neighbors. I have not heard it stated anywhere that the Reineckes have not been good members of the community. On the contrary--I've heard that they've done a lot of good. I have known for a fact that they have helped others under unfortunate circumstances.⁴

Edith Keen, a student counselor at Farrington High School since 1943, first knew John Reinecke in the 1920's when he was teaching on the Big Island. She told the

³In the 1950 hearings of the House Committee on Un-American Activities, the so-called "Reluctant 39" exercised their Fifth Amendment rights against self-incrimination when called as witnesses. In the Smith Act Trial of 1952-53 none of the defendants took the stand.

⁴Reinecke hearing, August 30, 1948, p. 55.
commissioners a long story relating to Reinecke's ability as a teacher and decency as a man. She concluded:

I can say quite emphatically that Dr. Reinecke is one of those rare teachers who has no problem children, but is able to discover children with problems in his classes--there's quite a difference. . . . I know of no class-cutting of his classes, no disciplinary problems in his classroom, at all times have his classes proceeded in an orderly fashion, democratically conducted and yet he is known as a teacher who makes his students work and produce.\(^5\)

Louis Inagaki and Richard Hirakami were students of John Reinecke's at the time of his suspension. They took the lead in circulating a petition in Reinecke's behalf. At the hearing, Louis spoke of Reinecke as "unbiased and unprejudiced." He said that Reinecke was a good teacher "because he respected the students."\(^6\) Richard said simply, "He was the best teacher I've ever had," a sentiment echoed by Thomas Suzuki, a former student of Reinecke's at Kalakaua Intermediate School. Thomas told of how, when he was forced to drop out of school due to illness, Reinecke had brought him library books during his convalescence. He also told how Reinecke had bought both his ticket to the ninth grade graduation banquet and his class picture when his family was unable to afford it.

Maxie Santiago, the next defense witness, was a bell boy at the Royal Hawaiian Hotel. He told of problems he

\(^5\) Reinecke hearing, August 31, 1948, p. 12.

\(^6\) Reinecke hearing, August 31, 1948, p. 33.

\(^7\) Reinecke hearing, August 31, 1948, p. 48.
had been having with his daughter, Simone, who had taken to stealing. Santiago, a father of five, then told how Aiko Reinecke, Simone's teacher at Waialae Elementary School, had helped his daughter overcome her problem. "What she taught my daughter in six months," Santiago told the commissioners, "I couldn't do it in six years."

Hisayuki Sakaguchi, an insurance agent, told how his daughter, Yukino, had been a student in Aiko Reinecke's class at Waialae School in 1942. Sakaguchi had been president of the PTA and found Aiko Reinecke the most helpful teacher in the school. When Sakaguchi went into the army for three years, Aiko continued to be helpful. "Mrs. Reinecke made it a point," Sakaguchi testified, "to see to it that at least my daughter wrote to me regularly while I was in the Army and in those letters she wrote and said how much Mrs. Reinecke tried to ease the separation and that she took both my daughter and my son to the beaches, to picnics; she even went to personal expense getting photographs of the children taken and sent to me."

Mrs. Juliette Ballenti, a taxi driver and a mother of six, told the commissioners that her son, Abraham, had been in Aiko Reinecke's class at a time when the family was having serious difficulty. Abraham had been sent to the Salvation

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8Reinecke hearing, August 31, 1948, p. 6.

Army home and had, when he most needed it, received the loving attention of his teacher. When Abraham read about the Reinecke case, Mrs. Ballenti said, her son had come to her and insisted that she "help Mrs. Reinecke as much as I can if I do love him."\(^{10}\)

The most dramatic testimony about Aiko Reinecke came from Mrs. Ito Isosaki. There were eight children in the Isosaki family. Aiko Reinecke had touched deeply the life of Mrs. Isosaki's daughter, Martha, who had been one of her students. "One summer," Mrs. Isosaki said, "my daughter was very sick and her fever won't come down for two, three days, she had 103 temperature. But Mrs. Reinecke sent a postcard from Mexico and I showed to my daughter the card, she even can't open her eyes to look the card, but she hugged the card, and then the fever was off. When three o'clock came she had no fever, she was all well."\(^{11}\) Aiko Reinecke also provided timely help for Mrs. Isosaki's son, Kiyoshi. When Kiyoshi had a scrape with the law, Aiko Reinecke helped him to obtain legal assistance. Deputy Attorney General William Blatt asked who had been obtained as legal counsel for the boy. Symonds stipulated that it had been Symonds and Bouslog, "without fee." Blatt's ungracious response was, "Congratulations, you will find your reward in Heaven, counsel."\(^{12}\)

\(^{10}\)Reinecke hearing, August 31, 1948, p. 23.

\(^{11}\)Reinecke hearing, August 31, 1948, pp. 44-45.

\(^{12}\)Reinecke hearing, August 31, 1948, p. 45.
Counsel for the Territory of Hawaii was growing restive under the line of testimony which has been described here in its barest outlines. Nor was the community without its skeptics. The following letter from John Blanding Mason of Wahiawa illustrated that fact. It was printed in the Honolulu Advertiser:

I am following very closely the newspaper accounts of the Reinecke trial. It would not be just to assume that all these wonderful things done by the Reineckes... were not done out of pure charity or at least through natural humanitarianism. However, the pattern seems so typically Red that one is almost forced to doubt the Reineckes' sincerity... May I strongly urge the readers of this letter to obtain a copy of the July, 1948, issue of the "American" and read the article entitled, "THE REDS ARE AFTER YOUR CHILD," by Harry Gideonse, L.L.D., president of Brooklyn College, New York. In this article, speaking about the Communists in our American public schools, Mr. Gideonse says, "They have a thorough understanding of young people and know just how to go about winning their sympathies and they know how to exploit the weaknesses of our educational organizations."13

Having made the point that there were those in the community who admired, even loved, the Reineckes for their seemingly selfless acts as good teachers and good neighbors, the defense turned its efforts to the destruction of Ichiro Izuka's testimony. It was not difficult to show that Izuka had testified erroneously at a number of points, but the sheer bulk of his testimony and the plausibility of much of it made him a difficult witness to dismiss easily.

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13 Honolulu Advertiser, September 3, 1948, p. 18.
The legal dictum, *falsus in uno falsus in omnibus* merely means that if a witness is proven to have given false testimony in one area the remainder of his testimony may, not *must*, be doubted.

The first rebuttal witness, Constantine Samson, was dismissed without being allowed to testify because he had been present at some earlier sessions of the Reinecke hearing. He was prepared, had he been allowed to testify, to contradict some of Izuka's testimony relating to the ILWU Unity Conference at Hilo in January 1948.

Next was Masaru Shimonishi of Hanapepe, Kauai. He and Izuka had been children together. Both were involved in the organization of ILWU Local 135 at Kauai Terminals in 1937. Shimonishi was the president of the local for four years during three of which Izuka was vice president (1938-41). Shimonishi contradicted Izuka's testimony on the character of a labor dispute at Port Allen in 1938. Izuka had called it a strike and had said that it was dictated to the local by Jack Hall. Shimonishi said it was a lock-out and that Hall, although he supported the union men, had nothing to do with the basic decisions made by the local. These, Shimonishi insisted, had been democratically arrived at among the membership.

Shimonishi also testified that Izuka had developed a reputation for having "wild ideas" by the latter part of 1938 and in 1939. He brought up an allegation, to which
Blatt objected vehemently, that Izuka had been suspended for one month from Kauai Terminals in 1935 for pilfering cargo. Shimonishi also indicated that both before and after Pearl Harbor Izuka had been behind a deliberate attempt to slow down on the job. "We even had to call meetings," Shimonishi testified, "to tell Mr. Izuka, who was vice-president of the union, not to read pamphlets during working hours regardless the cargo was coming down on his head." Shimonishi did not explain why his democratically operated union did not elect another vice-president.

The next witness was Samuel K. Stevens of Hilo. Stevens, a supervisor for Hawaiian Telephone Company, had formerly been a member of the International Brotherhood of Electrical Workers Local 1357 (AFL), and in 1946 was co-chairman of the Political Action Committee on the Big Island. He rebutted Izuka's testimony which had characterized a PAC meeting which he attended as a Communist Party meeting.

The twentieth defense witness was Justo de la Cruz, Oahu vice-president of ILWU Local 142. He testified that Izuka's challenge to the accuracy of the ILWU's minutes for the Hilo Unity Conference was not justified. De la Cruz conceded that Izuka's remarks had been condensed in the

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14 Reinecke hearing, August 31, 1948, p. 87.
minutes which the union had released, but that his full remarks were on file at the ILWU office for any union member to read. This testimony came as a surprise to Myer Symonds who admitted that he was unaware that Izuka's remarks had been condensed in the minutes. It was not a particularly consequential matter, but it did serve to make the defense look bad.

The final rebuttal witness to deal with the Izuka testimony was Tony Kunimura of Kauai. Kunimura testified that he had first met Izuka in October 1946, shortly after the primary elections. Izuka had convinced Kunimura to support William Borthwick in the general election. The second time he saw Izuka, the testimony continued, was at the home of Ed Berman. At this meeting, Kunimura said, Izuka had called Jack Hall "a labor racketeer" who "wanted only power" and "didn't give a damn for working people." Kunimura swore that Izuka continued with the assertion that Ed Berman "was more responsible in building the ILWU in the Territory than anybody else," and that "Jack Hall should be removed as International representative here." Ed Berman was then alleged to have entered the conversation with the comment that Jack Kawano "was just a stupid labor racketeer too and he just wanted power." Berman then supposedly

15 Reinecke hearing, September 1, 1948, p. 52.
continued to praise Izuka as "a more capable labor leader" who "should be leading the longshoremen."

Kunimura was obviously trying to describe a mutual admiration society consisting of Ichiro Izuka and Ed Berman, the purpose of which was to replace Jack Kawano and Jack Hall as leaders in the ILWU. If the existence of such a cabal could be proven, it would obviously place the Izuka pamphlet and the Izuka testimony in the Reinecke case in a very bad light. Tony Kunimura's testimony certainly raised the question, but it probably proved nothing.

There is a great deal of conflicting testimony on exactly what it was that Ed Berman wanted when he returned to Hawaii from California at the end of World War II. Berman has told the author that he merely wanted to practice law in Hawaii. John Reinecke has indicated two possibilities: first, that Berman expected to handle the legal work for the ILWU and that he was bitter because Myer Symonds and Harriet Bouslog were brought to Hawaii for that purpose, and second, that Berman saw himself in Jack Kawano's position in the longshore union. Reinecke described a scene in which Berman allegedly sought his support in replacing Jack Kawano. Berman, according to Reinecke, stopped him on the street and said:

"Jack Kawano and McElrath have no use for you, because you are an intellectual. They say, "Comes

16 Reinecke hearing, September 1, 1948, p. 53.
the revolution, Reinecke will run like a rabbit, pissing in his pants at every step." But there is a place for us intellectuals, don't you agree? I can work all day on the waterfront and then write a pamphlet. Can Kawano do that?17

The author is convinced that Ed Berman was the most significant single influence Izuka had during the period when the Kauai longshoreman was deciding to leave the Communist Party and assume a vigorously anti-Communist stance. What, if anything, Berman expected to gain from his efforts is difficult to say. Berman was, and continues to be, a very intense and complex man. It would be a disservice to the man and to history to attempt to speculate excessively on his motivations.

Clearly, the direct testimony of Tony Kunimura was designed to show that Izuka was behaving in a personally selfish manner under the influence of Berman. In cross-examination, Deputy Attorney General Blatt attempted to show that Tony Kunimura's testimony was self-serving. Tony's brother, Robert, was vice-president of the Kauai division of ILWU Local 142 and one of those named by Izuka as a member of the Communist Party. Until his move back to Kauai from Oahu, Tony Kunimura had been very active in the

17 Reinecke hearing, September 14, 1948, p. 55. From a letter by John and Aiko Reinecke to their friends, dated December 27, 1947. This is one of a series of "annual" letters, but the only one to be found in a public document. It was read in its entirety into the transcript of the Reinecke hearing and appears as Appendix B at the conclusion of this work.
Hawaiian Civil Liberties Committee (HCLC) and had worked personally in behalf of the Reineckes. What was more, Blatt revealed, Tony Kunimura had been brought to Honolulu to testify in the Reinecke case at HCLC expense. When asked by Blatt whether he or his brother were members of the Communist Party, Kunimura refused to answer.

The defense sought to counter the testimony of Louis Budenz with that of Celeste Strack, the thirty-three year old educational director of the Communist Party in California. Strack, a Phi Beta Kappa graduate of the University of Southern California, was awarded a Master of Arts degree in economics by the University of California at Los Angeles. She had a long record in the Communist movement dating back to 1933 when she joined the Young Communist League. Her task in Hawaii was to discuss her job, which she held openly, in such a way that the Communist Party label could free itself of some of the odium with which it had been invested by the Party's enemies. Strack's testimony was impressive but seems not to have won any converts for the Reineckes among the commissioners. To some observers, her mere presence was an affront and a confirmation of every suspicion they held against the Reineckes.

Louis Budenz had testified that Communist Party publications were given absolutely no freedom of expression; they did nothing more than reflect the Party line. Strack took issue with that viewpoint, citing examples of her own
work which was published in Party organs. "I could not claim," she contended, "that the articles I had written were the official expression of the Party's viewpoint."18

Strack went on to assert that a close examination of Party publications, particularly the theoretical journal, Political Affairs, would reveal a significant amount of open debate among members of the Communist Party.

In cross-examination, the debate over freedom of expression within the Communist Party ran into the theoretical issue of "democratic centralism," an issue with which we will not wrestle here, but an issue which shows that when different people use the same term, in this case democracy, they may mean something very different from one another.19

Strack went on to testify about social issues within the mainstream of American political life which had been, according to her, the primary object of Communist Party activity in the United States. The Party had supported social security, unemployment insurance, anti-lynching laws, anti-poll tax legislation, price supports, and the cause of the underprivileged in general; it had opposed the Taft-Hartley act and the proposed Mundt-Nixon bill.

18Reinecke hearing, September 2, 1948, p. 84.

19There is a very interesting discussion of this issue in the transcript of the Reinecke hearing, September 16, 1948, pp. 9-12. In it, attorney Symonds quotes British Socialist and anti-Communist political scientist, Harold Laski.
Strack's testimony was then directed to the role of the Communist Party in organized labor in the United States, the defense dealing with the difficult phrase, "the class struggle," head-on. Here the young California Party official utilized an analogy to depict the position of the Communists: "One may observe an earthquake and state that there is an earthquake or that an earthquake is liable to occur under certain conditions, but that doesn't mean that one is advocating earthquakes."20

On the even more volatile issue of the "inevitability of force and violence," Strack quoted from the Constitution of the Communist Party of the United States as follows:

Any member shall be expelled from the Party who is found to be a strike breaker, provocateur, one who advocates force and violence or terrorism or who adheres to or participates in the activities of any group or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy through which the majority of the American people can maintain their right to determine their destinies to any degree.21

She went on to cite a specific case in which a Communist Party member named Humphreys had been expelled for just such cause.

A substantial part of Strack's testimony consisted of introducing into the record quotations by Communists which

were directly contradictory of those offered by Louis Budenz. Her efforts pointed out the difficulty in a hearing which sought to measure the motives of the accused by the words of others. It was a difficulty which afflicted virtually all such proceedings in the United States during the late 1940's and early 1950's.22

Celeste Strack's appearance in Hawaii had an impact far beyond her performance before the Commissioners of Public Instruction. This was due to her participation in a speaking tour of the outer islands under the sponsorship of the Hawaiian Civil Liberties Committee. The purpose of the tour was to generate popular support for the Reineckes and to show the people that an open, practicing Communist was not some kind of monster. Strack was given a generally friendly reception from the people she met and a generally bad reception by the press.

The Honolulu Star-Bulletin, which had been regularly chided by its morning rival, the Advertiser, for failing to

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22 Attorney Gladstein attempted to show the deficiency of the "literary" proceeding by quoting passages from the Casa Editorial de Arte Catolico (17th revised edition, 1944). This anti-liberal Spanish catechism supported state censorship "because it (the government) must prevent the deception, calumny and corruption of its subjects, which harm the general good." It warns that a man should not buy a liberal paper "because he contributes his money to evil, places his faith in jeopardy, and gives others a bad example." The document concluded with the warning: "Do not read any newspaper without the previous consultation and approval of your confessor." Gladstein pointed out that to hold all Roman Catholics responsible for such writing would be both an absurdity and an injustice. Similarly, to hold any Communist
come to grips with the Communist issue, sent the following telegram to Roger N. Baldwin, Director of the American Civil Liberties Union in New York:

Hawaii Civil Liberties Committee announces that it is sponsoring a territorial tour by Miss Celeste Strack who is education director of the Communist Party of California.

Miss Strack was brought here as a defense witness on behalf of Dr. and Mrs. John E. Reinecke, public school teachers suspended on charges they were Communist Party members, have Communist leanings and associations, and do not possess democratic ideals essential to school teachers.

No concealment whatever that Miss Strack is Communist Party member. In fact, she so testified under oath before the territorial school board which is holding the hearings.

Has Civil Liberties Committee of Hawaii any connection or affiliation with the Civil Liberties Union?

Does Civil Liberties Union approve or oppose speech tours by avowed Communists under auspices of civil liberties organizations?23

Baldwin's reply to the Star-Bulletin appeared in the same edition of the paper:

Replying to your telegram, the Hawaiian Civil Liberties Committee is only tentatively affiliated with the American Civil Liberties Union, pending completion of its personnel. We would not affiliate any organization taking a political partisan position or engaging in partisan activities.

The proposed tour of a Communist official by the Civil Liberties Committee is entirely out of line with our principals and practices.

Whatever its purpose, the impropriety of such a relationship would be obvious, particularly in connection with an educational case whose interest for defenders of civil liberties is solely one of principle.

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No Communist is in a position to defend any such case on principle, or, indeed, any principles of civil liberties.24

Stephen Murin, the president of the Hawaii Civil Liberties Committee, was infuriated by the exchange between the Star-Bulletin and Roger Baldwin. In a letter to the editors of the Star-Bulletin Murin vented his anger:

After reading your article I have arrived at these conclusions: 1) You have attempted, by wiring the American Civil Liberties Union, to confuse the issues involved in this case. 2) You have attempted to create the impression that the Hawaii Civil Liberties Committee is an affiliate of the ACLU and that the HCLC has encouraged the impression. This is not the case. By consulting with any active member or officer of the HCLC, you could have ascertained the truth. . . . Regarding your quoted reply from the ACLU, I wish to point out that the ACLU had a long and respected record for work in its field. Because of its valuable work in defense of minorities, it too earned the hatred of the most reactionary sections of the press. After years of "red-baiting" attacks, the leadership of the Civil Liberties

24Honolulu Star-Bulletin, September 14, 1948, p. 1. The issue of Communism was one which caused great debate within the American Civil Liberties Union. Beginning in 1940, after the signing of the Nazi-Soviet non-aggression pact, the issue divided the membership. In that year, the ACLU Board of Directors voted 10-9 to expel Elizabeth Gurley Brown, an avowed Communist, from her position on that body in spite of the organization's traditional opposition to the concept of "guilt by association." After World War II, the ACLU's anti-Communism intensified to the point that by 1953 the Board of Directors modified the membership application to read that only those "whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine" was welcome to join. This reference to Communism was found to be offensive to a majority of the membership by a vote of 21,271 to 18,995. In spite of this referendum vote, the Board of Directors voted 14-4 to retain the language on the basis of a power which had earlier been extended to the board by the membership. For a valuable discussion of the ACLU and the Communist
Union surrendered to the baiters' pressure and dismissed the Communist members of its own board of directors. This fact must have been known to you. As a man of intellect you knew that it is unnecessary to wire an organization that forbids Communists to sit on its board of directors to find out if that organization would sponsor a tour by a Communist Party official.

The decision to send Miss Strack to the outer islands to speak on her organization's position on civil liberties was made at a membership meeting held September 7. . . . The membership of our committee has as much right to sponsor such a series of forums as had the members of the Republican Club, who exercised their right to have Miss Strack speak on their forum last Friday evening. 25

Strack had had her own reaction to press criticism of her tour. "It appears," she wrote in a letter to the Advertiser, "that certain elements in Hawaii believe that such debates and discussions represent 'too much' democracy, and are prepared to oppose any opportunity for a frank statement by the Communist Party." Strack concluded with a warning: "If they are prepared to deny the right of free speech to the Communist Party, which is a legal political party, they are also capable of restricting or denying that same right to others with whom they disagree." 26

The editor's comments left no doubt about what the Advertiser thought of Strack and her letter: "The

issue, see the chapter by Mary S. McAuliffe on that organization contained in Robert Griffith and Athan Theoharis (eds.). The Specter (New York: New Viewpoints, 1974), pp. 154-70. It was from this source that the information in this footnote was derived.

26 Honolulu Advertiser, September 16, 1948, p. 6.
Advertiser has no apologies, Celeste, to make for anything it has said, or may say in the future, against Communism or Communists. . . . It is a mockery for a Communist to even mention 'democracy.' 27

While argument raged over the propriety of Strack's tour, the Reinecke hearing moved on. The defense had only two witnesses left: John and Aiko Reinecke. John Reinecke was the first to take the stand.

Myer Symonds led John Reinecke through a biographical discussion of his life, showing how a young man from Kansas came to Hawaii and made it his home. It showed something of the intellectual development of a young teacher with vaguely socialistic leanings who confronted life on a variety of different levels: as a school teacher in a plantation economy, as a sociology student in a Chinese university at Peiping, as the young husband of a Japanese-American wife, as a returning visitor to the mainland United States during the depths of the depression of the 1930's, as a tenacious student who earned a Master of Arts degree at the University of Hawaii in summers and so attracted a visiting Yale professor that he was given a scholarship to do graduate study and earn a doctorate in the sophisticated intellectual environment of New Haven, as a radical young instructor at the University of Hawaii whose outspoken

27 Honolulu Advertiser, September 16, 1948, p. 6.
commitment to controversial issues caused him to be let go, as a volunteer who gave freely of his time to aid the cause of organized labor in Hawaii, and finally, as a man who had returned to teaching in the public schools only to be suspended for lacking the "ideals of democracy" necessary to retain a position of such trust.

Myer Symonds provided the backdrop for an exposition of John Reinecke's political philosophy. The most important part of John Reinecke's testimony was a textual analysis of the so-called "plan of the Communists," his 1935 paper entitled "What Must We Do?" to which Governor Stainback had referred in his Armistice Day speech in 1947.\(^28\)

Governor Stainback had quoted only a small portion of Reinecke's thirteen year old effort, written shortly before John Reinecke went to Yale to study for his doctorate. The portion which Stainback used was, without question, the weakest and most assailable part. Symonds sought to place it in proper context.\(^29\)

The document was essentially a reflection of John Reinecke's concern about the conditions he perceived during his teaching days at Honokaa, on the Island of Hawaii, and about the harsh realities of plantation life in Hawaii, generally, in the 1930's. John Reinecke was, by 1935, at

\(^{28}\)\textit{Supra}, pp. 3-4.

\(^{29}\)The full text of "What Must We Do?" is found in Appendix C of this work.
least a theoretical Marxist. He was troubled by a pamphlet entitled *Hawaii, A Story of Imperial Plunder*, by Samuel Weinman. While he agreed with the Marxist orientation of the work, he was disturbed by the many errors of fact and interpretation he found in it. Weinman had never been to Hawaii, and was deeply burdened by some stereotypes which had been put into his mind by some very superficial writing done in the 1920's by the Japanese Marxist, Sen Kateyama.

John Reinecke testified that his concern over the Weinman pamphlet led him into engage in correspondence with the author and even to visit him in New York while traveling to New Haven. It also led him to write "What Must We Do?" in order to "straighten out my own thinking, such as it was then, on the subject of Hawaiian social, political and economic structure . . . and how, in my opinion, it should be changed."30

John Reinecke testified that at the time he wrote "What Must We Do?" he knew no Communists nor anyone he had reason to believe might be a Communist. He stated that he might have sent carbon copies to two friends in Honolulu, Kenneth Sano and John K. Akau, Jr., men he had met in Honolulu during the summer of 1934, but the idea that the document could be looked upon as a Communist Party directive
seemed ludicrous to him. Furthermore, John Reinecke testified, he had not seen a copy of "What Must We Do?" for thirteen years. 31

The first section of "What Must We Do?" dealt with the matter of creating militant industrial unions in the areas of sugar and pineapple for the purpose of "dominating" those industries. John Reinecke commented in his hearing before the Commissioners of Public Instruction: "That statement I should have to change very materially because of the word 'domination.' At that time I had a very vague idea of the functioning of trade unions and of the limitations of trade unions, particularly within our capitalistic economy." 32

Next, the document dealt with practical matters such as an eight-hour day, a forty-four hour week, overtime pay and a guarantee of the right to organize. Reinecke pointed out that, at the time he wrote, the mills were on a

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31 In interviews with John K. Akau, Jr. on February 9-10, 1975, the author found corroboration for John Reinecke's speculation that Governor Stainback had received his copy of "What Must We Do?" from Akau. Akau described himself as a "fellow traveler" in the 1930's, but was most emphatic about the fact that he had never been a member of the Communist Party. Akau also supports John Reinecke's contention that there was no Communist Party in Hawaii in 1935. Akau asserted that Stainback had misrepresented "What Must We Do?" in his 1947 Armistice Day speech for reasons of political expediency.

twelve-hour day, there was no overtime pay and the so-called "Little Wagner Act" had not yet been passed in Hawaii.

Section II of "What Must We Do?" dealt with the matter of organizing the subsidiary industries and the development of class-consciousness to replace both inter- and intra-racial prejudices which stood in the way of union organization. John Reinecke indicated that he would have changed little in that section were he writing it in 1948.

Section III dealt with the matter of racial antagonisms at greater depth. At one point there was mention of "the radical labor party of Hawaii," a reference which obviously called for some explanation. "At this time," John Reinecke told the commissioners, "I don't really know exactly what I meant. To the best of my recollection, I must have had in mind . . . a labor party in opposition to the political control of the Islands by the Big Five. I don't think I had any concrete ideas what form it should take." ³³ Further reading in the document supports John Reinecke's testimony here. In Section VII, the concluding section of "What Must We Do?" it was tentatively suggested that it might have been desirable to "organize a radical political party aiming to drive the Democrats and Republicans together and so expose their identity." ³⁴

as to whether he would still favor such a party, John Reinecke replied with seeming candor, "I would not be opposed, certainly, to having a truly radical political party, that is to say a Marxist party operating here, but I fear that it would not draw very many votes." One reason for that, he explained, was that the Democratic Party had, in recent years, become morally and financially independent of the Republican Party.

Section IV of "What Must We Do?" continued the theme of racial disharmony within the ranks of labor, a theme which troubled John Reinecke deeply as a student of Hawaii's labor history. Section V moved into more sensitive territory for a teacher who was under the kind of suspicion which John Reinecke faced in 1948. It dealt with the youth of Hawaii and their lack of awareness about the economic and political movements of the world. "Every effort should be made," John Reinecke had written, "to bring them to a full class consciousness, to read understandingly and to see where they stand. Radical literature should be distributed and a book stand established in Honolulu. Probably, as soon as possible, a newspaper should be established to express radical views." Again, John Reinecke's candor in analyzing this section of "What Must We Do?" is remarkable:

The first sentence, I think, was quite true at the time and I should say that it is, to some extent, true today, although it is my impression that the young people of Hawaii are somewhat more aware of what is going on in the world than they were then. Now, as for the second sentence—as I said at the time that I wrote this, I considered myself a Marxist although I had a very imperfect idea of what Marxism was. I still consider myself one. I consider that socialism is a goal which should be striven for and therefore I still subscribe to the idea that young people should be brought to full class consciousness.37

The remainder of John Reinecke's explanation of the passage was lost in the resounding echo of the "admission" he had just made. He qualified his view on radical literature to read as "progressive in general"; he qualified his statement on a "radical" newspaper to the point where he was making a general plea for competition in the marketplace of ideas. But he had said he was a Marxist and that he felt that young people should be "brought to full class consciousness." While it may be possible to admire the candor of the statement, it is equally possible to question the wisdom of it, under the circumstances.

The next paragraph was of no more help to John Reinecke than the last. He spoke of "close contacts between Hawaiian comrades and mainland centers."38 John Reinecke explained weakly:

Presumably I meant by "Hawaiian comrades," people in Hawaii who were militantly in favor of


38 Reinecke hearing, September 10, 1948, p. 15.
building up a radical labor movement. . . . So far as I knew then and so far as I know at present, there were, in Hawaii, (in 1935) no members of a Socialist or Socialist-Labor, or Communist Party—the three parties which, I believe, use the word "comrade" in referring to their members. 39

Section V, the section quoted by Governor Stainback, was the part with which the John Reinecke of 1948 took the greatest exception to the ideas of the John Reinecke of 1935:

At that time, my ideas were very immature. One can see that a number of points below have little or no relevance to the building of a strong—shall we call it anti-monopoly or anti-big business movement in Hawaii, so that much of what follows I would consider now has no place in any such movement and would not represent my views at present. 40

John Reinecke testified that his experience teaching at McKinley High School had taught him that the ROTC, which he had attacked in 1935, could be a "useful institution." With regard to the question of the military in general, John Reinecke pointed out that "What Must We Do?" was written shortly after the infamous Massie rape case which had led a powerful group of local citizens quietly to support a move by the United States Navy to replace what representative government then existed in Hawaii with government through a military commission. 41

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39 Reinecke hearing, September 10, 1948, p. 16.
41 For an excellent short discussion of the Massie case, see Gavan Daws, Shoal of Time (Toronto: The Macmillan Company, 1968), pp. 317-27. For more lengthy accounts, see
was that a military presence in Hawaii was acceptable as long as the military remained subordinate to the civilian government. John Reinecke explained that his opposition to the National Guard in the 1930's was tied to the manner in which Guard units were used as strike breakers. He indicated that he no longer held this view since this particular use of the National Guard seemed to have ended. John Reinecke admitted his concern over the "militarization" of the Boy Scouts was really rather silly, adding that he had served as a Scout Master from 1927-28 while teaching at Konawaena School on the Big Island.

John Reinecke stood behind his 1935 observations on education in Hawaii, offering a long explanation which is, essentially, outside the scope of this work. But one point he made about education came very much within the area of scrutiny in the case at hand. "It is highly important," he had said, "to win the teachers and university and high school students."42 John Reinecke's explanation of that statement follows:

I thought that teachers and university and high school students would see rather clearly how the welfare of Hawaii--democracy in Hawaii--were held back by the big business men. Today, I am not at all so hopeful that they can be brought to see that. . . . Nevertheless, I should say that any

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42Reinecke Hearing, September 10, 1948, p. 22.
labor or progressive group should aim at winning teachers and university and high school students to at least see their point of view and that the point of view of the labor unions should be presented just as fully and effectively in the schools as the point of view of big business.43

John Reinecke also defended his paragraph on civil rights, though he was critical of his own lack of understanding at the time "What Must We Do?" was written:

The shortness of that paragraph shows my ignorance of conditions. If I knew as much then as I know today about the history of repression of civil liberties in Hawaii, I could have written several pages instead of three lines.

At the time I wrote this, picketing was absolutely forbidden by one of the most stringent anti-picketing laws on the books of any state or territory. I think that Fortune Magazine characterized it as "penalizing anyone who lurked about any establishment with the idea in his mind of picketing." That has since been repealed, thanks to the pressure of organized labor.44

Regarding his 1935 attack on organized religion, John Reinecke said that by 1940 he had "come to the realization of the useful purposes which the religious institutions played in the lives of people."45 While making a strong plea for freedom of conscience and separation of church and state, John Reinecke praised some of the social work done by the Buddhist religious organizations with the Japanese and the Catholic Church with the Filipinos, Puerto Ricans and Portuguese.

43 Reinecke hearing, September 10, 1948, p. 27.
45 Reinecke hearing, September 10, 1948, p. 32.
John Reinecke deemed his section on taxation and social legislation "all right as far as it goes," adding that "its brevity shows my ignorance at that time."46 Regarding his statement about the danger of the "sugar coated" press, John Reinecke responded simply, "Well, I don't think that I need to add anything to that."47

At the beginning of the second day of John Reinecke's testimony, when the textual analysis of "What Must We Do?" was only partially completed, Myer Symonds fed John Reinecke a question which allowed him to make a statement on how the document had been misused:

The Governor's charge [that it was a plan for the Communists of Hawaii] is preposterous and a complete lie. It has absolutely no foundation. This document which he terms the plan is a plan only in the sense that More's Utopia and Bellamy's Looking Backward are plans. [It was] an intellectual exercise, wishful thinking. . . . Had the Governor, instead of seizing upon the document with the opportunism of an irresponsible politician, examined it critically as a man who has been a judge might be expected to, he would have seen from its form and content that it was written in an organizational vacuum. Governor Stainback has acted dishonorably and meanly using this writing as he has done; first to create odium against me; second, to slander the Communist Party; third, to aid the enemies of statehood for Hawaii. . . .

The Attorney General, Dr. Loper and the Commissioners of Public Instruction must also bear a share of the blame. First, the Governor foisted upon the Communist Party a document in which it had no part . . .

46 Reinecke hearing, September 10, 1948, p. 36.

47 Reinecke hearing, September 10, 1948, p. 36.
At this point, Chairman Edward N. Sylva broke into John Reinecke's prepared statement, asking, "Would you mind telling us whether you are a Communist or not?" Myer Symonds registered strong objection both to Sylva's question and his interruption. After the dust had settled, John Reinecke continued reading his prepared statement, beginning at the exact point where he had been interrupted:

... and of which it was ignorant in order to create odium against it. Then, he or Mr. Ackerman indicated me to the press as author of the supposed plan, but without naming me so that I had no way of coming forward to explain the document. Finally, when odium had already been aroused against the unnamed author of the manuscript, Dr. Loper filed charges against me based in part on my presumed authorship and the odium arising from its exposure.

Mr. Stainback, Mr. Ackerman, Dr. Loper or the Commissioners could have confronted me with the document at any time and asked me for an explanation and I would have been glad to tell them the truth of the matter. Had any of these persons given me an opportunity to explain what the document was and the circumstances under which it was written, before the Armistice Day speech was delivered or the charges against me were drawn, I should never have had to face much of the odium which I have faced from certain uninformed persons during the past ten months.

One week after my suspension, on December first, I pointed out in the Star-Bulletin that Mr. Stainback's speech ... contained long and specific charges against one individual who he was not man enough to name but who was later identified by the press as myself. ...

The Governor did not answer my statement or seek to discover if he had been mistaken or misled. To have done so would have deprived him of an effective if dishonorable weapon. Instead he distributed copies of the document. One was reprinted in a local magazine [Hawaiian Digest, March, 1948]. Another was used by Mr. Norbourn Smith of the Spearhead for Americanism in his forum address to "We, the Women." Mr. Stainback sent a third copy to Lieutenant-Governor Arthur W. Coolidge of Massachusetts who used it over a national hook-up to harm Hawaii and to help create anti-Russian war hysteria by making it the basis of his fantastic statements.
Finally, I am informed that Senator Hugh Butler used this same document—this same "Communist plan" in quotes—to help kill the statehood bill.

Mr. Stainback and Mr. Coolidge have illustrated perfectly how a Red scare can be built up from a basis of pure imagination.48

Having thus offended the Governor of the Territory of Hawaii as well as the Commissioners of Public Instruction, John Reinecke turned to a more positive exposition of his views. He now offered a statement by the American Law Institute, running to eighteen articles and titled "Statement of Essential Human Rights," as best reflecting his view of the "ideals of democracy."49 The statement goes beyond normal Constitutional rights but is no more radical than vintage New Deal rhetoric. Franklin D. Roosevelt's "Four Freedoms" speech of January, 1941, for example, made many of the same points. John Reinecke did have one modification to make in Article 10 of the Statement. This article declared that "everyone has the right to own property under general law." John Reinecke's amendment to the article pointed out that "those who believe in socialism

48 Reinecke hearing, September 10, 1948, pp. 1-5.

49 This statement, published in the Annals of the American Law Institute, January, 1946, pp. 18-26, can be found in the transcript of the Reinecke hearing, September 13, 1948, pp. 33-38, and is reproduced for the reader in Appendix D.
would interpret 'property' as personal property not... coming under the means of production. In other words, property in consumer goods."^50

As John Reinecke's testimony continued, inevitably it turned to the question of force and violence. His response was that "if the will of the people can be applied through normal democratic channels, there is certainly no need for the use of force and violence to preserve the democratic rights of the people or to extend them."^51 In other words, he was saying that socialism was the democratic wave of the future and that it would come peacefully unless the reactionary elements seeking to retain capitalism precipitated violence.

John Reinecke continued with the subject, taking a page out of Hawaii's history:

In 1893 the business centers, by coup d'etat overthrew the established government... They not only overthrew the established government but they set up what was openly an oligarchy of a small section of the Caucasian population... A number of native Hawaiians, abetted by some of the Whites, rose in rebellion against the oligarchy in 1895 and did their best to overthrow the government by force and violence. It seems to me that this was a futile and anachronistic movement but I certainly could not blame them. If I had been living here in Hawaii at that time and had been of an age to join them, I think I would have... However, looking at it from the vantage point of history now, I should say that they would have done better to have waited for annexation.^52

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^50 Reinecke hearing, September 13, 1948, p. 35.

^51 Reinecke hearing, September 13, 1948, p. 43.

^52 Reinecke hearing, September 13, 1948, pp. 44-45.
Returning to the present, John Reinecke responded to the question of whether it would be proper to use force and violence to overthrow the government in the United States:

I should say most decidedly not, unless that government had become an openly fascist government, in which case I would consider it the duty of every democratic citizen and resident of the country to oppose the fascist government just as it was the duty of every democratically-minded Italian, for example, to rise against the government of Mussolini when the opportunity offered itself, and just as thousands of Italians did rise in the partisan movement. Only under those circumstances, those very extreme circumstances, would an American citizen be justified in exercising force and violence, it appears to me.53

Before the conclusion of direct examination, John Reinecke was asked to evaluate his own loyalty to the United States:

I think that my whole life speaks . . . as a testimonial to my loyalty; that within the limits of my capacity, I have taken an active part in community affairs . . . in movements and organizations which have tried to extend democracy in a Territory which had a very imperfect democracy. . . . During the past war . . . I believe that my conduct was equally loyal and patriotic to that of any other citizen of the Territory. It seems to me that the charge was drawn with one eventuality in view—a war between the Soviet Union and the United States.

Now, just as the loyalty of the Japanese-Americans of Hawaii was suspect before 1941 and there was nothing they could do about it in the face of prejudice, I suppose that there is nothing which I can do affirmatively in the face of the charges that have been aimed at me except to further demonstrate my loyalty in everyday life . . . as a citizen of the community.54

53Reinecke hearing, September 13, 1948, pp. 45-46.
54Reinecke hearing, September 13, 1948, pp. 46-47.
The last gesture of the defense was to seek to take the wind from the sails of the Territory's counsel by asking John Reinecke if he were a member of the Communist Party. Reinecke's response was to read a statement made by Ring Lardner, Jr. before the House Committee on Un-American Activities during the Committee's 1947 investigation of Communism in the film industry. In that statement, Lardner had quoted Thomas Jefferson who said, "It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."55 With this, the defense concluded its case.

Deputy Attorney General Blatt wanted John Reinecke to make a statement on his membership in the Communist Party in his own words. John Reinecke's reply, essentially, was that whether he was a member of the Communist Party or not was irrelevant to the question of whether he possessed the "ideals of democracy." Sylva told John Reinecke that he was usurping the authority of the Commissioners by stating what was relevant and what was not. The Chairman pressed on: "I would like to put the question this way,"

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55 Reinecke hearing, September 13, 1948, p. 86. The Lardner statement is found in the transcript of the Reinecke hearing, September 13, 1948, pp. 85-87. It was read into the record from Bert Andrews, Washington Witch Hunt (New York: Random House, 1948), pp. 121-23, and can be found as Appendix E in this work.
Sylva said. "Do you deny that you are now or ever have been a member of the Communist Party of the United States? And what is your answer then to that, Doctor?"

"I neither deny nor affirm," John Reinecke responded, "that I am now or ever have been a member of the Communist Party of the United States, and my answer is based on the same reasons which I have already given."56

There was one piece of new and dramatic evidence which was raised during John Reinecke's cross-examination. It was a letter which Samuel Weinman, author of the pamphlet Hawaii, A Story of Imperial Plunder, had written to John Reinecke. It was dated May 29, 1935 and opened with the salutation: "Dear Comrade Reinecke." Weinman asked a number of questions about Hawaii, prompted by the critique John Reinecke had written on Weinman's pamphlet. He also made reference to "the group," which seemed related to John Reinecke's earlier correspondence. Weinman went on to ask, "Has the group formulated their ideas as to what is the next step in Hawaii?" Weinman's conclusion left no doubt as to his understanding about the nature of "the group" and the existence of a Communist Party organization in Hawaii:

We have discussed linking the Hawaiian movement to the one in the United States. We plan to do something definite about it shortly. It would be well if you could get this letter into the hands of the Communist Party group and have them communicate with us.

56Reinecke hearing, September 13, 1948, p. 89.
directly telling us what we can do specifically to aid them.

The letter was signed "Fraternally, S. Weinman."\textsuperscript{57}

With regard to the major question raised by the letter, the existence of a Communist Party in 1935, John Reinecke insisted that Weinman had jumped to conclusions. The group, which had a definite Marxist orientation, was identified as the Committee on Youth Opinion, led by John K. Akau, Jr., whom John Reinecke had earlier identified as one of the men to whom he had given a copy of "What Must We Do?"

In a recent interview, John Reinecke described Weinman as a "sanguine young man in his early twenties who had arrived at his conclusions and did not want to be confused by facts."\textsuperscript{58} This is supported in John Reinecke's testimony in 1948:

\begin{quote}
Reinecke: Well, Mr. Weinman was a resident of New York and there's an old chestnut about leaflets being issued back in the 20's addressed to "the workers and peasants of Brooklyn." Maybe he was one of them. . . . I think that this is further evidence that Mr. Weinman had a stereotype of what a colony should be like--peasantry and all--and this was after I had written to him telling him specifically that we had no peasantry here but that we had plantation agriculture, but he still couldn't get through his head that there wasn't a peasant class.

Blatt: So you had to go to New York to edify him?

Reinecke: No. I did not go to New York to edify him. I went through New York on the way to edify myself.\textsuperscript{59}
\end{quote}

\textsuperscript{57}Reinecke hearing, September 14, 1948, pp. 110-112.
\textsuperscript{58}Interview with John Reinecke, September 15, 1974.
\textsuperscript{59}Reinecke hearing, September 14, 1948, pp. 115-116.
Blatt knew he had struck a rich vein, and he worked it assiduously. There can be no doubt that the letter was damaging.

Another piece of damaging evidence was the disclosure that John Reinecke had written articles in the *Kauai Herald* just prior to World War II under the assumed name of N. K. Jui. The articles disclosed an author who could have been categorized as a fairly radical malcontent. He was against martial law. He wanted to stop fascism abroad, but not at the cost of fascism at home. He attacked racism in the military. Most damaging, as late as June 2, 1941 he was taking the position that the United States should not enter the war in Europe, a position taken by the Communist Party in the United States from the time of the Nazi-Soviet non-aggression pact on August 23, 1939 to the Nazi attack on the Soviet Union on June 22, 1941. John Reinecke admitted at the hearing that his thinking on the matter of the European war had substantially followed the Communist Party line, but contended that, unlike the Party, the transitions in his thinking had come gradually. But there is no gainsaying the fact that the Jui articles were damaging to John Reinecke's defense.

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Dr. Reinecke revealed the source of the name to the author in an interview on June 5, 1973. Using English characters, the Chinese phonetic spelling of Reinecke's last name is Jui Ni-k'e.
Nor did Reinecke win any friends among the Commissioners when Chairman Sylva questioned him about the Fifth Amendment. Sylva was referring to that part of the Fifth Amendment which dealt with the confiscation of property without just compensation, not the part dealing with self-incrimination. When John Reinecke was asked how he could reconcile this with his views on property, he replied, "I don't think it is necessary to reconcile it because I have always been under the impression that the Constitution of the United States can be amended."61

Commissioner John Owens continued with the property theme, using a different line of attack. He asked John Reinecke if he had ever read the Bible. After an affirmative reply, Owens asked John Reinecke if he recalled reading the Ten Commandments. John Reinecke grew wary:

Reinecke: I have some faint recollection of reading it.

Owens: I was wondering in carrying along with your line of reasoning there about what I will call confiscation of property, especially in those instances where they are means of production, how you would reconcile the seventh commandment: Thou shalt not steal, to your line of reasoning of taking these means of production without compensation.

Reinecke: I don't suppose that you want me to go into a long lecture on the history of morals, but I should say that the concept of theft and the concepts of property have changed a great deal from time to time. For example, unless I am greatly mistaken, it was at one time thought to be confiscatory to take property as an inheritance tax, or as

a gift tax, and I am afraid that some people who would like to inherit or receive large sums of money as gifts still think that. In other words, the concepts of property and concepts of theft that existed among Hebrews 1000 years B.C. or whenever it was and the concepts of property and concepts of theft that exist among the Americans in 1948 are somewhat different.

Owens: Well would you say then that the concept of religion--there has been a change in the meaning or the application of the Ten Commandments then?

Reinecke: Oh, undoubtedly. Anybody who has the slightest smattering of history and of sociology knows that.62

When Sylva reminded John Reinecke that he had been the recipient of a Carnegie Foundation fellowship and asked him what he would do about the Carnegie Foundation if the United States became a socialist nation, Reinecke's response was that he would be pleased to do some research on student financial aid in socialist countries for the chairman.

And so the cross-examination of John Reinecke continued. Interspersed with Reinecke's witty, if self-defeating, exchanges were a number of heavy-handed efforts on the part of the Territory's counsel to get John Reinecke to commit himself or an associate on the matter of membership in the Communist Party. Asked about his unwillingness to discuss fully his political beliefs with the Commissioners, John Reinecke replied: "I should say . . . that I have given a much fuller summary of them than I feel the board is in right entitled to."63

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62 Reinecke hearing, September 15, 1948, p. 111.
63 Reinecke hearing, September 15, 1948, p. 149.
John Reinecke's cross-examination ended on a note of near absurdity. Blatt insisted that he was hypocritical in withholding information about his possible association with the Communist Party on the grounds that his politics were his own business. After all, Blatt reasoned, hadn't John Reinecke freely admitted being a member of the Democratic Party? Seeing the logic, or the absurdity, of the statement, John Reinecke retracted his earlier admission and declared:

I will neither affirm nor deny that I am a member. I would say that if the Board came around with a set of charges to show that by reason of my membership in the Democratic Party, alleged membership, I was not possessed of the ideals of democracy and that I was of doubtful loyalty to the government, I should certainly decline to discuss my alleged membership in the Democratic Party.64

Before putting Aiko Reinecke on the stand, Myer Symonds decided to edify Jack Owens with a Marxist interpretation of the Ten Commandments. He quoted from a book called Socialism and Ethics by a one-time philosophy professor from Brooklyn College, Howard Selsam. Some of the moral questions raised included whether or not the confiscation of American oil properties and sub-soil rights in Mexico had been stealing on the part of the Mexican government; whether or not the Emancipation Proclamation was stealing; whether or not the Russian revolutionists had stolen the private property they confiscated; whether or not stealing was

64Reinecke hearing, September 15, 1948, p. 152.
involved in the Protestant Reformation when the property of the Catholic Church was confiscated. "Were such acts as these contrary to God's eternal law as expressed in the Eighth Commandment? Either a yes or no answer to this question requires the interpretation of the commandment in terms of more fundamental moral principles and thus reveals their limited and relative moral character."\(^{65}\) Symonds continued with the assertion that the commandment, "Thou shalt not kill," had always been treated relatively, that no society of any historical significance had truly observed it. He also cited Selsam's contention that monogamous marriage originated more as a means of orderly property inheritance than out of a timeless moral principle. With this, Chairman Sylva could stand no more and ended the discussion with the statement that "I'm sure that everyone in this room has been taught since the cradle that it's wrong to steal. It was wrong to steal in the days of the Israelites and it's wrong today."\(^{66}\)

When Aiko Reinecke took the stand, she was led through her direct testimony by Harriet Bouslog. Aiko Reinecke described her young life, a life distinctively shaped by Hawaii's plantation economy. Born of immigrant parents,


\(^{66}\)Reinecke hearing, September 16, 1948, p. 8.
Aiko Reinecke went to work in the fields at the age of eleven for fifty cents a day. She described the very rustic camp conditions, the loving influence of a teacher, Mrs. Sisson, who had a great impact on Aiko Reinecke's subsequent life, the family and personal sacrifice involved in gaining a high school education, the ultimate success of graduation from the Territorial Normal and Training School where Aiko Reinecke trained to become a teacher, the struggle to support her family when her father was laid off by Libby, McNeill and Libby after fifteen years of service, without a pension of any kind, at the age of sixty-six. A year after her father was laid off, Aiko Tokimasa married John Reinecke and confronted a very different life than she had known before.

With her husband, Aiko Reinecke visited the mainland for the first time and was impressed with the vastness of it all while she was, at the same time shocked by the results of the depression. Together, John and Aiko Reinecke went to New Haven and savored an intellectual climate she had never known before. Together they went to the South and learned something of the racial injustice which then prevailed in that part of the country. And together the Reineckes went to Mexico in 1941, broadening their social perspectives still further.

In 1938, Aiko Reinecke learned that being married to a radical had its hardships. John Reinecke's firing by the
University of Hawaii was a heavy blow for the family. The couple gave up their home and moved in with Aiko Reinecke's family. And now, Aiko Reinecke was finding anew the hardship of life with a radical. If John Reinecke were considered guilty by association with the Communist Party, Aiko Reinecke's guilt came by association with her husband.

Over time and through her own experiences as well as the influence of her husband, Aiko Reinecke had developed a political philosophy which she described in her testimony.

When Harriet Bouslog asked her about it, she replied:

Well, that's a very difficult question. . . . I haven't really done a great deal of reading and thinking to have formulated a philosophy, but I have been . . . puzzled by the contradictions that I have run into and the problems that I have met in my private life as well as in the lives of my students.

As I said earlier, I've experienced the lay-off of my father, his unemployment, my husband's unemployment, and I have lived through two World Wars. Also, I remember vividly the depression . . . the poverty and the squalor and worry of the period. And so, for many years I've been trying to get at the root of all this evil: poverty, unemployment and insecurity. . . .

I feel that these things are part of the system under which we live and that if we had a different kind of system which would give people better livelihood, more security and the good things of life, that it would be better than what we have today. . . . I feel that if we socially owned the things that must produce the necessities of life, then perhaps we would have a happier life on this earth.67

Since the Celeste Strack tour, the Reinecke hearing had received remarkably little attention in the newspapers.

67Reinecke hearing, September 16, 1948, pp. 89-90.
Aiko Reinecke's testimony released a substantial amount of latent hostility in Hawaii. Debate focused on the letter of a woman named Alice Carlson. An interesting letter, it is printed here in substantially the same form as it appeared in the Honolulu Advertiser:

Aiko Reinecke and I have quite a lot in common. She is a schoolteacher; so am I. She taught school for $119 per month. My first year teacher salary in Hawaii was $120 per month. Her parents, I assume, came from Japan; mine came from Sweden, though not as contract labor. ... According to her testimony, when a child, Aiko worked in pineapple fields for 50 cents a day. I, when a child, picked mustard in Minnesota grain fields for exactly 50 cents per day.

She went to the Mainland in 1932, the depression period, and "learned there were beggars in our America." She didn't say she saw beggars. In 1933 I went to Japan and saw many beggars. Old women and old men and children at temple doors with thin outstretched hands. That wasn't depression in Japan; merely a normal condition. In December, 1933, after a tour around the world, I traveled the Mainland coast to coast on my return to Hawaii. I saw no beggars. Pan-handlers, yes, but they're a different breed. But I saw a huge relief program in full swing, our America doing its utmost to help the unemployed. Didn't Aiko Reinecke on her mainland trips in 1932 and 1935 see the PWA, the CCC, the WPA, and NYA and still other employment-relief projects in full swing? Strange that she mentions only the bad she saw, not a word of the good. ...

Regarding her work in plantation fields, Aiko stated: "I should like children to be children while they are children and not forced to earn wages in order to go to school." Apparently Aiko still harbors a resentment that she had to work for wages when a child. I have no resentment. I know that the all-day picking mustard in grain fields put health and strength in my growing body. And the many jobs I worked at all through high school and college gave me rich experience, better character, and deep appreciation that in America school doors were not closed to me. In many countries, you know, Aiko, no matter how ambitious you are, no matter how hard you work, you wouldn't have a chance at even a high school education, much less a college education.

If today anyone should ask me my political beliefs or party allegiance, I would not, like Aiko, refuse to
answer on the grounds that my constitutional right to keep silent is being transgressed. I can answer in a firm and proud voice. In that, Aiko Reinecke and I have nothing in common.68

The contrast between the statements of Aiko Reinecke and Alice Carlson demonstrates the subtle complexity of contending philosophies at a time when polarities were the order of the day. It speaks to the issue of the relativity of moral codes, an issue defense counsel had raised the very morning Aiko Reinecke began her testimony. It captures some of the genuine tension of the time.

The cross-examination of Aiko Reinecke demonstrated nothing more than the fact that she had been suspended from her teaching position for no reason other than being the wife of John Reinecke. After more than six weeks, after thirty-two days in session, the Reinecke hearing was ended. The transcript of the proceeding ran to 3,934 pages when it was completed and the Reineckes, who had waited almost ten months since their suspension, waited once more. Final arguments were set for October 13, 1948 in order to give defense counsel time to study the transcript, and to allow Myer Symonds to meet a commitment in San Francisco.

68 Honolulu Advertiser, September 22, 1948, p. 18.
CHAPTER VIII

TEACHERS NO MORE

The end of the Reinecke hearing was anticlimactic. It had been so long since their suspension, and the hearing itself had dragged on so long that there was little public interest left as counsel for both sides prepared their closing statements. The decision was such a foregone conclusion that there was no drama attached to that remaining detail.

The Honolulu Advertiser gave its editorial approval to the conduct of the hearing:

The Reineckes have had their "full and complete" hearing on charges of being Communists and with having principles opposed to democracy, as is required by Hawaii law before school teachers may be dismissed. The case has been dragged out for long weeks; has been a springboard for Communist propaganda. Lawyers for the Reineckes even went to the extent of importing an admitted Communist propagandist, a paid agent of the Party, to come to the aid of the accused teachers. The community has been deluged with smooth-tongued attacks on American democracy; false pictures of the delights of Communist totalitarianism.

The result has not been favorable to the Communists, although the opportunities they have been given to air their views may have netted them a few more gullibles. . . .

Now the "full and complete" hearing is finished. The Communists—and the Reineckes in whom they seem to be very much interested—have had their field day. Hawaii's people hope that the commissioners of education will reach an early and definite conclusion.¹

¹Honolulu Advertiser, September 20, 1948, p. 16.
The Honolulu Star-Bulletin was somewhat more balanced in its discussion of the importation of a Communist by the defense. "By bringing to the Territory as an expert witness," the editors commented, "the Territory set the example.... Once the door was opened, in came a real, live Communist, Miss Strack of California." But if the Star-Bulletin were more temperate about how Strack got here, they were even more vehement about the effect of her being in Hawaii:

Then ensued the spectacle of Communism being paraded before the school board and Territory dressed up in its most alluring colors--not the deep red of armed revolt, blood, flame and devastation, but delicate mauves and pinks and pastels with which Communism in the United States is painted to attract and deceive the unwary and inexperienced eye.

Against this parade of plausibility and persuasion the Territory was powerless to interfere. 2

Here was the Territory of Hawaii being painted in the improbable role of the underdog in the Reinecke case.

Almost a month after the testimony in the Reinecke hearing had been completed final arguments were made. Each side was limited to three hours.

Deputy Attorney General Griffith opened for the Territory, reviewing the history of the case. He then dealt with the question of bias which had been raised by defense counsel. Griffith told the commissioners that the common law governing administrative proceedings decreed that

administrative officials, even though otherwise disqualified, may still act if their failure to act would necessarily result in a failure of justice. In this instance you are the only Commissioners of Public Instruction. There is no provision for calling in substitutes. If at least a quorum, which is five Commissioners, does not act there would be a failure of justice by preventing the determination of the proceeding. You can see, therefore, that you must make a decision in this hearing.  

For the good of the Department of Public Instruction, Griffith contended, the Reineckes must be dismissed. He also indicated that it was the recommendation of the attorney general's office that the Reineckes' teaching certificates be revoked, though he did point out that it was possible for them to dismiss the two teachers without revoking their certificates.

Griffith concluded his portion of the Territory's summation:

One cannot show possession of the ideals of democracy merely because one is kind to children or works to alleviate discrimination or to gain new working conditions or wages for labor. Possession of the ideals of democracy cannot be based on the double talk of belief in economic democracy and its superiority to the extent that individual civil liberties may be suppressed to achieve it. . . .

Can one be possessed of the ideals of democracy and advocate the overthrow of our present government by force and violence or be a part of a party which is acting as the agent for Soviet Russia? Can one be possessed of the ideals of democracy and its principles of free thought and free speech when he invokes the protection of the Constitutional freedoms in the aid of the struggle of his party to achieve power, being all the while

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3Reinecke hearing, October 13, 1948, p. 12.
intent upon suppressing the exercise of those very freedoms by others as soon as his party comes to power? . . .

A teacher must be possessed of the ideals of democracy to teach democracy. His or her beliefs and convictions must and do color his conduct and affect the presentation of the subject to his pupils. . . . The teaching of doctrines opposed to those of American democracy by teachers as skilled as the Reineckes could not be expected to be open and apparent and evident to all. On the contrary, their teaching would be clever and difficult to detect. Communists are merely preparing the ground and sowing the seeds of their faith. Even Communists do not expect to reap the harvest overnight. . . . Should the party at any time require that teachers exert all their influence in converting school children, the attitude of the Reineckes as loyal and long-time members can readily be predicted.4

Thus the Territory of Hawaii did portray the cunning and subtle way in which John and Aiko Reinecke sought to purvey an insidious foreign doctrine to the unwary youth of Hawaii. They were, indeed, so subtle that no witness for the Territory was provided to give an example of the manner in which they practiced their evil arts.

After Griffith had finished with his summation of the legal aspects of the case and had made his recommendation that the Reineckes be dismissed, his colleague, Deputy Attorney General Blatt, summed up the evidence in the case as seen by the Territory. The evidence, particularly that provided by Ichiro Izuka, proved conclusively that John Reinecke was a member of the Communist Party. Blatt pointed to "overt acts--and acts they are--[which] clearly prove

Dr. Reinecke to be and to have been for many years a member of the Communist Party and one of its principal officers.\(^5\)

The "acts" Blatt referred to, other than those contained in Izuka's testimony, included the Weinman letter, John Reinecke's visit to Weinman's office in New York, the fact that there was an open Communist Party in New Haven when Reinecke was studying there, a letter written to his department chairman at the University of Hawaii explaining his Marxist orientation, John Reinecke's teaching courses about Marxism at the Labor Canteen at the end of World War II, the selling of Communist literature and, finally: "the action of the Communist Party of California in voluntarily dispatching Celeste Strack to testify here in the Reinecke case to the high purposes of the Communist Party is proof positive of the Reineckes' connection with the party."\(^6\) Much of Blatt's thinking is, indeed, shoddy, but no reasonable man could have examined the evidence which was presented in the Reinecke hearing without arriving at the conclusion that John Reinecke had been a member of the Communist Party.

And he had been. In the author's first meeting with Dr. Reinecke in the spring of 1973, his response to the direct question, "Were you a member of the Communist Party?"

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\(^6\) Reinecke hearing, October 13, 1948, p. 28.
was a candid, "Sure, I was a member." But he insisted, and the evidence supports him, that he was not a Communist at the time he wrote "What Must We Do?" that there was no Communist Party in Hawaii in 1935, and that when he returned from Yale University in 1937 there was a Communist Party in Hawaii which he joined.  

But what ostensibly was being questioned was not whether it could be proved that John Reinecke was a Communist, but whether this automatically proved that the man was not possessed of the ideals of democracy.

As to Aiko Reinecke, who had told the Commissioners of Public Instruction that she neither denied nor affirmed membership in the Communist Party, Blatt said: "We contend that her answer--I do not deny it--is in and of itself a complete admission and the Board could accept it as such standing alone." However tenuous that assertion was, Blatt assured the Commissioners that it did not stand alone.

Blatt asked the Commissioners if it were possible to believe that Aiko Reinecke had not read "What Must We Do?" at the time her husband wrote it. He pointed to a letter which had been written stating that Aiko Reinecke's thinking had been helped recently by reading New Masses, a Marxist publication. He pointed to a consumers group in

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8Reinecke hearing, October 13, 1948, p. 28.
which Aiko Reinecke had participated during her stay in New Haven, a group which met in a room above the Communist Party headquarters in New Haven. Blatt even offered the fact that Aiko Reinecke had participated in the Yale University department of race relations sponsored tour of the southern United States, saying:

Although Aiko Reinecke was not a student at Yale University, didn't she too take the trip through the Deep South to experience personally the race prejudice which all of us acknowledge and hope to see disappear? This playing up race prejudice, while all the time deploring it, is another aspect of the Communist Party plan to set group against group and to apply the ancient military concept of divide and conquer. 9

Then Blatt drove to his conclusion:

Certainly the entire conduct of the Reineckes since their connection with the Department of Public Instruction has been far from exemplary. Their vicious bias in labor, political and sociological fields, as epitomized in their annual letter of 1947, . . . is enough to show their utter lack of proper academic temperament and gross unfitness in the teaching field.10

Finally, pointing to the central issue of the Reinecke hearing, Blatt said: "We feel that the board will concede, as have the vast majority of the Americans in the Gallup Poll . . . that the Communist Party does not bear undivided allegiance to the Government of the United States."11

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9Reinecke hearing, October 13, 1948, p. 29.


11Reinecke hearing, October 13, 1948, p. 39. Blatt was undoubtedly referring to the Gallup Poll cited earlier in this work. Supra, p. 89.
Harriet Bouslog spoke first for the defense. She con­centrated on the Reineckes' Constitutional right to silence on the question of their membership in the Communist Party. "I experienced a sense of shock," Bouslog protested, "when Mr. Blatt stated that this Commission, from the refusal to testify should assume guilt--should assume that the answer . . . was tantamount to an admission." Bouslog pointed out to the Commissioners that even Jesus had "kept his peace" when he appeared before Pilate, an analogy of questionable value for the Commissioners who would not take kindly to any comparison which might put them in the role of Pontius Pilate. More aptly, Bouslog quoted Thomas Jefferson from an 1803 letter to Benjamin Rush in which Jefferson said:

It behooves every man who values liberty of conscience for himself to resist invasions of it in the case of others or their case may, by change of circumstances, become his own. It behooves him, too, in his own case, to give no example of concession, betraying the common right of independent opinion.13

By the time Bouslog had finished her summation, the Reineckes' exercise of their Constitutional right to silence had been offered as proof that the teachers possessed the ideals of democracy. It was a proposition of doubtful efficacy in the eyes of the Commissioners, no doubt, but Bouslog had little else to hang her hat upon.

13 Reinecke hearing, October 13, 1948, pp. 60-61.
Myer Symonds opened his summation with a quotation from Supreme Court Justice Frank Murphy. "The strength of this nation," Murphy said in a 1945 decision reversing a court order to deport ILWU president Harry Bridges, "is weakened more by those who suppress the freedom of others than by those who are allowed freely to think and act as their conscience dictates."14 Symonds continued:

Governor Stainback, Attorney General Ackerman and Dr. Loper, in whose minds originated the sinister plot to remove the Reineckes from the school system—as Governor Stainback stated, for the reason and for the purpose of setting an example for the ILWU to clean up its own house—They are the persons who are not possessed of the ideals of democracy because it is they, contrary to the statement made by Justice Murphy, who are seeking to weaken this government by denying freedom of thought to others.

Thought control is growing in the United States. A form of mental regimentation is taking place. A person either subscribes to the present status quo of our political and economic life or else he is a subversive. If unchecked, this growing straightjacketing of the minds of the American people can have only one final result—fascism, which is the real antithesis of democracy.15

Symonds then went on to develop a theme which was central to the defense of many of those who were, during the period immediately after the close of World War II, accused of Communist associations. He pointed out that the word "capitalism" is not synonymous with the word

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15Reinecke hearing, October 13, 1948, pp. 63-64.
"democracy." One can, the argument went, believe in socialism and remain true to the ideals of democracy. Symonds pointed out that both Louis Budenz and W. Harold Loper had, as witnesses, admitted that a theoretical belief in socialism, even the Marxist variant, would not automatically mean that a person so believing would be lacking in the ideals of democracy. Symonds even pointed to Karl Mundt, the conservative Congressman from South Dakota, co-author of the Mundt-Nixon bill, who stated that a theoretical belief in Marxism was not, in and of itself, un-American.

Symonds reviewed the evidence for the Commissioners, breaking the testimony down into four parts: First, the book-burying incident; second, the testimony of Louis Budenz; third, the testimony of W. Harold Loper; and fourth, the testimony of Ichiro Izuka.

With regard to the book-burying incident, Symonds pointed out that the fact of the buried books was not being denied. But, he asserted, John Reinecke "had nothing to do with the burying of the books. He testified that he disapproved of it. . . . Mr. Blatt tried to make it appear that there was something sinister about burying the books. Yet the FBI, the military and naval authorities . . . did not even consider it important enough to call Dr. Reinecke in to ask him any questions with reference to the incident."\(^{16}\)

\(^{16}\)Reinecke hearing, October 13, 1948, p. 76.
Symonds dismissed Budenz' testimony, saying, "his willingness to say anything which comes to his mind in an effort to destroy the Communist Party which he hates," certainly disqualified him as an "expert" witness. 17 Symonds also went to some length to demonstrate that certain portions of Budenz' testimony, particularly that dealing with the use of force and violence, was internally contradictory.

Loper was cast aside by Symonds with the comment that the Superintendent of Public Instruction lacked the necessary qualifications to bring the charges against the Reineckes. Loper, Symonds contended, had acted dishonorably and had, himself been used by both the attorney general and by the governor.

Finally, the fiery defense counsel turned his full powers of scorn and indignation upon Ichiro Izuka, "famous author, lecturer and liar." Symonds said that he felt certain "that never in the history of the Territory of Hawaii has a witness taken the witness stand and told as many lies as did Mr. Izuka under oath in this proceeding. A complete review of his testimony would consume several days. He admitted lying to his own union, to the Army, to the FBI and in this very hearing." 18 Symonds then went on

17 Reinecke hearing, October 13, 1948, p. 79.
18 Reinecke hearing, October 13, 1948, p. 95.
to enumerate a list of discrepancies in Izuka's testimony before the Commissioners of Public Instruction and then concluded:

Now, that's the sort of man--I've named fourteen or fifteen examples; I could go on and name many more--but that's the type of testimony that Mr. Izuka gave in this courtroom. They are examples of deliberate lies by Mr. Izuka. . . . The lies in this case were not the result of the failure of a human mind, not when you are dealing with a fanatical, mechanical robot like Izuka who went right into the Communist Party tendering his resignation (in a letter which) made it clear that he was not leaving the Party because Communism was wrong. . . . No, that isn't what Mr. Izuka said. He merely said that the Party is out of step with Mr. Izuka. Mr. Izuka knows what's best for all the workers in the Territory of Hawaii and the Communist Party does not; now, whenever they get around to agreeing with Mr. Izuka, he trusts he will come back into the Party. Mr. Izuka is an egotistical maniac; the same as Hitler--a person who believes he is the only one who knows what is the best for others and when others do not agree with him then he's ready to do anything at hand to destroy them.19

In his attack upon Izuka, Symonds leaned very heavily upon the testimony of Tony Kunimura who had portrayed Izuka and Ed Berman as aspirants to the positions held by ILWU leaders Jack Kawano and Jack Hall. Symonds called John and Aiko Reinecke the "innocent victims of Izuka's hatred for Hall and Kawano."20

Attorney Symonds challenged the Commissioners to examine their own lives and search their own souls and ask

themselves whether their lives, if examined with the same scrutiny as the Reineckes' would stand up so well as the two teachers whose professional lives were on trial. "I believe it can be safely said," Symonds responded to his own question, "that there is not a single member of this Board who could truthfully state to himself or herself, 'I am more possessed of the ideals of democracy than the Reineckes.'"21

Sixteen days later, on October 29, 1948, less than two weeks short of a year from the time when the Reineckes' ordeal began, the Commissioners gave their own answer to Symonds. In the "findings of fact," it was stated that the Commissioners were satisfied that John Reinecke had been a member of the Communist Party of Hawaii from an undetermined date in the year 1938, until and including the date of his suspension as a teacher, that the Communist Party was not truly a political party, but "an underground organization . . . in blind subservience to the interests of the Communist Party of the Union of Soviet Socialist Republics."22 The decision stated that John E. Reinecke had faithfully followed the "Party line" and that he had not only been an aggressive member of the Communist Party of Hawaii, but one of its principal officers.

21 Reinecke hearing, October 13, 1948, p. 117.
22 Reinecke hearing, October 29, 1948, p. 3.
Turning to John Reinecke's teaching, the decision observed:

That the subjects in which John E. Reinecke had specialized, was best versed, and which he was teaching at the time of his suspension consisted in part of economics, labor affairs, and the social studies, in all of which said subjects the Communist Party and Marxists, so-called, had a definite bias and slant; and that in the employment of a teacher who is imbued with the principles of Communism and subject to the control and domination of the Communist Party, there is a potential danger of slanting in teaching in an attempt to advance the principles of Communism.23

Thus, while no single example of bias in John Reinecke's teaching had been offered by the Territory of Hawaii in its case against the man, the "potential danger" was considered to be great enough in the eyes of the Commissioners of Public Instruction to be included among the "statements of fact" in their decision.

The Commissioners also stated that prior to his suspension, John Reinecke's membership in the Communist Party had been given wide publicity and had threatened to bring the Department of Public Instruction into disrepute. Thus, the very same people who had brought Reinecke into the public eye were using the publicity they had created as an excuse to suspend and, ultimately, dismiss its target.

23Reinecke hearing, October 29, 1948, pp. 6-7.
The "statements of fact" continued with the assertion that "the Communist Party of the United States and its subsidiary units, including the Communist Party of Hawaii, did, at all times hereinabove set forth, advocate the overthrow of the government of the United States by force and violence." In this statement, the Commissioners must have relied upon the testimony of Louis Budenz, entirely, for Ichiro Izuka had specifically denied this allegation.

Finally, it was held that membership in the Communist Party was in direct conflict with the possession of the ideals of democracy and, therefore, John Reinecke did not possess them.

The result was a foregone conclusion. John Reinecke's suspension was necessary for the good of the Department of Public Instruction. Grounds did exist for his dismissal. And suspension without pay had been warranted. Having justified their past actions, the Commissioners proceeded to rescind John Reinecke's teaching contract for the academic year 1947-48, and revoked his teaching certificate.

In Aiko Reinecke's case, the "findings of fact" were very similar except that her Communist Party membership was dated from 1945. Only at the very end was there any difference in the two decisions. The Commissioners stated that "We are not satisfied that Aiko Reinecke so completely

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accepted and adopted as her own a philosophy of beliefs as to preclude her possession of the ideals of democracy and, therefore, we are not satisfied that she does not possess the ideals of democracy." In a magnanimous gesture, the Commissioners upheld Aiko Reinecke's suspension without pay, rescinded her 1947-48 teaching contract, but allowed her to keep her teaching certificate.

Thus, John and Aiko Reinecke, with collective teaching service to the Territory in excess of forty years, were teachers no more. The decision was a product of the time. The final verdict received little attention in the press, perhaps because it had been so long in the coming and so certain in its outcome, or perhaps because people simply were not very comfortable with the result of the Reinecke case and wanted to let it pass quietly from the scene.


26 In an interview with Aiko T. Reinecke, June 20, 1973, Mrs. Reinecke told the author that she had attempted for a while to obtain a teaching position in one of several private schools. None would even reply to her request for an interview or an application.
PART II. THE SPECTER CONTINUES

CHAPTER IX

THE 1949 LONGSHORE STRIKE

Two days after the closing arguments had been heard in the Reinecke case, a young soil chemist from the University of Hawaii publicly announced that he had resigned his position at the university to become the full-time chairman of the Communist Party in Hawaii. The young man's name was Charles Fujimoto, and in his letter of resignation, which was addressed to Dr. G. Donald Sherman, his department chairman, Fujimoto said:

I resigned as a research chemist at the University of Hawaii to become a full time official of the Communist Party of Hawaii. By this action I can make my greatest contribution to the general welfare of the people of Hawaii. The Communist Party of the United States is contributing immeasurably toward the welfare of the American people and the peoples of the world. It is courageously and consistently fighting against the drive of the monopolists toward fascism and a third world war.

Fujimoto went on to discuss some of the repressive measures being taken against Communists and suspected Communists in the United States. Then he brought the issue home:

In Hawaii the same policy is being followed. The Governor has caused to be removed, two school teachers after 20 years of faithful service. This is only the beginning of a campaign to remove progressives from government jobs. The drive against the labor movement by the Big Five is becoming increasingly bold and violent. The civil liberties of the people are being threatened. . . .
My resignation does not mean that the right of any Communist to a position in any capacity has been relinquished. I am resigning because my new responsibilities will require my full time.¹

Charles Fujimoto's public announcement produced no stampede of individuals wishing to become open Communists. He was, and he continued to be, Hawaii's only open Communist. The reaction of the anti-Communist press was restrained and Fujimoto was treated as a pathetic, rather than a sinister, figure. The *Star-Bulletin* was the first to comment editorially to Fujimoto's announcement:

By the Constitution of the United States and in the lack of statutes to the contrary, the Communist Party is not illegal. Fujimoto is perfectly at liberty to join it and to promote it. Likewise, he is presumably at liberty to give details about the Communist Party in Hawaii. We can conceive no reason for this apparently candid young man to be so reticent about his party here except that to give details would reveal its paucity in numbers and its lack of substantiality.²

The *Advertiser*'s response was more personal and sought to get at Fujimoto through his family, a very strategic target in the family oriented Japanese-American community in Hawaii. The editorial was titled "Pathetic Young Man."

It read:

There is no more pathetic figure in Hawaii today than Charles K. Fujimoto, who has traded his Americanism for Moscow totalitarianism. His

father traded the lot of a Japanese peasant for that of a workman in Hawaii, where his children were given the world’s best educational opportunities.

Now one of the children chooses a totalitarian oppression worse than that from which his father fled in preference to the American system that made his own success possible, to which he owes all that he has. Russians who flee their native land say conditions there are too horrible for belief.

Perhaps Charles should go and see.

Goodbye, Charles. ³

The timing of Fujimoto's resignation was probably due as much to expediency as to idealism. It was clear that the Reineckes were going to be dismissed, and it was not difficult for Fujimoto to assume that he would be the Territory's next target. Like John Reinecke, he had been closely identified with the Communist Party in the Izuka pamphlet. Additionally, his wife, Eileen, had also been identified as a Party member, and to complicate the matter even more was Jack Hall's secretary at the ILWU.

There was a poignant quality to Fujimoto's resignation. The Advertiser, in a second editorial about Charles Fujimoto quoted "educators in a position to know" as having indicated that Fujimoto "could have been one of the two or three outstanding soil technologists in the entire nation." ⁴ But that was not to be; Fujimoto never again returned to the career in which he was once considered so promising.

³Honolulu Advertiser, October 24, 1948, p. 16.

⁴Honolulu Advertiser, October 26, 1948, p. 18.
The public attention given to the Fujimoto announcement was meager and it died down quickly. Talk about Communism became less frequent. There were no issues such as the Reinecke case to attract interest and there were no political campaigns going on. The specter of Communism did not rear its head again until the advent of the 1949 longshore strike. With this strike, the most devastating in Hawaii's history, Communism once again became a flaming issue in the Territory.

As the strike deadline of April 10, 1949 drew near, it looked very much like a classical labor dispute. The ILWU was seeking a thirty-two cent wage hike while the stevedoring companies were offering eight cents. The ILWU had declared its willingness to submit the matter to arbitration while the employers rejected that as a means of settlement which put employees and outsiders in control of private business. The ILWU argued for parity with West Coast dock workers while bosses argued that dissimilar working conditions and intraterritorial wage relationships made parity impractical.

After a postponement from April 10 to May 1, the strike finally began with two thousand stevedores walking off their jobs. It was the first strike at the Port of Honolulu since 1918.

Only three days after the strike began, the Communist issue was raised by the Honolulu Advertiser when that newspaper began a scurrilous, unsigned series which came to be
known as the "Dear Joe" letters. Some excerpts from the
first letter will give the reader an idea of the effect the
Advertiser was trying to create with these bogus letters from
a longshoreman to Joe Stalin:

WHAT ARE YOUR NEXT ORDERS, JOE?

Strike the ships. Two-thousand men can and
have tied up a community of 450,000 people. Every
man who strikes is tying up the hopes, prospects,
job security and welfare of 220 people. Good
stuff! . . . .

Give those strikers what they want. Then
let those strikers kid every other worker--sugar,
pineapple, office workers, clerks, saying, you're
"suckers." Look at our union--We got ours. We
should worry, you poor sap!

Let's have a sugar strike. A few plantations
made money last year--others have some hopes of
making some--so let's strike-em.

Why should ANY plantations make money? It
ought to be ours. Worry about the stockholders?--
Nuts--even if they are widows and orphans. The
hell with them. . . .

Come on, Joe Stalin! We've got Hawaii all
set up for you. It's a pushover. Easy. We've
brought business to a standstill--busted a lot
of people, even some war heroes. We've caused
untold hardship. Right down the alley!

What are your next orders, Joe? We're ready--
Your dope sure works!5

This, it must be remembered, was written when the 178-day
longshore strike was only in its third day!

The Honolulu Record reacted quickly to the "Dear Joe"
letter:

In his front-page, four column editorial
Wednesday, entitled, "What Are Your Next Orders,
Joe?" [Lorrin] Thurston [publisher of the Advertiser]

implies that longshoremen are brutal, callous to the needs of others, and agents of Moscow. In contrast, he identifies Big Five stockholders only as "widows and orphans," and inconvenienced businessmen only as "war heroes." But the people of Hawaii have learned much since 1920—even if Thurston and the Advertiser still pipe the same tune.6

The "Dear Joe" letters continued throughout the strike with regular (and generally anonymous) letters of agreement appearing on the editorial pages in their support. There was a bit of confusion due to the fact that the Advertiser had so regularly attacked congressional delegate and rival publisher, Joe Farrington, and on at least two occasions the Advertiser felt it necessary to point out that the "Dear Joe" of the letters was Stalin, not Farrington.

By mid-May, the strike was commonly referred to by anti-ILWU forces as a blockade. Dwight C. Steele, President of the Hawaii Employers' Council, described it as a strike

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6Honolulu Record, May 5, 1949, p. 1. The Honolulu Record was a radical, labor-oriented weekly. The first issue was published on July 1, 1948, and was used as a sample for the purpose of raising capital and subscribers. Regular weekly publication began on August 8, 1948, just five days after the beginning of the Reinecke hearing as coincidence would have it. The paper was the object of anti-Communist attacks during its entire ten-year history. Even the House Committee on Un-American Activities wrote a report on it. The Record "died of exhaustion" on July 3, 1958, less than six months after the reversal of the conviction of the so-called Hawaii Seven for violation of the Smith Act. Two of the Hawaii Seven were principals in the management and operation of the Record, Koji Ariyoshi, the editor and Denichi Jack Kimoto, circulation manager and general factotum.
against the Territory rather than the stevedoring firms.

By the end of May the conspiracy theory of the strike was full-blown:

Hawaii's crisis today is San Francisco's and the Pacific Coast's problem. And in a large sense it is the nation's problem. In a word, it is the crucial issue of how much longer this nation is going to allow its economic heritage and prosperity to be sabotaged deliberately by a small group of greedy, ruthless Moscow party line leaders. . . .

Taken by itself, the present longshore wage differences might well be resolved were it not for the fact that the union demands are a part of the greater "ruin" Hawaii strategy.7

The Honolulu Star-Bulletin refrained from excessive rhetoric in its editorial comment on the strike. That paper's chief concern was over the pragmatic value of the ILWU's tactics:

If it is ILWU strategy that the waterfront employers are to be brought to terms by imposing food shortages on the people of Hawaii, then it is a strategy which the rank and file should repudiate--such tactics can't in the long run win the battle for recognition and respect which are avowed goals of unionism over the nation.8

The Star-Bulletin's chief preoccupation with Communism was related to that paper's concern over statehood. The Star-Bulletin was convinced that the Advertiser's constant hammering away at the Communist menace was hurting Hawaii's chances for statehood. The editors called for outside investigations of Hawaii and the strike which would, they

7 Honolulu Advertiser, May 23, 1949, p. 16.
contended, demonstrate that Hawaii was not the center of a Communist plot.

Housewives joined in the protest against the strike, forming anti-strike clubs, writing letters to the editor, initiating a "Cables to Truman" program, and organizing the "Broom Brigade" to picket the ILWU headquarters at Pier 11. Although encouraged by the Advertiser and anti-Communist groups, the women had little impact upon the course of the strike. The union members did enjoy watching the "Broom Brigade" and chuckled when some of the women paraded in front of the ILWU headquarters chanting, "Where are your leaders, where's Art Rutledge?" ⁹

⁹ Honolulu Record, June 2, 1949, p. 4. Part of the ladies' confusion was undoubtedly related to the tendency of many to think of all labor leaders in the same light. Certainly Art Rutledge had been a strong foe of the ILWU and had been very critical of the union for its failure to rid itself of its "Communist leadership." However, many may have remembered that the organization "We, the Women" came into existence in 1946 as a coalition of women's clubs to protest a general strike among all public utilities workers, and that Art Rutledge was the initial object of their enmity. The president of the Honolulu Blood Bank said she went to Rutledge after the general strike was announced and told him that an electrical stoppage would result in the shut-down of the refrigeration system which protected Honolulu's supply of whole blood. She reported that Rutledge's reply was that "the union is sorry if a few people have to die during the stoppage, but it is necessary for the welfare of the people." (Honolulu Advertiser, July 24, 1946, p. 1) In the face of the great public outcry which followed, the AFL's Central Labor Council called off the general strike. "We, the Women" quickly turned to other matters, the most noteworthy of which was a vigorous brand of anti-Communism. When Art Rutledge ran for the Territorial House of Representatives in 1948, he found himself whipped both ways by the Communist issue. He was assumed to be pro-Communist by some because he was a labor
Governor Stainback lobbied for legislation to prevent dock shutdowns during labor disputes, Delegate Farrington submitted several bills to Congress and many officials called upon President Truman to take action under the Taft-Hartley Act. But it was the Bar Association of Hawaii which first asked the federal government to determine whether the strike were Communist inspired. The Bar Association sent a resolution to Emanuel Celler, Chairman of the House Judiciary Committee, who turned it over to the House Committee on Un-American Activities (commonly known as HUAC). John S. Wood, Chairman of HUAC, announced that he would investigate and make a preliminary report to the committee. All told, six separate agencies of the federal government made at least a preliminary investigation of the strike.

In Hawaii, several community groups were formed to press for investigation of the strike as a Communist plot and to draw national attention to the Communist menace in the Territory. The most vocal of these, the Hawaii leader. Others were offended because they felt he had used the Communist issue divisively in both the labor movement and the Democratic Party. In the Democratic primary in the 5th District on Oahu in 1948, Rutledge found himself without any significant voting base and finished 10th out of 11 candidates. He trailed the leader, Charles Kauhane, by a five-to-one margin. (Honolulu Advertiser, October 4, 1948, p. 1)
Residents' Association (IMUA) was formed on June 14, 1949 to call attention to "the creeping paralysis of Communism in Hawaii."\(^{10}\) On June 25, 1949 the Conference of Civic Organizations met for the first time "to combat attacks of Communist agents against civic organizations."\(^{11}\)

One of the most heavy-handed appeals for help was a two-page advertisement placed in the *New York Times* on June 23, 1949 and in the *Washington Post* on June 24, 1949. After identifying the "men crucifying Hawaii" as people on HUAC's list of known Communists, the statement concluded:

"We know that the people of the 48 states do not know what the people of Hawaii are up against and we can't seem to find anyone in America that gives a damn." According to the advertisement, itself, the message had been paid for "By the voluntary subscriptions of thousands of people of Hawaii." According to Charles P. Larrowe, author of the 1972 biography, *Harry Bridges*, the ad had been placed directly by Advertiser publisher Lorrin Thurston.\(^{12}\) This writer has found no evidence to support the contention that "thousands of people" had paid for the advertisement.

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\(^{10}\) *Honolulu Advertiser*, June 15, 1949, p. 1. IMUA is a Hawaiian word meaning forward and has been used by many organizations in Hawaii other than the Hawaii Residents Association.


The most publicized demand for a probe into the purpose of the strike came from U.S. Senator Hugh Butler (R-Neb.), the bitter foe of Hawaiian statehood. The so-called "Butler Report," properly titled *Statehood for Hawaii: Communist Penetration of the Hawaiian Islands*, was released at the height of the dock strike in June 1949. Butler announced in this report, which he claimed to have "researched" in the fall of 1948, that Communism had a firm grip on the economic, social and political life of the Islands; that Harry Bridges was the unseen Communist dictator of the Territory of Hawaii; that the ILWU was responsible for directing the spread of Communism in accordance with Moscow's orders; and that Moscow regarded Hawaii "as one of its principal operating bases in the campaign for a Communist United States of America." Butler gave as his source "official Communist documents . . . now in the hands of the Department of Justice in Washington." He continued in his identification of the "documents" in question:

On February 24, 1948, Lieutenant Governor Arthur W. Coolidge of Massachusetts said in a public address before the American Veterans of World War II, at Quincy, Massachusetts: "I charge that Communism's key assault on the United States is starting in Hawaii. I accuse Moscow's secret agents of launching a new surprise attack on Pearl Harbor. If this attack is successful, it will be fully as harmful to our national security as was the sneak blow delivered by Japanese bombs." Lieutenant Governor Coolidge based his charges on a set of secret instructions issued by the Communist Party to its agents in Hawaii. These documents outlined a four-pronged Communist offensive in Hawaii, aimed simultaneously to undermine all religion, to penetrate and capture
all labor unions, to discredit and undermine the free press, and to infiltrate all education.

These documents were seized in the Hawaiian Islands by Federal authorities. They have become the basis of a determined further investigation of Communist penetration in the islands.13

"What Must We Do" was once again dredged up. Butler was using John Reinecke's 1935 document which had been cited by Lieutenant Governor Coolidge, who had obtained it from Governor Stainback, who had received it from John K. Akau, Jr., who had secured it from John Reinecke before there was a Communist Party in Hawaii. As feeble as this sounds, it got worse; the Butler Report was soon cited by many as authoritative on Communism in Hawaii.14

The Honolulu Star-Bulletin was thoroughly disgusted with Butler's accusations and with his timing:

The Senator's entire demeanor when he was in Hawaii last fall, and since, showed that he was against statehood legislation and the current statehood campaign.

He apparently selected the period of the waterfront strike in Hawaii as the occasion most favorable to emphasize his theory that the strike is directly due to Communist influence, and manipulated by Communist leaders, and that Hawaii is in the political as well as economic grip of Commies taking their orders from Moscow.

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14 The reader who wishes to review the history of "What Must We Do?" is referred back to Chapter I, pp. 16-17; Chapter VII, pp. 136-147; and to Appendix C, at the conclusion of this work.
He has charged that, under statehood, the Communists could elect the government, run the courts, boss the police, and rule Hawaii in the interests of Soviet Russia.

This is in plain effect a charge that the people of Hawaii can and will be buncoed, bluffeded and bamboozled into letting the Commies seize the islands.15

By way of contrast, the Advertiser was ecstatic about Butler's admonitions and recommendations, especially the Senator's suggestion that the Smith Act might provide a good way to get rid of Harry Bridges and other subversive ILWU leaders.

The emergence of the Butler Report gave a big boost to those who saw the dock strike as part of a Communist conspiracy. Edward Gibbons, publisher of the Mainland anti-Communist news service, "Alert," was invited to address a gathering of prominent Republicans in Honolulu. Gibbons got some of the Communist-watchers to take their eyes off of the Soviet Union with this statement: "Harry Bridges and his boys are forced to put their future in American labor on the block to help the cause of the Chinese Communists."16

A New York magazine called Plain Talk printed a horror story about Communism and Hawaii's dock strike with the title: "How to Capture an Island: 5th Column Attacks


16Honolulu Advertiser, July 2, 1949, p. 12. It should be recalled that to many anti-Communists in the nation, 1949 was the year that the United States "lost" China.
Hawaii." The author, Steve Woods, described how "on May Day, 1949--the International Working Class Day in Moscow--the Communists launched their offensive to capture this strategic island group." Woods invited any doubters to consult with Ichiro Izuka. 

Perhaps the most elaborate version of the conspiracy theory was the one developed in the Scripps-Howard Newspapers by Edwin C. Heinke, assistant managing editor of the *Indianapolis Times*. Heinke wrote a four-part series describing "Moscow's operation in Hawaii." The series was carried in newspapers throughout the United States. The *Honolulu Advertiser* printed it in full. The series turned out to be almost entirely drawn out of the Butler Report, "What Must We Do?" and the Izuka pamphlet, all the well-worn friends of the anti-Communists. But for four days in August, 1949, the series was offered up as new evidence of what the *Advertiser* had long been telling its readers.

It was inevitable that the president of the ILWU, Harry R. Bridges, would become an issue in the 1949 dock strike in Hawaii. The CIO was in the midst of the last stages of its struggle with Communism which had been going on in earnest since the time of the Nazi-Soviet non-aggression pact of 1939. In March, 1948, CIO president Philip Murray

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had ousted Bridges from his post as CIO Regional Director for Northern California because of Bridges' support of Henry Wallace and his opposition to the Marshall Plan. By the end of 1950, eleven CIO unions, including the ILWU, were tried and found by the CIO's executive council to be guilty of being dominated by the Communist Party. All eleven unions were expelled from the CIO. 18

Only the year before, Harry Bridges had led a successful 95-day longshore strike on the West Coast. Enmity had grown in government circles, as well as in the CIO, and shortly after the beginning of Hawaii's dock strike Bridges was indicted along with two of his chief ILWU lieutenants, Bob Robertson and Henry Schmidt, for perjury and conspiracy to commit perjury at the time the much harrassed labor leader was granted citizenship in 1945. Bridges was charged with having lied to the judge who admitted him to citizenship when he denied being a Communist. Robertson and Schmidt were charged with having conspired with Bridges in the alleged perjury. 19

18 For an outstanding account of the CIO's struggle with the issue of Communism, see Robert Griffith and Athan Theoharis (eds.), The Specter (New York: New Viewpoints, 1974), especially the chapter by David M. Oshinsky titled, "The CIO and the Communists," pp. 118-151.

19 Bridges struggled with the perjury case for more than four years from the time of his original indictment in 1949. His conviction, which came in 1950, was finally overturned by the United States Supreme Court by a four-to-three vote on June 15, 1953. For an interesting short account of this struggle, see Larrowe, pp. 299-338.
Bridges' election in August, 1949, as president of the International Union of Seamen and Dockers, a subsidiary of the World Federation of Trade Unions, which was known as a Communist-line organization, and his many "party line" statements led to the popular conviction that in solving the problem of Hawaii's dock strike, the problem of Harry Bridges also had to be solved.

Within the ranks of the ILWU, there was an abortive effort to oust Bridges. Joseph Maldonado, a member of San Francisco ILWU Local 10, organized a group which called itself the Maritime Democratic Committee. The group allegedly authorized Maldonado to go to his native Hawaii to set up a chapter there. Upon his arrival, Maldonado explained to the press that he had come because "the strike must be concluded, because its leading elements are not working for the interests of the workers of the community, but to further the cause of socialism in the islands." Maldonado quickly became the toast of anti-Communist civic groups, spoke at meetings, picketed with the "Broom Brigade" at Pier 11, and made anti-Bridges statements on cue. Although he claimed to speak for 2,200 men in ILWU Local 10, Maldonado was repudiated by that local and expelled from the union. According to the Honolulu Record, W. Tip Davis, second

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vice-president of IMUA, admitted having brought Maldonado to Hawaii "to bottle up subversive elements on the Territory's waterfront." 21

The nearest the federal government came to direct involvement in the 1949 longshore strike in Hawaii was a Senate Committee on Labor and Public Welfare hearing on a bill introduced by U.S. Senator William Knowland (R-Calif.). The Knowland bill would have given the president authority to appoint boards of inquiry having the power to make binding recommendations with respect to labor disputes between the continental United States and the Territory of Hawaii. U.S. Senator Hubert Humphrey (D-Minn.) summed up the thinking of many Senators at the hearing when he said that the whole episode sounded more like a power struggle between labor and management than the groundwork for a Communist take-over.

The Advertiser vented its frustration over the inaction of the United States Senate by printing a full-page editorial on the front page of its July 15, 1949 issue under the headline: SO IT'S UP TO US, EH? The editorial took the President and Congress to task for treating the people of the Territory of Hawaii as second-class citizens and then offered a long list of recommendations for local action— including loyalty oaths for union members. The editorial concluded:

21 Honolulu Record, June 6, 1949, p. 1.
These are AMERICAN RIGHTS we are going to see at long last, given as much—and a damn sight more consideration than the wishy-washy laws that every Commie now uses to hide behind and bring apparently legal Pestilence, Suffering, and Want to Hawaii. 22

By mid-July the Territorial government, reacting to growing economic problems, decided it was time to act. Governor Stainback appointed a Fact Finding Board, but when the ILWU insisted that the Board's recommendations be made binding, the employers raised the cry of "arbitration," and refused to be so committed. The Board went about its business and when its report was submitted, the employers readily accepted its recommendation for a fourteen cent wage increase. Now it was the union's turn to demur.

After the Fact Finding Board was constituted, its members were asked by none other than Harry Bridges to look into the question of whether the strike was a part of a Communist conspiracy or not. The employers' negotiating team stipulated that Communism was not an issue and the Board indicated that they thought it improper for them to investigate. The Fact Finding Board ended its work with little to show for its efforts.

The second effort on the part of the Territory to solve the dock strike was more successful. A special session of the Territorial legislature was convened on July 26, 1949 at

the request of Governor Stainback who asked for, and was
granted, power to seize and operate the docks in the name of
the Territory of Hawaii. On August 10, 1949, with the strike
more than one hundred days old, the governor seized the
docks. 23

By October the flow of commerce was almost normal.
Finally, on October 4, 1949, the dock strike was settled
for a wage increase of fourteen cents, eight cents of which
was to be retroactive to March 1, 1949. There was also an
additional seven cent increase which would begin on March 1,
1950.

The question of who won and who lost in the 1949 dock
strike is a very complicated one and is essentially extraneous
to the issues with which we are dealing here. Perhaps the
most significant aftermath of the 1949 dock strike was ex-
pressed in a comment made to the author by A. A. Smyser in a
1975 interview. "Both sides," said Smyser who was then a
political writer for the Honolulu Star-Bulletin, "knew they

23At this point, support for the ILWU came from an
interesting source. Art Rutledge, known to be hostile to
any taint of Communism and a frequent critic of Harry
Bridges, marched on the picket line at the ILWU president's
side to protest the Dock Seizure Act. Rutledge was quoted
as saying, "The CIO and AFL may be miles apart in political
thinking, but as trade unionists we agree that the legis-
lature has enacted a strike breaking measure which will do
away with unions." Honolulu Advertiser, August 5, 1949,
p. 1.
never wanted to go through another experience like that again."24

One factor of great significance which emerges from a study of the 1949 dock strike is the absence of anti-Communist harassment of ILWU officials by the federal government during the strike. According to James Larrowe, a Bridges biographer, the man who played the crucial role in staving off federal intervention was John A. Burns whom the ILWU had supported in the 1948 Delegate's race. In an interview with Larrowe, Burns explained how Jack Hall, supported by a rising young Democrat named Daniel Inouye, came to him for help:

They asked that I do whatever I could to keep the government from using Taft-Hartley, since they feared that President Truman might yield to the overwhelming pressure being put on him.25

According to Larrowe, Burns made the rounds in Washington D.C. convincing Maurice Tobin, Secretary of Labor, not to invoke Taft-Hartley; Frank Tavenner, general counsel for

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24 Interview with A. A. Smyser, March 21, 1975. In interviews with David Thompson, Educational Director of the ILWU and Robert McElrath, Regional Director of the ILWU, on March 13, 1975 and March 21, 1975, respectively, it is interesting to note that in lengthy conversations which involved a good deal of give and take, there was one point on which the two ILWU leaders were in complete and unequivocal agreement: the 1949 dock strike had been an unqualified ILWU victory.

25 Larrowe, Harry Bridges, p. 277.
the House Committee on Un-American Activities, to delay hearings in Hawaii until the strike was ended; and Alex Campbell of the Justice Department to resist pressures to call for an early trial for Harry Bridges on charges that the ILWU leader had committed perjury and fraud in obtaining his citizenship in 1945.

Having defused the issue of Communism to a degree, Burns then got together with Federal Mediation and Conciliation Service Director, Cy Ching. They worked out an agreement to move the negotiations from Honolulu to New York City where the strike was finally settled.26

Although the question of Communism had been subordinated to substantive bargaining points during the closing days of the longshore strike, it had been an ever-present issue throughout the long ordeal. With settlement reached, anti-Communism was quick to find new channels of expression.

26 In the author's March 21, 1975 interview with Robert McElrath, the ILWU's regional director confirmed the fact that Burns had played a very important role in bringing the 1949 dock strike to a successful conclusion, a fact which certainly helps to explain the continuing support the ILWU gave Burns throughout his subsequent political career.
CHAPTER X
HUAC COMES TO HAWAII

On October 7, 1949, three days after the longshore strike had ended, the Territorial legislature passed a concurrent resolution requesting the House Committee on Un-American Activities to come to Hawaii to investigate and report on the threat of internal subversion in the Territory. It was stated in the resolution that the purpose of the request was to clear the innocent as well as to identify those who might pose a real danger to Hawaii's internal security.¹

The resolution also made it clear that one of the reasons for inviting HUAC to Hawaii was to clear the last barrier standing between the Territory and statehood. No mention was made in the resolution to the recently ended strike. Copies of the resolution were sent to the President of the United States, Harry S. Truman, the Speaker of the

¹One of the reasons for the statement that HUAC's investigation was to protect the innocent was that Major Arthur B. Chun's name had appeared in one of the documents accumulated by the Roberts Commission studying the Japanese attack on Pearl Harbor. Major Chun, with the aid of Senator Thelma Akana, was seeking to have his name cleared of any Communist taint. There was general agreement that Major Chun was free of suspicion of having a Communist past, but there was little agreement about how his name might be cleared. It was felt that a HUAC hearing would provide a forum for those who had been wrongly identified to clear themselves.
United States House of Representatives, Sam Rayburn (D-Tex.), the Chairman of the House Committee on Un-American Activities and the Delegate to Congress from the Territory of Hawaii, Joseph R. Farrington.²

The Honolulu Record was skeptical about the resolution, saying that the purpose was "not to provide the opportunity of proving one's 'innocence,' but to do a smear job on the Democratic Party and the ILWU."³

Senate President Wilfred Tsukiyama told the regular monthly meeting of the board of directors of the Republican Club of Hawaii his feelings about the invitation to HUAC:

The thing, in my opinion, that is dangerous about those tainted with Communism is that the very principle of the doctrine is one which not only advocates but encourages violence, disturbance, disorder, race clashes and, in the end, total revolution.

I am very happy that the legislature has favorably entertained a resolution to request the House subcommittee on Un-American activities of the Congress to come to Hawaii for the purpose of checking Communist activities in Hawaii. . . .

If, however, the subcommittee should find it impossible to come to Hawaii to carry on investigations, the territory itself should undertake the same.⁴

²Territory of Hawaii, Journal of the House of Representatives of the Twenty-Fifth Legislature, Special Session, 1949, pp. 354-55. The full text of the resolution is found in Appendix F.

³Honolulu Record, October 13, 1949, p. 4.

⁴Honolulu Advertiser, October 8, 1949, p. 2.
It turned out, however, not to be a question of one or the other. On October 10, 1949, by a vote of 25-4, the Territorial House of Representatives passed and sent along to the Senate a bill creating a Territorial Subversive Activities Commission. Four days later the measure was approved by the Senate and on October 26, 1949, the Governor signed the measure into law. The idea was not a new one to the Territorial legislature; two days before the long-shore strike began, a similar measure was passed in the Senate only to die in the House. The earlier effort, however, called for a legislative committee rather than an independent commission, a feature which would inevitably have made the work of the body more political in character. 5

The key features of the Territorial commission were that it was to be composed of seven members, three of whom must be from the outer islands of Kauai, Maui, and Hawaii. The members were to be appointed by the governor with the advice and consent of the Senate. At least three of the members, including the chairman, were required to be attorneys licensed to practice in all courts of the Territory of Hawaii. The key functions of the commission were to investigate and to file the results of their investigations.

5 The Legislative Holdover Committee later created a Subcommittee on Un-American Activities headed by Representative Charles E. Kauhane. It was generally looked upon as superfluous and was never a significant force in the anti-Communist movement.
with the Territorial legislature. They were, significantly, restricted from making any report public without the prior approval of the governor or the legislature. The commission had subpoena power and persons swearing falsely before the body were subject to prosecution for perjury. The initial funding for two years was in the amount of $75,000.6

There was an air of cautious optimism among many in Hawaii that the divisive issue of Communism was about to be laid to rest. The Honolulu Star-Bulletin, in one of a four part series on Communism, summarized the results of three national investigations which had been made for the purposes of Hawaiian statehood. The first, prepared in 1946 by Representative Henry D. Larcade, Jr. of Louisiana, made no mention at all of Communism in Hawaii. The second,

6 Territory of Hawaii, Laws of the Territory of Hawaii, 25 legislature, spec. sess., 1949. The complete text of Joint Resolution 5, which established the Territorial Subversive Activities Commission, can be found in Appendix G. The history of the commission was not very spectacular. In the legislature's desire to prevent a witch-hunting organization, the independence of the commission was greatly limited. The coming of HUAC to Hawaii immediately after the establishment of the commission added to the organization's relative obscurity. In subsequent years, the Smith Act trial in Hawaii also eclipsed interest in the activities of the commission. As time passed, and as the hysteria over Communism subsided, the legislature lowered the appropriations with frustrating (to commission members) regularity. Careful scrutiny of the semi-annual reports of the commission reveals that most of their information was derivative; that which was not was of little consequence. When the governor finally appointed the seven-man commission on December 2, 1949, his chairman was Edward N. Sylva who had presided over the Reinecke hearing. Another member who has had a prominent role in this narrative was William Borthwick, Territorial Tax Commissioner, ally of Governor Stainback and vigorously anti-Communist candidate for Delegate to Congress in 1946.
in 1948, was prepared by Senator Guy Cordon (R-Ore.). The Cordon Report recommended statehood and said that "the allegations of Communist influences in Hawaii are no different than those directed against other places and the situation prevailing throughout the country." Then came the Butler Report, which recommended "without equivocation that statehood for Hawaii be deferred indefinitely. International revolutionary Communism has, at present, a firm grip on the economic, political and social life of the Territory of Hawaii." It was the Star-Bulletin's hope that Butler's allegations could now be shown to be alarmist and untrue. 7

Between the flurry of activity following the end of the longshore strike and the arrival of HUAC in April, 1950, much happened nationally to heat up the anti-Communist passions of a nation which saw itself in the grips of a Cold War.

On October 14, 1949, only a week after the end of the longshore strike, the eleven Communist Party leaders being tried in New York for violation of the Smith Act were found guilty. The story was given extensive coverage in the Honolulu press. "Conviction of Communist leaders in America of plotting to overthrow the government may not outlaw their political party," the Advertiser editorialized,

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"but it does remove the mask of innocence from Americans who remain in that party or who join it henceforth."  

The Honolulu Record, not surprisingly, saw the conviction differently:

At Foley Square the freedom of thought and the freedom to express beliefs were put on trial, and not criminal acts committed by the Communists. In our country it is generally accepted that ideas are not subject to trial in court. We place confidence in individuals who are free to examine ideas, and to decide on the merits or lack of merits in them.

During the trial—which was underlined heavily with thought control—the prosecution introduced as evidence Marxist books which are found in public libraries throughout the country and testimonies to show what these books mean. But defense efforts to present the defendants' understanding of the books were drastically curtailed.

Political dissent thus became a crime.  

Charles K. Fujimoto, chairman of the Communist Party in Hawaii, was even more vehement in his denunciation of the Foley Square decision:

This blow against the Communist Party is not directed against the Communists alone, but against all those who uphold and fight for the best ideals of freedom and democracy. Just as Hitler, Mussolini and the Japanese militarists failed to destroy the Communist Parties in their respective countries, so will fascist minded monopolists and their stooges fail to smash the Communist movement in America.

8 Honolulu Advertiser, October 16, 1949, p. 6.

9 Honolulu Record, October 20, 1949, p. 8. Koji Ariyoshi, the editor of the Record and author of the statement above found himself, less than two years later, under indictment for violation of the Smith Act.

10 Honolulu Advertiser, October 16, 1949, p. 10. In less than two years, Fujimoto also found himself under indictment for violation of the Smith Act.
The pendulum was definitely swinging in favor of the anti-Communists, both locally and nationally. In November, 1949, the National Association for the Advancement of Colored People (NAACP) revoked the charter of the Honolulu chapter of that organization when an unresolved leadership struggle which involved charges of Communist infiltration was referred to the NAACP's national board.

There was some cause for joy among the enemies of HUAC when, in December, 1949, J. Parnell Thomas, chairman of the committee during the 80th Congress, pled guilty to having padded both his office payroll and that of HUAC with names of people who did not do any work, while personally pocketing the money. But Thomas' day in the limelight had already passed when the Democrats regained control of Congress in 1948. In January 1950 HUAC's reputation again ascended with the conviction of Alger Hiss for having perjured himself before HUAC in 1948 in his famous confrontation with Whittaker Chambers.

In February, 1950, Senator Joseph McCarthy (R-Wisc.) subsequently gave his famous speech in Wheeling, West Virginia, the speech which began his reckless career as an anti-Communist. By the time HUAC arrived in Honolulu in April, 1950, McCarthy was staking his reputation on the assertion that Far Eastern expert Owen Lattimore was the number one Communist spy in the State Department. It was an assertion McCarthy was never able to prove, but it is a
commentary upon the times that the Senator was able to continue on his destructive way for another four years before he fell to the U.S. Army and the Army's wily counsel, Joseph Welsh.

Also in February, 1950, the CIO began in earnest to purge itself of "Communist dominated" affiliates. On February 16, 1950, four unions, including the United Public Workers of America which was active in Hawaii, were expelled. The unions had a combined membership of more than 100,000 members. The ILWU had not yet been expelled, but in six months it would be.

On the local scene, IMUA had kept the anti-Communist fires burning brightly with a monthly newspaper called IMUA's Spotlight and with five radio broadcasts each week. IMUA often spoke of the burden of competing with the well-financed efforts of the Communist Party. When IMUA produced figures on the public relations dollars spent by Hawaii's Communist Party it always included in that figure an amount equal to the public relations budget for the ILWU.

IMUA was not without its critics in government. W. K. Bassett, administrative assistant to Mayor John Wilson,

11Honolulu Record, February 23, 1950, p. 3. The unions expelled by the CIO were the United Public Workers of America (30,000 members); Food, Tobacco, Agricultural and Allied Workers (22,500 members); United Office and Professional Workers of America (12,000 members); and the Mine, Mill and Smelting Workers (44,000 members).
looked upon this self-appointed group of super-Americans with great distaste. "IMUA may mean 'forward' in Hawaiian," Bassett said, "but to me it means forward with a sheet over its head and carrying a flaming cross." Looking forward to the arrival of HUAC, Bassett suggested that "This IMUA is something for the un-American committee members to investigate when they come to Hawaii. This IMUA, I charge, is a subversive organization, trying by force and violence of threats to overthrow reason and common sense in Hawaii."¹²

One of the reasons for Bassett's outburst was the role of IMUA in the coming Constitutional Convention, slated to begin in Honolulu on April 4, 1950, just six days before HUAC's hearings were to begin. This convention was funded by the Territorial legislature for the purpose of drafting a constitution which would demonstrate Hawaii's fitness for statehood. IMUA, of course, had no official role in the Constitutional Convention, but had taken it upon itself to send a questionnaire to each of the candidates seeking to be delegates at the convention. IMUA's questions were of the following type: "Do you favor a state government patterned upon the individual, free enterprise system, or patterned to provide a welfare or social type of government?"

¹²*Honolulu Record*, February 9, 1950, pp. 1, 6.
and, "To what extent do you believe in the rights of collective bargaining and the right to strike?"\textsuperscript{13}

Bassett, it turned out, had more to worry about than IMUA. While the Territory of Hawaii was electing a very safe slate of delegates to the Constitutional Convention, Bassett found himself being denounced as a Communist in the nationally syndicated column of labor writer Victor Reisel. Mayor John Wilson was most curious about Reisel's source of information, with good cause in light of Reisel's earlier association with Governor Stainback, Wilson wrote to four friends in Washington D.C. to ascertain whether Stainback were involved. Mayor Wilson was concerned about more than Bassett's reputation since Reisel had called the mayor a "fatigued elderly fellow" who was totally under the domination of the Red-tinged Bassett. Stainback, by contrast, was referred to as "an intelligent and sophisticated opponent of Communists and Communism." Bassett wrote a three-page letter to Secretary of Interior Oscar Chapman explaining that he was not, nor had he ever been a member of the Communist Party and that the \textit{Pacific Weekly}, a paper he had published in Carmel, California in 1935, did not follow the Communist Party line as Reisel had charged.\textsuperscript{14}

There was yet more drama on the national scene before the HUAC hearings began in Hawaii. The nation, stunned in

\textsuperscript{13}\textit{Honolulu Record}, February 9, 1950, p. 4.

\textsuperscript{14}\textit{Honolulu Star-Bulletin}, March 2, 1950, pp. 1, 6.
1949 by the Soviet Union's detonation of an atomic bomb, learned that Klaus Fuchs, the British physicist who had worked on the atomic bomb project at Los Alamos, New Mexico during World War II, had confessed and been convicted in March, 1950 of having turned over critical drawings of the bomb to the Soviet Union. The web which would eventually involve Harry Gold, David Greenglass, Morton Sobell and Julius and Ethel Rosenberg was beginning to reveal itself.\(^{15}\) To add fuel to the fires of international intrigue, only days after Fuchs' conviction, Judith Coplon and a Russian engineer named Valentin Gubitchev were found guilty in New York of conspiracy and attempted espionage.

Excitement of a different variety was provided by the passage of a Hawaiian statehood bill by the U.S. House of Representatives by the impressive margin of 212-110. This gave fresh impetus to the coming Constitutional Convention, and when the final election of delegates was held on March 23, 1950, almost eighty per cent of Hawaii's eligible voters turned out.

The Constitutional Convention opened on April 4, 1950 with Kauai businessman Randolph Crossley acting as temporary chairman. Crossley handed the gavel over to Samuel W. King, who served as permanent chairman. Governor Stainback

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\(^{15}\) For a well-balanced account of the Americans involved in the atomic spy ring, the reader is encouraged to see Louis Nizer, *The Implosion Conspiracy* (New York: Doubleday and Company, Inc., 1973).
delivered a speech which was filled with hope and confidence to the assembled delegates, all of whom had taken an oath declaring that they were not now, nor had they in the past five years been a member of the Communist Party. It was an oath which one delegate would personally repudiate with his surprise testimony before HUAC less than a week after the convention began.

The subcommittee sent to Hawaii by HUAC was chaired by the Democratic Representative Francis E. Walter of Pennsylvania. HUAC as it operated in 1950, advertised itself as the "new look" committee and it did, indeed, lack some of the flamboyance HUAC had known during the heyday of Martin Dies, John Rankin, and the recently disgraced J. Parnell Thomas.16

16 An outstanding and highly readable history of the House Committee on Un-American Activities is Walter Goodman, The Committee (New York: Farrar, Strauss and Giroux, 1968). Goodman points out that Francis Walter was a Democrat who was proud of his record with labor and was a critic of the excesses of the committee during its wilder days. Walter, as a matter of fact, had such stature in the House of Representatives that he was, at one point, frequently spoken of as a likely successor to Sam Rayburn as Speaker of the House. It is Goodman's contention that an excessive commitment to anti-Communism did things to people. Goodman said of the Communist hunters: "Their careers were built on the immutable menace of Communism. The anti-Communism which, for most of them, had begun in honest disillusion and justified outrage had hardened into unquestioning faith; having given themselves to one truth, they could tolerate no other, and now nothing that happened in the real world could shake their belief in the less complicated world whose gates they guarded." (Goodman, pp. 397-98) With reference to Walter, specifically, Goodman commented that when he died in 1963 of leukemia, Francis Walter left behind a distinguished
In addition to Francis Walter, the other subcommittee members were Burr P. Harrison of Virginia, John McSweeny of Ohio, Morgan Moulder of Missouri, and Harold H. Velde, a former FBI agent from Illinois. HUAC members not participating in the Hawaii hearings including chairman John S. Wood of Georgia, and Richard M. Nixon of California. Nixon, who had been the real star of the committee in 1948, was, in 1950, preparing to take on Helen Gahagan Douglas for a seat in the United States Senate.17

There was much speculation in Hawaii over the predisposition of HUAC members in the matter of statehood for the Territory. According to "reliable sources" quoted in the Honolulu Star-Bulletin, HUAC members favored statehood record in general which had been distorted by his HUAC experience. "Like the respectable burgher turned loose in a brothel, he gave way to his surroundings." (Goodman, p. 443) But the Francis Walter who came to Honolulu in 1950 was restrained and responsible. He did not harangue the witnesses and he did not allow his colleagues to do so excessively. It was during the years of his chairmanship, from 1955-63, that Walter's xenophobia became more pronounced and he succumbed to the "brothel" of which Goodman spoke.

17 Walter Goodman commented upon Nixon's role with HUAC: "Nixon's career was famously expedited by the Hiss case--he was Bolingbroke to Richard II, his bucket dancing in the air as Hiss's sunk down and down--but the qualities he showed on the Committee would have carried him forward in any event. He was smart, energetic, and a very fast learner of what he needed to know. He could be dogged yet agile; he had a nice instinct for when to bet high and when to cut his losses. The Committee had helped to make him, but he, more than any other member, had been responsible for giving the Committee its great year. As that year drew to a close, no one could doubt that Richard Nixon's future was exceedingly bright. As for the Committee itself, however, it would not again attain the resplendency of 1948." (Goodman, p. 271)
for Hawaii by a six-to-two margin in a straw-vote taken in Washington D.C. after having previewed the evidence which had been gathered by the committee's investigators. On the day the hearings began, Chairman Walter made it clear that he was aware of the Butler Report, but took the opposite view from that of the senator from Nebraska.

But in his opening remarks, Walter made clear his very serious purpose:

The citizens of Hawaii have written a noble page in American history during the last war against totalitarian fascism. They have faced death with unflinching heroism and self-sacrifice. Today we are confronted with a new menace--the menace of totalitarian Communism, which would destroy our democracy and lead us all down the road to slavery. This menace must be pitilessly exposed for what it is.

The first of sixty-six witnesses came as a great surprise to the people of the Territory of Hawaii. It was Richard Kageyama, an elected member of the Board of Supervisors for the City and County of Honolulu and, more recently, an elected and sworn delegate to Hawaii's Constitutional Convention. Only six days before, Kageyama had sworn that he was not, and had not for the last five years been a member of the Communist Party.

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18 Honolulu Star-Bulletin, April 4, 1950, p. 3.

Now, on April 10, 1950, Richard Kageyama revealed to HUAC the fact that he had been a member of the Communist Party for a period of nine months in 1947. A former student of John Reinecke's on the Big Island, Kageyama told how he had contacted his former teacher when he first came to Oahu in 1946. He told of joining a Marxist study group and then how Charles K. Fujimoto had asked him to join the Party. Kageyama told HUAC that he had received his Party card from John Reinecke in February, 1947.

Disillusion was not long in coming, Kageyama told the committee. "I found that the Communist Party was not meant for the people who live in a democratic nation," he explained. "I was disillusioned by the belief that they were for the common and underprivileged people, which, in later years, has proven to be otherwise."\(^{20}\)

Kageyama's testimony about the Communist Party, itself, provided no new revelations about that organization, but he did cause at least a small ripple of interest when he told

\(^{20}\)HUAC hearings, Hawaii, 1950, p. 1359. Kageyama's testimony points to one of the central features of the legislative hearings as a means to the truth. In a court of law, Kageyama would have been subjected to cross-examination, and it is likely that the opposing counsel would have pointed out the fact that Kageyama's departure from the Communist Party coincided with the beginning of Governor Stainback's campaign against Communism in Hawaii in November, 1947. Counsel likely would have sought to show that it was fear of discovery rather than honest disillusion which drove Kageyama out of the Party.
how, when the first HUAC subpoenas were being issued, Charles Fujimoto contacted him and instructed him to go to Harried Bouslog should he be served with one. Fujimoto, of course, was unaware that Kageyama had already agreed to appear before HUAC as a friendly witness. When Kageyama did appear, it was with his own counsel, Yasutaka Fukushima.

The most troubling aspect of Kageyama's appearance was that, although he had agreed to appear as early as November, 1949, he went ahead and ran as a delegate to the Constitutional Convention. Surely he knew he would be required to sign a loyalty oath. Kageyama explained this act by revealing that HUAC investigator William A. Wheeler, who had first contacted him on November 7, 1949, "told me that I would be called by this committee as an important witness when hearings were held here in Hawaii. He also impressed upon me the importance of disclosing this information to no one, no matter what the cost."21 Kageyama's point was that his failure to seek a delegate's position for the Constitutional Convention might have tipped people off that something unusual was happening.

There were a number of assertions that Kageyama was acting in concert with the Stainback wing of the Democratic Party. Gorman Noland, a member of the Democratic Territorial Central Committee, was quoted in the Honolulu Record as

21HUAC hearings, Hawaii, 1950, p. 1369.
having said that Kageyama had been advised to run as a delegate to the Constitutional Convention by people in "high places." Dr. Ernest Murai, another member of the Central Committee indicated that he felt sorry for Kageyama who was "being used." Lau Ah Chew, chairman of the Central Committee was less charitable, asserting, "Kageyama has struck a foul blow not only at the Democratic Party but primarily at our hopes for statehood." Lau revealed that Kageyama was no longer a member of the Democratic Party, having automatically relinquished membership when he joined the Communist Party, in violation of the Democratic Party's rule which stipulated that no member could belong to another political party.

But if there were those who criticized Kageyama's actions, there were also those who found them praiseworthy. HUAC subcommittee chairman Francis Walter praised Kageyama for his courage and asked that Kageyama not be punished for his efforts. Walter indicated that "in my judgment my party in Hawaii might better think of a thorough spring housecleaning instead of discrediting courageous, real Americans."  

22Honolulu Record, April 13, 1950, p. 8.  
23Honolulu Advertiser, April 11, 1950, p. 2.  
24Honolulu Advertiser, April 14, 1950, p. 1. There followed a heated exchange between Francis Walter and Lau Ah Chew in which Lau went so far as to wire President Truman in Washington D.C. to protest Walter's intrusion into Hawaii's internal politics. Walter retorted that "Lau and his ilk" should not be recognized in party circles in
Governor Stainback made a statement which suggested that there was some kind of alliance between him and Kageyama:

Richard Kageyama is to be commended for his courageous statement to the sub-committee of the House Committee on Un-American Activities Monday at Iolani Palace. Mr. Kageyama's determination to tell the truth, regardless of personal consequences, should serve as an example to others in the Territory. . . . Mr. Kageyama is probably a victim rather than a culprit, having fallen under the influence of his former teacher John Reinecke. 25

In interviews with the author in September, 1974 and February, 1975, Richard Kageyama insisted that he had acted on his own and without any arrangement with Governor Stainback. Kageyama expressed no bitterness over the events which had interrupted his very promising political career. 26

Washington. The Advertiser quoted Walter's parting volley in an editorial: "Congressman Walter said with gentle and smiling and genial but withering disdain, 'Lau Ah Chew is not my kind of Democrat.'" (Honolulu Advertiser, April 24, 1950, p. 8). The next chapter will trace the disintegrating forces at work within Hawaii's Democratic Party in 1950.

25Stainback papers, Communism 1949-51.

26Interviews with Richard Kageyama, September 28, 1974 and February 22, 1975. One reason for the charges of collusion between Kageyama and Stainback was that, at his first meeting of the Board of Supervisors after the HUAC hearings, Kageyama was presented with a floral lei by John K. Akau, a close political ally of Governor Stainback. Kageyama insisted that this gesture by Akau was a personal one and had to do with Kageyama's assistance to Akau and his veterans' housing project in Palolo rather than any deal with Stainback. At the time of the September 28, 1974 interview between Kageyama and the author, Kageyama was attempting an unsuccessful second comeback in Oahu politics. Seeking the Democratic nomination for a seat on the City Council (the new name for the Board of Supervisors), Kageyama finished a distant fourth
At the Constitutional Convention, there were mixed feelings about how to handle Richard Kageyama as a delegate. He had obviously perjured himself when he took the loyalty oath, but there were those like Randolph Crossley of Kauai who felt Kageyama should be commended rather than expelled. A letter of commendation introduced to the Constitutional Convention by Crossley was rejected. Kageyama made it easy for the delegates by resigning, saying, "Further attendance at the Constitutional Convention as a delegate would embarrass my fellow delegates and prejudice the cause of statehood for Hawaii."27

If Richard Kageyama's testimony came as a surprise, the testimony of the second witness before HUAC was highly predictable, with one major exception. The witness was in a four-way race. Kageyama finished his term of office as a member of the Board of Supervisors in 1950 despite efforts to force his resignation and even to have him impeached. He did not stand for reelection in 1950, for even if he had won he could not have signed the loyalty oath which would then have been required of him, stating that he was not and had not for five years been a member of the Communist Party, without perjuring himself. It was clear that neither the City and County of Honolulu nor the Territory of Hawaii wanted to prosecute Kageyama in 1950 for his past transgressions, but they would not have allowed Kageyama (had he wished to) to make another perjured oath with impunity. Kageyama ran for the Board of Supervisors again in 1952 (he would have been out of the Communist Party for more than five years by the time he was required to take the oath), but lost. In 1954 and 1956, his campaigns were successful and Kageyama did serve two more terms on the Board of Supervisors.

Ichiro Izuka and the testimony he gave followed closely the information contained in his 1947 pamphlet, *The Truth About Communism in Hawaii* and his 1948 testimony before the Territorial Commissioners of Public Instruction.\(^2^8\)

The one surprise in Izuka's testimony raised a furor which was equal to that which resulted from Richard Kageyama's testimony. Izuka named Frank G. Silva, ILWU business agent from Kauai and a delegate to the Constitutional Convention, as a member of the Communist Party in Hawaii. Izuka's testimony did not lend itself to any questions of interpretation. It was not the case of a witness placing a man at a meeting of the Communist Party and drawing possibly incorrect inferences thereby. That sort of testimony was not uncommon, but Izuka was not ambiguous:

> Frank Silva, I knew Frank Silva for a long, long time in the plantation, and many efforts was made to recruit Frank Silva in the Communist Party, but the only one who can contact him was Jack Hall, and Jack Hall did, or was instructed many, many times to recruit Frank Silva, but I think that no contact was made for a long time, officially, but after Frank Silva volunteered for the Army and

\(^2^8\)There was a total of 455 pages of direct testimony in the transcript of the HUAC hearings in Hawaii. Seventy-two of those pages contain the testimony of HUAC's investigators William A. Wheeler and Courtney E. Owens. Izuka's testimony is contained in sixty-seven pages of the remaining 382 pages of the transcript. This means that Izuka's testimony represented 17.5 percent of all testimony given by local witnesses. The other sixty-five local witnesses averaged less than five pages of transcript each; none had more than seventeen. This arithmetical exercise is performed to show how central Izuka's testimony was to the HUAC hearings.
after discharge from the Army, I had many, many talks with him in the restaurant, and finally one day at pier 11, he told me, "Well, Ichi, are you a Communist? Did you join the Communist Party?" And I said, "Yes, I joined way back in 1938." And he told me that he joined the party, and he showed me his card. That is the only incident that I know that Frank Silva told me that; he showed me the card. He said, "See my card, this is my card."29

The question was not over the interpretation of Izuka's statement, but the veracity. It was subject to serious question. HUAC counsel, Frank Tavenner, asked Izuka when the alleged meeting with Silva had taken place. Izuka responded: "Oh, that was, I believe it was after the sugar strike, some time early in 1947."30 That date would certainly square with the end of the sugar strike which came on November 19, 1946, but it seemed a doubtful conversation for Izuka to be having in early 1947, since he had testified that he had resigned from the Communist Party of Hawaii on October 20, 1946. Though he had nothing to fear in the way of cross-examination, Tavenner realized that Izuka's testimony was erroneous and would easily be exposed as such. So Tavenner recalled Izuka and asked him if he wished to correct any errors in his earlier testimony. Izuka replied:

Yes; by reading the papers, I found out that I would like to make a correction on the part when I said that Frank Silva showed me his party card

30 HUAC hearings, Hawaii, 1950, p. 1427.
in 1947. I am sure it is all of the members who joined the Communist Party, including Frank Silva, that was during the time before I resigned from the party in 1946, and that actually took part during the same time, instead of 1947.31

After Izuka's initial statement, Frank Silva was immediately issued a subpoena to appear before HUAC to respond to Izuka's charge. On April 13, 1950, Silva appeared before the committee and took the Fifth Amendment privilege against self-incrimination. Silva, who subsequently declared that he was not and had never been a member of the Communist Party, explained his unwillingness to testify in the following way: Ichiro Izuka had testified falsely that he was a Communist, but should he deny that he was a member of the Communist Party before HUAC, he could be subject to indictment for perjury should the grand jury believe Izuka rather than Silva. The freshness of the conviction of Alger Hiss for having perjured himself before HUAC might have given Silva's argument some force, but it did not. The members of the Constitutional Convention felt that an innocent person should

31 HUAC hearings, Hawaii, 1950, p. 1471. This quotation is shown exactly as it appears in the transcript. It was not uncharacteristic of Izuka when he was flustered. During the Reinecke hearing such statements were subjected to the withering cross-examination of defense counsel Richard Gladstein. At the HUAC hearing, there was no cross-examination and HUAC counsel Tavenner allowed Izuka's correction to his testimony to stand without so much as a question about what the witness was attempting to say.
have nothing to hide from a committee of Congress and, by a vote of 53-7, they expelled Frank Silva from the convention.  

In all, thirty-nine witnesses took shelter behind the Fifth Amendment during the HUAC hearings in Hawaii. They came to be known as the "Reluctant 39." All were cited for contempt of Congress. They would have been known as the "Reluctant 47" were it not for the fact that seven individuals were released from their subpoenas, and one could not be served.

An analysis of the composition of the Reluctant 39 reveals the most significant feature of the HUAC hearings in Hawaii—the apparent involvement of a significant number of ILWU leaders in the Communist Party. Of the Reluctant 39,

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32 Honolulu Advertiser, April 21, 1950, p. 2. This rather tortured interpretation of the Fifth Amendment was not at all uncommon to anti-Communists in the late 1940's and early 1950's. For a valuable study of the question, see Carl Beck, Contempt of Congress (New Orleans, 1957).

33 The Reluctant 39 were all represented by the law firm of Bouslog and Symonds and all submitted an identical motion to quash the subpoena commanding them to appear before HUAC on the grounds that it violated their Constitutional rights under the First, Fourth, Fifth, Ninth and Tenth Amendments. A copy of the motion to quash appears at the end of this work as Appendix H. It is first found in the transcript of the HUAC hearings in Hawaii on pp. 1472-73. A list of the Reluctant 39, in order of their appearance before the committee, is found at the end of this work as Appendix I.

34 The seven who were released were: Mrs. Charles Fujimoto, Mr. and Mrs. Robert Wenkam, Mrs. Robert McElrath, Mrs. Jack Hall, Mrs. Ralph Vossbrink and Mrs. John Reinecke. There was obviously some chivalry at work here. The witness who could not be served was David Thompson. In a March 13, 1975 interview with the author, Thompson declined to comment on his unavailability, preferring to allow his absence speak for itself.
all of whom were identified by some witness as being a member of the Communist Party, twenty-six stated under oath that they were either an officer or an employee of the ILWU. The list not only included the ILWU's Regional Director, Jack Hall, but such notable leaders of the union as Ernest Arena, president of ILWU Local 150; Marshall McEuen, who had been the co-director of the ILWU's Political Action Committee; Robert McElrath, the ILWU's public relations director; and Jack Kawano, former president of ILWU Local 136.

Others on the list included many with close relationships with the ILWU: Ralph Vossbrink, president of the Oahu CIO Council; Denichi (Jack) Kimoto, the number two man at the Honolulu Record; Rachel Saiki, an employee of the Record; and Jeanette Nakama Rohrbough, wife of a staff writer for the Record.

Three of the Reluctant 39 told the committee they were unemployed: John E. Reinecke, the dismissed school teacher, and Mr. and Mrs. Dwight James Freeman. Mr. Freeman was frequently mentioned as an organizer for the Communist Party who had been sent to Hawaii by District 13 (California and Hawaii) headquarters in San Francisco immediately after the war. Evidence was offered which demonstrated that Pearl Freeman, Jim Freeman's wife, had been an openly registered member of the Communist Party in California before coming to Hawaii with her husband.
One of the thirty-nine whose unwillingness to testify attracted considerable attention was Wilfred Oka, the fiery little secretary of the Oahu County Democratic Central Committee. It was Oka who had given the ILWU great assistance in 1948 when the union turned away from the Political Action Committee and toward the Democratic Party as the better vehicle for the achievement of political strength.

Two of the thirty-nine were significantly identified as officers of the Hawaii Civil Liberties Committee (HCLC), the civil liberties group formed at the time of the suspension of John and Aiko Reinecke. The two were Esther M. Bristow and Stephen Murin. Steve Murin was also identified as an employee of the United Public Workers of America, one of the CIO unions which had only recently been expelled due to excessive Communist influence.

Charges that the primary purpose of the HUAC hearings was to "bust" the ILWU were frequent. Ralph Tokunaga, former president of ILWU Local 150, and one of the Reluctant 39, gave force to such charges when he took to the radio to explain the reason he had not testified freely before the committee:

I first began to think about it back in November, 1949. At that time, agents of the Territory Un-American Activities Committee called at my home. They promised me all kinds of protection if I would cooperate with them. "You don't have to worry," they said, "We're out to get the big boys like Jack Hall and the rest." They said when Jack Hall and Bob McElrath and other union leaders are brought upon charges, nothing would happen to me. They even put pressure on my brother in an attempt to force me to give them a statement.
Actually, I made up my mind to take the course I took after reading yesterday's newspapers about what happened to Richard Kageyama. . . . No doubt Mr. Kageyama was told, as I was told, that nothing would happen to him. Well, he took a chance. Look what happened.35

Ralph Tokunaga's desire not to be a witness against himself was not, however, realized. William A. Wheeler, a HUAC investigator, had interviewed Tokunaga on November 22, 1949. After Tokunaga left the stand in April 12, 1950, having refused to testify, Wheeler was sworn as a witness and proceeded to play for the committee a recording of his November interview with the former ILWU officer. Tokunaga's conversation with Wheeler was filled with names of union members who were associated with the Communist Party in Hawaii. It was from such interviews that the staff of HUAC prepared itself for the interrogation of witnesses at the hearings.

In the interview with Wheeler, Tokunaga had freely admitted having been a member of the Communist Party. He described his reasons for leaving the Party:

Ichiro Izuka put out a pamphlet about Communism in Hawaii and that thing made such a big splash in the newspapers that I was scared. I didn't know what it was all about and just from what I saw at the meetings and Ichiro Izuka said did not jibe and I started thinking and told myself that there might be more than what's on the surface. This idea about Communists being the vanguard of the working people sounded all right but the ideas about communism

35 Honolulu Star-Bulletin, April 13, 1950, p. 3.
taking over the world and making this a people's world, etc., had me scared. I didn't like the idea of any revolutionary overthrow of the American government. I like this government. It's done all right by me. 36

Tokunaga's recorded testimony seems to have been typical of the experience of many rank and file union members who became involved with the Communist Party in Hawaii. They joined as an adjunct to their union membership, with the understanding that their membership would add to union solidarity and thereby benefit the movement. The success of the union was their key concern. When they were confronted with Communist theory, they became disinterested, confused, or frightened. And when Communism became a burning public issue, particularly with the publication of the Izuka pamphlet, there apparently was a good deal of scurrying to get out of the Communist Party.

The final witness to appear before the committee was Edward Berman, the controversial, outspoken Honolulu attorney. Berman had offered himself as a witness after Emil Muller, a friendly HUAC witness, had placed him at what Muller had thought was a Communist Party meeting in 1938. When Tavenner pushed Muller a bit, the witness indicated that he was not sure the meeting in question was actually a Communist Party meeting, he had no personal knowledge that Berman was a member of the Communist Party, and that he had seen Berman

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36 HUAC hearings, Hawaii, 1950, p. 1490.
at no other meeting of the Communist Party he had attended while he was a member.

Though Muller's testimony was hardly incriminating, Berman insisted upon responding to it. After having "wracked my brain," Berman said he could come up with no answer to Muller's statement other than the possibility that Muller had mistaken a trade-union meeting for a Communist Party meeting.

This out of the way, Berman spent the remainder of his time on the stand spelling out his anti-Communist credentials, particularly how he had helped to kill two local organizations rather than allow them to fall into the hands of the Communist infiltrators. The first was the Hawaiian Association of Civic Unity (HACU) and the second was the Hawaii chapter of the National Association for the Advancement of Colored People (NAACP).

On this note of bravado, the HUAC hearings in Hawaii drew to a close. Those who had hoped the hearings would bring peace to Hawaii's political scene were greatly disappointed, as the coming Territorial Democratic Convention would demonstrate.

But for those who had sought vindication in the HUAC hearings, they had been a rousing success. "Now what do you think about Communism in Hawaii?" IMUA asked. "The recent congressional unAmerican committee investigation certainly verified what 'IMUA' has been preaching for many
months: there is a well organized, well financed group of Communists operating in Hawaii. . . . Now is the time to do something about this foreign menace."

37 IMUA Spotlight, April 1950, p. 1. In the same issue, IMUA reported that Hawaii's Communist Party, "according to VERY reliable sources, has approximately $2,000.00 a month to conduct the Communist program." (p. 3). When John Reinecke was asked about these figures in an interview on June 20, 1973, he merely laughed. It turns out that IMUA derived this figure, primarily, by estimating the monthly public relations budget of the ILWU under the assumption that the union was nothing more or less than an arm of the Communist Party.
A rift in the ranks of the Democratic Party was not unanticipated. As early as December, 1949, the party had established a "harmony" group consisting of two pro-Stainback men, Harold Rice of Maui and Foreman Thompson of the Big Island, and two anti-Stainback men, Chuck Mau of Oahu and Takaichi Miyamoto of Maui. The "peace-maker" among this group of Democratic Territorial Central Committee members was Ernest N. Heen of Oahu.

But harmony was not to last, even among the members of this coalition. By the end of February, 1950, the harmony committee had made three basic decisions: first, Harold Rice, former Maui senator and Princeton classmate of Governor Stainback, would run as the Democratic Party's candidate for Delegate to Congress; second, Governor Stainback would be induced to accept a position on the Territorial Supreme Court; and third, a "native son" would be endorsed by the party for governor. But these recommendations of the harmony committee were not unanimous; Foreman Thompson of Hilo opposed them. And when the "deal" was leaked to the press, there was anger within the harmony group over the leak to the press and outside the harmony group over the proposed deal.
The arrangement was probably doomed from the start due to the vagueness of the third proposition: that a "native son" be endorsed for governor. To many, the natural fulfillment of this proposition would be the endorsement of Mayor Johnny Wilson, a Hawaiian political institution in his own right and anathema to Governor Stainback. Wilson was personally impregnable, but his enemies adopted the strategy of attacking the mayor through his controversial administrative assistant, W. K. Bassett.¹

During the 1949 dock strike, Bassett had been openly critical of Governor Stainback and the Dock Seizure Act. He was also openly critical of the United States government in its prosecution of the Smith Act case in New York which had resulted in guilty verdicts for all eleven defendants on October 14, 1949. On October 27, 1949, the right-wing Democrats in the Tenth Precinct Club of the fourth representative district on Oahu ousted Bassett as the club's president and voted resolutions supporting Judge Medina in the Smith Act case and Governor Stainback in the dock strike action taken by the Territorial government.

While the Democratic Party was making futile efforts to achieve harmony, the Territory of Hawaii turned to the task

¹We have already seen, in Chapter X, pp. 206-208, the way in which Mayor Wilson was attacked during the HUAC hearings in 1950 through his controversial administrative assistant, W. K. Bassett.
of writing a constitution which, it was hoped by most, would serve the people of the nation's forty-ninth state. The election of delegates to the Constitutional Convention, nominally a non-partisan contest, did not create significant tensions within the Democratic Party (though it did generate protest within the ranks of the ILWU); it was primarily a celebration of the Republican Party's political control of the Territory of Hawaii. But the Democratic Party's precinct club elections, two-and-a-half weeks later, on April 6, 1950, were a different matter. In these elections, the work of the left wing Democrats at the grass roots level paid off and guaranteed that the anti-Stainback forces would control the coming Territorial Democratic Party Convention.

The Honolulu Record, surveying the magnitude of the left wing victory, reported that one Big Island delegate declared, "There are only two delegates to the convention from the whole island we think might vote for the governor." Regarding Kauai, the Record reported that "some have said the anti-Stainback representation . . . may be as high as 90 per cent." Maui was reported to have a substantial anti-Stainback majority, as did Oahu's Fourth and Fifth Districts. In the governor's own precinct (the 21st of the 4th) a resolution was passed demanding that Stainback not be reappointed.²

²Honolulu Record, April 13, 1950, p. 3.
Efforts were made by Hawaii's two Democratic National Committee members, Charles Kauhane and Victoria Holt, to gain permission from the National Committee to reorganize Hawaii's Democratic Party. Governor Stainback even called a meeting of twenty friendly party leaders at Washington Place, the governor's mansion, to discuss the chances of postponing the Territorial Convention. This meeting took place on April 24, 1950, four days after the conclusion of the HUAC hearings in Honolulu, and was a reflection of the way in which those hearings had exacerbated the rift in the Democratic Party. And when the Territorial Democratic Convention met on April 30, 1950, fourteen delegates and two alternates were among the "Reluctant 39," the group which had refused to testify before HUAC and had been cited for contempt by the committee for their unwillingness to cooperate. These delegates provided the issue which finally tore the party apart.

On the eve of the Territorial Democratic Convention, the Honolulu Advertiser and the Honolulu Record demonstrated the disparity of views about the Democratic Party which existed in the Territory. Both spoke in tones of rather cautious optimism, but in a very different way. The Advertiser:

Hawaii's Democrats meeting in Territorial Convention today face a dual responsibility: an obligation to the political party whose principles they profess and an equal duty to the people of Hawaii to preserve the two-party system of government. If the delegates allow themselves to be subjugated to the Left Wing
elements who took over their party machinery in 1946 and have been striving to establish rule or ruin of Hawaii's Democracy ever since, they will fail on both counts.

* * * * * * * * * *

There is more hope that reason and party loyalty will prevail in this convention than was shown four years ago. Then the schemers were able to pose as "labor leaders" who had the confidence of a large section of Hawaii's wage earners. That pose carries no conviction today. Rank and file members of the ILWU have seen these self-elevated leaders exposed as political manipulators, defiant of the American people and their principles, and under a cloud with their own national CIO parent organization.

They have seen these "leaders" working their own interests, employing the tactics of the Communist Party Line, defending convicted Communists and devoting their energies to gaining political power rather than to the welfare of labor.3

The Record:

During the past few years the Democratic Party has taken on a semblance of a real political party, based on active precinct clubs. . . . A great deal of planning, organizing and leg work were required. . . . Some of those who gave unstintingly of their time and effort to build the party are today under attack. The Big Five employers, their associates and the Republicans want nothing more than to see the Democratic Party split many ways. It is said the Red Issue will be brought up Sunday at the convention as a move to oust those labelled "Communists." The last convention in 1948 weathered the same storm, and this convention evidently will too, with liberals holding the party together.4

A walkout was precipitated by a motion by Maurice Sapienza, a right wing delegate, to deny seats to fifteen

3Honolulu Advertiser, April 30, 1950, p. 6.

4Honolulu Record, April 27, 1950, p. 8.
of the sixteen delegates and alternatives who were among the Reluctant 39. The sixteenth, Jack Kawano, was not being asked to leave by the right wingers because he had categorically denied being a member of the Communist Party before HUAC, though he refused to answer other questions about his associations with others and was, therefore, cited for contempt along with the rest of the "reluctant" ones. When Sapienza's motion failed, Ernest N. Heen and Harold Rice led 91 delegates controlling 118 of the 510 floor votes, including proxies, out of the auditorium at Kalakaua Intermediate School and into their own convention at the American Legion Hall.

After the right wing Democrats had walked out, John A. Burns was unanimously elected chairman of the convention and a rising young figure in the Democratic Party, O. Vincent Esposito, declared: "This is the new Democratic Party."\(^5\) Esposito's rhetoric proved to be prophetic, for it was out of the left wing coalition which remained at the Kalakaua Intermediate School in 1950 that the "political revolution" of 1954 was fashioned.

Though the "walkout" Democrats saw themselves as the enemies of Communism within the party, it did not follow that the "standpat" Democrats, as they were called by some, [5Honolulu Advertiser, May 1, 1950, p. 10.]}
saw themselves as Communism's friends. They proceeded to pass six resolutions, the latter three of which were to prove that point. First, they endorsed Johnny Wilson for governor. Second, they condemned the administration of Governor Stainback. Third, the seats held by Charles Kauhane and Victoria Holt on the Democratic National Committee were declared vacant. Fourth, they passed a resolution supporting the Truman administration. Fifth, they declared their support of the Marshall Plan. And sixth, they passed a resolution condemning Communism.

Whatever the persuasion of the left wing Democrats might be, the right wing Democrats had walked out. To them, it was a matter of principle. To Frank Marshall Davis, a black writer for the Honolulu Record it looked different. "In many ways," Davis said, "the Sunday walkout was a replica of the 1948 National Democratic Convention when a number of Southern delegates got tired of democracy."6

After the split, Governor Stainback gave his sanction to the walkout Democrats by phone from the mainland, as did Representatives Francis Walter (D-Penna.) and Morgan Moulder (D-Mo.) of the House Committee on Un-American Activities. Acting Governor Oren E. Long, whom the author once heard described as "a man who always picked things up by the

smooth handle," spoke to the bolting group of Democrats at the American Legion Hall as a peacemaker:

A development of this kind sometimes is essential and such developments have the possibility of building a much stronger Democratic Party. . . . But let us be careful of labels and name calling. Let us be certain that we keep in our ideal of democracy that which will make Americans of great diversity of opinion feel at home.7

But the walkout Democrats were more interested in the reorganization of the Democratic Party along lines acceptable to them than making peace. After Ernest Heen and Harold Rice were elected co-chairmen by acclamation, a committee was appointed to draft a statement enumerating the reasons for their action. This committee consisted of Hyman Greenstein, Maurice Sapienza, Arthur Trask, Foreman Thompson and William Miles.

A formal statement, however, only repeated that which had already been said; the more subtle factional struggles within the party would be articulated only in back room discussions. The expression of the right wingers' public reason for the walkout reached its ultimate expression in a letter from Harry Kronick, right wing advisor to the Young Democrats, to William Boyle, chairman of the Democratic Party's National Committee. Kronick told Boyle, "There can be no flag of peace flying the hammer and sickle. We can make

7Honolulu Advertiser, May 1, 1950, p. 10.
peace and reorganize the party with fellow Democrats, not with fellow travelers."

The left wing of the Democratic Party quickly named Chuck Mau chairman of the Territorial Central Committee, replacing the controversial Lau Ah Chew, and proceeded to go to work establishing itself as anti-Communist. John Burns remained chairman of the Oahu County Central Committee, but Wilfred Oka was replaced as secretary of the County Committee by a young war veteran fresh out of law school—Daniel Inouye.

Addressing themselves to the specific issue which had caused the split at the convention, the left wing Democrats announced on May 9, 1950 that the fifteen delegates whose seats had been contested would be required to sign the following affidavit, or be brought to trial by the party, and, if found guilty, would be expelled from the party:

A request has been made of me by Takaichi Miyamoto, a member of your committee, that I again inform the Democratic Party that I am not a member of the Communist Party.

Obviously, this request is prompted by my refusal to testify before the House Un-American Activities Committee, on the advice of my attorneys as to whether or not I am now, or ever have been, a member of the Communist Party.

While I believe that my application for membership in the Democratic Party should be sufficient proof that I hold membership in no political party other than the Democratic Party, and while I believe that the Democratic Party should be fighting more vigorously in defense of our Bill of Rights, I am

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8 Honolulu Advertiser, May 9, 1950, p. 11.
compelled to recognize that a refusal to comply with your request might damage the public position of the Democrats in these trying times.

Therefore, I repeat, although reluctantly, that the only political party to which I belong is the Democratic Party and that I support and will continue to support its platform and principles. I am not a member of the Communist Party.9

Takaichi Miyamoto, who was given the responsibility of obtaining the affidavits from the fifteen Democrats in question, had been an active Democrat since 1918, and had been a member of the Territorial Democratic Central Committee for thirty years. The letter, obviously a carefully worded compromise document, had been approved unanimously by a committee four of whose members were required to sign it. Detractors were quick to point out that the letter did not address itself to the question of whether the affiant had ever been a member of the Communist Party. But the committee made it explicitly clear that failure to sign the letter would be interpreted as admission of the truth of the charges.

The right wing Democrats' reaction to the affidavit was predictable. Charles Kauhane challenged Miyamoto's right to obtain the affidavits, adding that as chairman of the Territorial legislature's holdover un-American Activities Committee he "would welcome anyone who was willing to come in and purge himself of Communist taint." Leon K. Sterling, Sr., echoed Kauhane's statement, adding that he took umbrage

with the word "reluctantly" in the affidavit. "Why should anyone," Sterling asked, "be reluctant about signifying his political affiliation? If you take out the 'although reluctantly' and put in 'emphatically' I might believe them." Victoria Holt was more blunt, saying the affidavit was worthless, "not worth the paper it's written on."¹⁰

Having been thwarted in their efforts to reorganize the Democratic Party locally, the right wing Democrats sought the sanction of the Democratic National Committee to do so. But first, Charles Kauhane and Victoria Holt had to defend their right to their seats on the National Committee. The left wing Democrats had declared their seats vacant and had appointed Johnny Wilson and his secretary, Harriet Magoon, to replace Kauhane and Holt who had been elected to a four year term in 1948.

The National Committee, which met in mid-May in Chicago, was not about to get itself involved in a factional dispute in Hawaii. Kauhane and Holt were seated without any consideration of the merits of the Hawaiian dispute. National Chairman Boyle pointed out that only death or resignation would have created a vacancy, adding in a purely rhetorical fashion that Hawaii's two National Committee members should return to Hawaii with the purpose of building a unified Democratic Party. Torn from context, Boyle's plea for harmony

became a mandate for reorganization of the party in the minds of Kauhane and Holt. In the eyes of the *Honolulu Advertiser* it was "a warning to all Democrats in Hawaii that they are expected to clean house in their local organization."\(^{11}\) The usually unflappable Johnny Wilson, when confronted with the Kauhane-Holt interpretation of Boyle's innocuous statement, bristled, "They are going to have one hell of a time reorganizing the party when they get back. . . . Our precinct clubs are already organized and they are not going to reorganize."\(^{12}\)

Lest the reader gain the impression that the people of Hawaii were living in a seething cauldron of political frenzy, it should be pointed out that when the Honolulu Elks Club held a "giant" rally to cap its "Wake Up America Week" activities in Ala Moana Park on May 19, 1950, the rally had to be scrapped when the speakers, which included Samuel Wilder King, president of the Constitutional Convention, the Reverend Henry P. Judd and spokesmen from the Army and Navy, nearly outnumbered those who came to listen.

IMUA, the loudest organizational anti-Communist voice in the Territory of Hawaii, chose the same moment in Hawaii's struggle over the issue of Communism to launch a fund-raising campaign "to finance our educational program against Communism,

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\(^{11}\) *Honolulu Advertiser*, May 14, 1950, p. 6.

socialism and all other un-American, subversive activities in Hawaii." The campaign was approved by the Honolulu Chamber of Commerce, the Honolulu Better Business Bureau and J. Edgar Hoover, among others. Hoover, in a letter apparently solicited by IMUA, said:

It is heartening to note that the Communist conspiracy is daily being subjected to the pitiless glare of publicity. As I have said many times, Communism cannot thrive out in the open where it can be seen and measured by the American public. The work which your Hawaii Residents' Association (IMUA) is doing will undoubtedly help expose the true menace of Communism.

It is significant that IMUA never reported the results of this fund-raising campaign. In a 1975 interview with Tony Todaro, a leading writer for IMUA during the early 1950's, the author speculated that the reason there was no public report was because IMUA was disappointed in that the organization never developed a broad base of community support; that although well financed, IMUA was the creature of a small segment of Hawaii's business community. Todaro fully confirmed this analysis.

This lack of public support for a virulent brand of anti-Communism was undoubtedly the reason why the efforts of the right wing Democrats to reorganize their party failed.

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14 Honolulu Advertiser, June 2, 1950, p. 13.
15 Interview with Tony Todaro, March 15, 1975.
On June 5, 1950, the walkout Democrats called upon all true Democratic Party members to re-register during the period from June 10 through July 10. Applications were available through Leon K. Sterling, Sr., who was, conveniently, both chairman of the right wing version of the Territorial Democratic Central Committee and City Clerk. Sterling, who wrote the statement, said he did "further proclaim that no one is authorized to solicit or accept funds, or to incur any indebtedness in the name of the Democratic Party unless authorized by me." John Burns called Sterling's move "an attempt to rule by minority."\(^{16}\) However motivated, the Sterling ploy did not work, and by the end of the month long campaign, John K. Akau, Jr. was able to report only 1,181 membership cards had been processed, far short of the goal of 10,000 which had been sought.\(^{17}\)

By mid-July, both wings of the party were in a state of disarray. The right wingers were arguing over the question of whether they had walked out, at least in part, over the issue of supporting Governor Stainback for reappointment. William E. Miles, president of the 33rd precinct club of the 5th representative district on Oahu declared, "It was understood beforehand that the walkout was not to cover indorsement of the governor or any other action except to protest the

\(^{16}\) *Honolulu Advertiser*, June 6, 1950, p. 10.

\(^{17}\) *Honolulu Advertiser*, July 13, 1950, p. 12.
seating of the fifteen challenged delegates."\textsuperscript{18} Miles not only announced that he was leaving the right wing faction, but that he was taking his 130 member club with him. Miles and his followers were among the many Democrats who, in essence, "sat out" the 1950 elections. Arthur K. Trask, who had been a part of the original walkout group, complained that when he asked the thirty-member right wing organizing group to work in the direction of party unity, he had been shouted down. Trask took another walk.

In the meantime, the left wing Democrats had expelled five of the fifteen challenged delegates to the Territorial Democratic Convention for failure to sign the required affidavit: Rachel Saiki, John Akana, Tadashi Ogawa, Ben Kaahawinui and Levi Kealoha. A sixth, Adele Kensinger, had resigned from the party. The nine who had signed were: Yasuki Arakaki, Thomas Yagi, Kameo Ichimura, Robert K. Murasaki, Shigeo Takemoto, Robert Kunimura, Wilfred Oka, Yukio Abe and Fred Kamahoahoa. But now, in mid-July, there was a drive to obtain a less equivocal loyalty statement and to have it required of all thirty Democrats who were among the Reluctant 39, not just the fifteen delegates to the Territorial convention. The new affidavit was short and to the point:

\begin{verbatim}
To Whom it May Concern:
I am NOT a Communist.
\end{verbatim}

\textsuperscript{18}Honolulu Advertiser, June 27, 1950, p. 5.
I am a member of the Democratic Party of Hawaii. I endorse the principles of the Democratic Party and pledge my undivided support of its rules and platforms.19

What was left of the right wing organization in early August unanimously pledged themselves to submit any plan for party reconciliation to Francis Walter of HUAC for his approval. A group of right wing Democrats who called themselves the "Young Turks" met with Governor Stainback on August 14, 1950 and reported with pleasure that the governor declared that he would have nothing to do with any Democratic Party organization which failed to purge any and all of the Reluctant 39 from its ranks.

The national Democratic Party kept its hands off the Hawaii situation. And when President Truman was required to select two Circuit Court Judges for the Territory of Hawaii, he did so with great circumspection. The president tapped Chuck Mau, one of the left wing leaders and Maurice Sapienza, one of the right wing leaders.

While the Truman administration sought to be even-handed, others on the national scene were less so. Whereas Maurice Sapienza was quickly approved by the Senate, the nomination of Chuck Mau was bottled up in the Senate Judiciary Committee by Senator Pat McCarran (D-Nev.). McCarran, of course, was vigorously anti-Communist; the Internal Security Act of 1950, though a lineal descendant of the Mundt-Nixon

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bill, bore McCarran's name. McCarran, a long-time supporter of Stainback's delayed Mau's confirmation into 1951, and there is no doubt that it was directly related to McCarran's efforts in behalf of Stainback's reappointment. In a letter to Secretary of the Interior Oscar Chapman, McCarran said:

About the most complete Communist organization that I have yet encountered, I found to exist in the Hawaiian Islands. It was not at all strange that this group was working actively to embarrass and, if possible, to defeat the reappointment of Governor Stainback. They are undoubtedly still at it from all that I can learn, and the fact that Governor Stainback has not been reappointed is water on the Communist wheel. . . .

To be very frank with you, Mr. Secretary, I am sick and tired of this placating and appeasing Communist organizations and Communist fronts, and I don't think it behooves your department or the administration to indulge in it.20

As the 1950 political campaign got under way, there were efforts to achieve at least some surface unity. The right wing Democrats endorsed Chuck Mau's nomination as a Circuit Court Judge, the two county committees merged into one, though the Territorial Central Committees did not. An effort was made to have Senator Herbert K.H. Lee, an uncommitted moderate, head up a campaign committee with John K. Akau and John Burns as his deputies, but that fell apart and on September 13, 1950, Norman Godbold assumed the thankless job. Tommy Wong, a candidate for the Territorial House from the 5th district on Oahu, expressed the frustration of

many Democrats when he announced that he would run an independent campaign, not wanting "to be associated with the party, split the way it is now." 21

There was no candidate with any "taint of Communism" running for office in 1950. In a column titled "Political Notes," a Star-Bulletin reporter observed:

The anti-Communist theme is down but not out in the Republican campaign strategy. Chairman Randolph Crossley has put the slogan, "Sell the Republican Record of Achievement," in the number one spot. But in almost every speech recently he also has reminded the voters that the Republican Party is the only one that's free of any suspicious taints. Thus the shift away from the "Vote American, Vote Republican," theme that had the Democrats tearing their hair in 1948 is not as pronounced as first anticipated. 22

The only race in the Democratic primary contest of October 7, 1950, which had any dramatic overtones relevant to the party struggle dating back to the Territorial Democratic Convention of the preceding April was the mayor's race in which Supervisor Ernest N. Heen challenged Johnny Wilson. Wilson's victory over Heen by a margin of 15,608 to 10,058 should not, however, be looked upon as a vindication of anything beyond Wilson's personal popularity on the Hawaiian political scene. 23 In spite of his victory, Johnny Wilson was in a surly mood. Commenting upon the poor

Democratic showing, Wilson blamed the walkout Democrats: "The price we have had to pay for that foolishness is too high." Wilson went on to win the general election over the Republican attorney James Gilliland by more than 12,000 votes.

The Truman administration remained on the fence over the issue of Stainback's reappointment until the following spring. It was not until May 8, 1951 that Oren E. Long was rewarded for his able, non-controversial service to the people of Hawaii by becoming President Truman's designee for the governorship of the Territory of Hawaii. The Truman administration hoped that Long could find a "smooth handle" with which to pick up the dissension ridden Democratic Party of Hawaii.

Hawaii's politics did not exist, of course, in a vacuum. There were events of immense national and international importance which transpired during the summer and fall of 1950, leaving their mark on the Territory.

The most significant event was the beginning of the Korean War on June 25, 1950. Beyond the obvious impact the Korean emergency would have on Hawaii as a center of military activity in the Pacific, the Territory's perceptions of the situation were affected by the fortunes of Harry Bridges, the leader of Hawaii's largest union.

In April 1950, Bridges had been convicted of perjury for having lied about his membership in the Communist Party at the time he became an American citizen in 1945. That conviction was being appealed when, on June 16, 1950 (nine days before the beginning of the Korean War), Bridges' citizenship was revoked. The implementation of the order revoking Bridges' citizenship was postponed pending the outcome of his appeal of the perjury conviction.

With the onset of the Korean War, Bridges became an outspoken critic of the United States-United Nations intervention and actively supported the so-called Stockholm Peace Petition. The Stockholm Peace Petition was seen by the United States government as a move by Moscow to undermine the efforts of peace-loving nations who had sprung to the defense of the South Koreans. Bridges' opposition to the Korean War generated great pressures on himself and his union.

On August 2, 1950, Bridges found himself back in the San Francisco courtroom of Judge George B. Harris, the man who had presided over his perjury trial, asked to show cause why his bail should not be revoked. Speaking in his own defense on August 4, 1950, Harry Bridges said, "I am against the war. If I cannot speak my opinion on war, I might as well go to jail now."25

25Honolulu Advertiser, August 5, 1950, p. 3.
The next day, Judge Harris ordered bail revoked and sent Harry Bridges to jail. In his decision, the judge said that Bridges "has spearheaded a serious opposition to security measures . . . solely for the purpose of protecting the Communist Party and his Communist cohorts within the union."

Judge Harris concluded by saying:

The army, navy and marine corps will hold the beachheads in Korea. Our duty is to protect the beachhead here from dangers to the internal security of the United States. . . . I am satisfied to a moral certainty and beyond reasonable doubt that Bridges was and is a member of the Communist Party. I am also led to believe that he is one of the most potent figures in the Communist Party in America today. As such, he is an agent of the Communist Party, and as an agent, his allegiance cannot be to America.26

In Hawaii, Bridges' jailing ignited a series of protest strikes which the ILWU called spontaneous and the employers branded as illegal. Jack Hall, the ILWU's regional director, made the following protest statement:

This jailing is a gross violation of the fundamental right to bail guaranteed in the Bill of Rights except for capital crimes. Bridges is certainly less of a threat to the "security" of our nation than the Wall Street and Missouri crowd surrounding President Truman. . . .

The ships are being loaded and sailed. War cargoes are moving to the Korean front and no member of the ILWU, including Bridges, is making any effort to impede that movement. The war situation is being used simply as a phony excuse to carry out the illegal detention of Bridges.

You can't blame the thousands of workers who left their jobs this morning on the Big Island in protest against the jailing of Bridges. . . .

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26Honolulu Advertiser, August 6, 1950, p. 8.
They respect and support him. They know he could have taken the easy way out for himself—at their expense. . . .

What the working people of Hawaii have gained in the last decade has been achieved in spite of those who are out to get Bridges and in the face of their determined opposition.27

In all, there were some seventeen twenty-four hour work stoppages involving some 8,000 workers reported in the Territory of Hawaii. In most cases, the workers were hit with twenty-four hour suspensions in retaliation for their action. The Honolulu Advertiser was agitated enough to drag out another series of "Dear Joe" letters, the first of which included the following:

Dear Joe:
   Just thought you might like to be brought up to date, Joe, on what's going on in Hawaii. You'll remember that this is the year of labor peace—1950.
   Yes, sir! Joe! Peace by negotiated legal contracts—signed, sealed and delivered just like they was legal, honest and to be lived up to by both sides (What a laugh!)
   Think you'll be pleased to know that we've had 39 (or is it 29) strikes, though, since the first of the year. Been able to keep things stirred up. All the time. Just like you teach.
   * * * * * * * * *

   The boys have been able to make hay over 'Arry's being put in the clink! Gave a swell excuse to pull "indignation" stop work jobs everywhere.
   Just spontaneous, you know! No planning—no schedule—just Island by Island, business by business, plantation by plantation. Remarkable! Distressing as hell to the Union leaders! They all say nothing—just acting surprised each day (like you when Korea was attacked). But they

27 Honolulu Advertiser, August 8, 1950, p. 4.
has to work like the devil to keep from laughing out loud.

We'll keep it up, Joe, as long as we can.

As loyal Americans helping the boys over in Korea, that's our job ain't it?

What we don't like, tho, is the fact that Congress is getting tough. 39 guys that wouldn't talk before that Un-American Committee (as we call it) ain't beginning to sleep so well.

They tell us, too, Joe, there's a bunch of Commies here that is wondering whether they are going to be able to continue to get protection to carry on their assigned work as good (?) American citizens.

Well, Joe, you got your problems too. Plenty of 'em. Just remember one thing. These dumb Americans get sore after you kid 'em too long--and when they get sore, they get tough.28

Harry Bridges had some rough going within his own ILWU. His own home unit, ILWU Local 10 in San Francisco, demanded that he either sever his ties with the World Federation of Trade Unions and the World Maritime Federation, both of which bore a distinctive Communist label in the eyes of American anti-Communists, or resign as president of the ILWU.29

At the Pacific Coast ILWU convention at North Bend, Oregon in mid-August, the delegates gave Harry Bridges a resounding vote of confidence as their president and voted

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28 Honolulu Advertiser, August 11, 1950, p. 3.

29 In a March 13, 1975 interview with David Thompson, the Education Director for the ILWU's regional office in Hawaii, the author was told that the World Federation of Trade Unions and its constituent World Maritime Federation were originally conceived as a sort of United Nations of organized labor. With the onset of the Cold War, and more particularly with the replacement of multi-lateral aid, as provided by the United Nations Relief and Rehabilitation Administration (UNRRA), with bi-lateral aid through the Marshall Plan, the movement became increasingly politicized.
to deny the right for CIO representatives, including Philip Murray, to address the convention. Two weeks later, on August 29, 1950, the ILWU was officially expelled from the CIO. But though the delegates supported Harry Bridges in his fight with the CIO, they passed measures which severed the ILWU's relations with the World Federation of Trade Unions and the World Maritime Federation by a vote of 63 to 7, making moot previous demands that Harry Bridges personally sever relations. The convention also condemned the North Korean aggression and went on record to say it would not tolerate any work stoppages or demonstrations which would harm the war effort. \(^{30}\)

When asked about the seeming contradiction between the support of the man, Bridges, and the ILWU convention's repudiation of his views, Richard Gladstein, the ILWU attorney from San Francisco, said there was nothing surprising about it. Not to have given Bridges a vote of confidence "would have been like the Israelites repudiating Moses after he had led them out of Egypt just because it wasn't all they had expected." \(^{31}\)

When the ILWU was formally suspended by the CIO, the official reaction, heard many times in Hawaii and on the West Coast, was that the ILWU had lost nothing more than

\(^{30}\) *Honolulu Advertiser*, August 19, 1950, p. 3.

\(^{31}\) *Honolulu Advertiser*, August 20, 1950, p. 11.
three initials. This position was in sharp contrast to the stance taken by the ILWU at the time of the Ignacio revolt.

There were those who saw the expulsion as an opportunity to break the power of the ILWU in Hawaii. A week before the CIO's decision was announced, Timothy Flynn, Harry Bridges' replacement as the CIO's regional director for Northern California, came to Hawaii to discuss the CIO's future plans for the islands. Commenting on such efforts, Robert McElrath, the ILWU's sharp-tongued director of public relations, snapped, "We expect the termites to crawl out of the wood very shortly. I think we'll be able to use a flit gun on them."32

By Labor Day, 1950, the ILWU in Hawaii had reason to feel better about the way things were going for it. The United States Court of Appeals in San Francisco had overturned Judge Harris's order by a two to one verdict, freeing Harry Bridges from jail. On Labor Day in Honolulu the AFL and the ILWU held separate parades and rallies. At the conclusion of the AFL parade, a crowd estimated at 250 by the Honolulu Star-Bulletin heard Governor Stainback say: "The time has come when we should face the facts and no longer pussyfoot for fear of offending the so-called labor leaders who are Communist organizers behind the mask of labor leadership." At the same time, a crowd estimated at 2,500 by the

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32Honolulu Advertiser, August 30, 1950, p. 8.
Star-Bulletin heard W. K. Bassett, Mayor Wilson's administrative assistant, praise the leader of the ILWU: "I have known Harry Bridges for 40 years," Bassett told the gathering, "and I have never known anything about him except that he has worked every waking minute for the little man." 33

Another theme which was keenly felt during the very busy spring, summer and fall of 1950 was statehood. On March 7, 1950, the House of Representatives had passed a statehood bill for Hawaii (HR-49) by a 262 to 110 margin. The State Constitutional Convention went about its business from April 4 through July 22, 1950 with the fervent hope that they were, indeed, writing a state constitution.

Things looked even better for statehood when, on June 28, 1950, the Senate Interior and Insular Affairs Committee approved Hawaiian statehood by a nine to one margin, the sole dissenting vote being that of Hugh Butler, the longtime enemy of Hawaiian statehood. But the Korean War had given an imperative quality to the statehood bill for many. Senator Frank P. Graham (D-No. Car.) expressed the feelings of many when he said, "Statehood would strengthen the Hawaiian and Alaskan position against Communism. Now is a most strategic time for the admission of both as timely expressions of self-determination of people." 34

significant that Graham, a liberal southern senator, was defeated in his bid for reelection in North Carolina because of his support of the Truman administration's civil rights program, of which Hawaiian statehood was a part. It was significant because, after the Communist issue had become largely neutralized as an anti-statehood issue, the real power behind the move to block Hawaiian statehood emerged into full view. A coalition of Southern Democratic senators led by Richard B. Russell of Georgia made it quite evident that they were perfectly willing to filibuster Hawaiian statehood measures on the floor of the Senate. Senator Allen J. Ellender of Louisiana put it colorfully when he declared, "When there is a snake in the grass, I believe in hitting it on the head." 35

The spring and summer of 1950 witnessed the tightening of the net around the now notorious atom spy ring once led by Klaus Fuchs. The names hit the press as they were arrested: Harry Gold, David Greenglass, Arthur Dean Slack, Julius Rosenberg, Morton Sobell. The fate of the convicted Communist Party leaders from New York looked grim as the United States Court of Appeals upheld the conviction of the eleven. Judge Lerned Hand praised Judge Harold Medina's handling of the Foley Square trial of the eleven and said of the language of the Smith Act that, "the words of the act

are unconditional and forbid advocacy or teaching such a violent overthrow (of the government of the United States) at any time and by anyone, weak or strong; literally, they make criminal the fulminations of a half-crazy zealot on a soap-box calling for an immediate march on Washington."  

A beneficiary of the Korean War was the old Mundt-Nixon bill which reemerged as the McCarran Act, or more properly, The Internal Security Act of 1950. The McCarran Act was passed over President Truman's veto in the House of Representatives by a vote of 286 to 48 on September 22, 1950. The following day it was passed in the Senate by a vote of 57 to 10.

The Internal Security Act provided for the registration of all Communists and all Communist Front organizations with the Justice Department. It required that all Communist and Communist Front propaganda be labeled as such. It stipulated that all members of the Communist Party and of

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36 Honolulu Advertiser, August 2, 1950, p. 3.


Communist Front organizations be barred from jobs in the United States government and in the defense industries. The act also gave the Attorney General the right to deny passports to members of the Communist Party and Communist Front organizations. There were extensive provisions for dealing with aliens. Under the provisions of the law, non-citizens could be deported and naturalized citizens could be denaturalized if they were found to be in violation of the law. At the time of the law's initial passage, J. Edgar Hoover estimated that it would affect about 550,000 Communists and Fellow Travelers, about ten per cent of whom were Communist Party members.40

In his veto message, President Truman complained that the McCarran Act would aid potential enemies by requiring a complete list of vital defense plants, laboratories and other installations. It would require the Justice Department and its FBI to waste immense amounts of time and energy attempting to carry out the law's unworkable registration provisions. It would deprive the country of the great assistance of many aliens in intelligence matters. It would antagonize friendly governments. It would put the government of the United States in the thought control business. And it would give government officials vast powers to harass all of our citizens in the exercise of their right of free speech.

40Honolulu Advertiser, August 30, 1950, p. 1.
Attorney General J. Howard McGrath was quoted in the *Star-Bulletin* on October 13, 1950 as saying:

> We can not fight Communism by placing totalitarian power in any hand. And I think the bill placed such power in the hands of the Attorney General. I don't want it any more than I want it in any other hands.41

Ten days later, on October 23, 1950, the Justice Department began a round-up of alien Communists. Eighty-six were arrested in the first group, including David Hyun, a former Hawaii resident of Korean origin then living in Los Angeles. Under the law, the Attorney General had the power to hold these individuals for up to six months pending deportation. On January 1, 1951, the *Star-Bulletin* announced that there were 64,000 aliens to be registered in Hawaii under the Internal Security Act of 1950.42

But what of the Reluctant 39, the ones whose unwillingness to testify before HUAC had provided the sparks which ignited the 1950 political season? On August 11, 1950, the thirty-nine, along with fifteen others, had been cited by the whole House of Representatives for contempt of Congress. The citations were turned over to the United States Attorney in Hawaii, Ray J. O'Brien, for legal action. O'Brien's next step was to put the citations before a Federal Grand Jury for indictment.

That action was delayed when, on August 24, 1950, Francis Walter announced that HUAC's Red probe in Hawaii might be reopened in September in order to give the Reluctant 39 the opportunity to purge themselves of their contempt. "They now realize," Walter said, "that we weren't putting on a show when we staged our hearing." HUAC reported that eight of the thirty-nine had indicated their willingness to cooperate, though no names were named, and the papers were unable to identify any of the prospective members of what was now being referred to as the "Repentant Eight."

The newspapers were fed regular stories about HUAC's imminent return. On September 8, 1950, it was reported that the committee would be reopening hearings in Hawaii on September 23, with Chairman Wood and Representative Nixon slated to be among those participating. On September 18, William A. Wheeler, a HUAC investigator arrived in Honolulu "to conduct a supplemental investigation." On September 20, Wheeler announced that "if" HUAC came there would be some "new faces" among those who would be called as witnesses. On September 26, Wheeler announced that HUAC was not coming back due to the fact that they had political commitments and because he had been unable to obtain sufficient supplemental material to warrant a new hearing. What had happened to the

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"Repentant Eight"? Nothing was said about that fictitious group which appears to have been invented to create a bandwagon which never materialized.

With a HUAC return now out of the picture, O'Brien brought the contempt charges against the thirty-nine before the Federal grand jury in Honolulu. On October 13, 1950, the defendants were arraigned on the basis of indictments handed down by the grand jury. Thirty-eight were represented at the arraignment by the law firm of Bouslog and Symonds. Jack Kawano, significantly, as we shall see, was represented by his own attorney, Norman K. Chung.

Delay followed delay as the attention turned to Washington D.C. where the Supreme Court was hearing a Fifth Amendment case involving Mrs. Patricia Blau of Denver, Colorado. Mrs. Blau had been cited for contempt for failing to answer questions before a Denver Federal grand jury concerning her employment by the Communist Party and about her understanding of the inner workings of the Party organization.

Mrs. Blau's right to invoke the Fifth Amendment was upheld in a unanimous (8-0, Justice Tom Clark, former U.S. Attorney General, not participating) verdict. In a brief, two-page opinion Justice Hugo L. Black declared that in light of the recent conviction of eleven top Communist Party leaders in New York for violating the Smith Act, Mrs. Blau's fear of prosecution was more than "a mere imaginary possibility; she could reasonably fear that criminal charges might
be brought against her if she admitted employment by the Communist Party or intimate knowledge of its workings. 45

The Blau decision did not deal with the question of congressional committees, so the United States Attorney's office continued with its plans to prosecute the Reluctant 39. By the time the case was heard, Ray J. O'Brien had resigned as United States Attorney and his place was being filled, temporarily, by Howard K. Hoddick. Hoddick selected five test cases and on January 15-16, 1951, Judge Delbert Metzger heard them, finding for the defendant in each instance.

Hoddick had attempted to overcome the Blau decision by a three-part argument: first, he contended that there was a significant difference between a grand jury and a congressional hearing, the former being involved with criminal proceedings while the latter was not; second, he asserted that the thirty-nine were immune from criminal prosecution for any testimony they might have given before a congressional committee; and third, he pointed out that the admission of

45 Blau v. United States, 340 U.S. 159. On the same day that the decision was handed down in the Blau case, the U.S. Senate Judiciary Committee approved an allocation of $100,000 for the creation and first year's operation of the Senate Internal Security Subcommittee, under the provisions of the McCarran Act. It is ironic because the Blau decision was a virtual judicial affirmation of the contention of many that the registration provisions of the McCarran Act were in violation of the Fifth Amendment.
membership in the Communist Party was not a crime and, therefore, the defendants had nothing to worry about, anyway. Judge Metzger commented that Hodick's was "an interesting argument," but ruled for the defendants:

I can't see an actual difference in the procedure, whether before a grand jury, a congressional committee or any inquisitorial body. The Constitution stands like a rock of Gibraltar with the same force and effect whether the questioning is before a grand jury or any other body.46

After the first five judgments of acquittal, Hodick sought to have the remaining thirty-four cases dismissed. Defense attorney Myer Symonds objected that, "It would be a gross injustice for them not to know what is going to happen to them in the next couple of years. Judge Metzger found for the defense, saying, "If the defendants want a trial, they are entitled to it."47 On January 19, 1951, the remaining thirty-four were granted a joint verdict of acquittal.

Perhaps to demonstrate that his decision should not be interpreted as one friendly to Communism, Judge Metzger

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46 Honolulu Advertiser, January 16, 1951, p. 2. Since the case of the Reluctant 39, known as United States v. Yukio Abe, et al., was not appealed there is no Federal reporting number attached to it. The Federal District Court in Honolulu could not even produce a docket number for the case, the records having long since been shipped to San Francisco, where they are presumably stored in the archives of the Ninth Circuit Court.

offered some *obiter dicta* after his verdict had been rendered. He said that he hoped that members of the local community would not be "contaminated . . . by association with the Communist Party," and pointed out that the Communist Party had "engendered lots of ill will and hatred."\(^4^8\)

At the conclusion of the trial of the Reluctant 39, Harriet Bouslog and Myer Symonds issued a statement saying that while "vindication of the 39 witnesses in Hawaii who refused to be coerced and intimidated into violating their conscience and surrendering their constitutional rights is good news to all liberty loving people. . . . this decision emphasizes and makes more shocking the [injustice done to] those courageous men and women who have served and are serving jail sentences for refusing to surrender to the committee and give up their rights." The statement continued:

Hawaii's 39 reluctant witnesses stood on the ancient right to silence guaranteed by the Fifth Amendment to the Constitution of the United States. The Hollywood 10 stood on the right to freedom of speech and of conscience guaranteed by the First Amendment.

Our constitutional history makes it abundantly clear that the Bill of Rights was intended to protect and guarantee the right to speech, conscience and silence.

Time and time again during the hearings of the un-American Committee in Hawaii, Chairman Francis Walter and the other members of the committee and the counsel for the committee sought to intimidate witnesses by telling them flatly that they faced jail for contempt and that their lawyers were giving them bad legal advice in advising them to refuse to

\(^{4^8}\) *Honolulu Advertiser*, January 20, 1951, p. 2.
answer on the ground that their answers might tend to incriminate them.

No more un-American conduct can be conceived than coercion by elected representatives of government to force persons against their will to surrender their constitutional rights.

By pursuing its unconstitutional methods, the committee whipped up fear and hysteria which created the political atmosphere necessary to force the McCarran Act down the throats of the American people.

The decision in these 39 cases shows conclusively the unconstitutionality of those provisions of the McCarran Act which require a person to register as a member of a subversive organization so that the government may, if he registers, prosecute him under the Smith Act and cause him to lose the ability to make a living, or if he refuses to register, prosecute him under the McCarran Act with the consequent economic sanctions and threat of imprisonment. 49

The Reluctant 39 were free. In spite of IMUA's preachments about the "verdict of public opinion," there was very little public reaction to the verdict. The year which had just passed had been an emotionally exhausting one. There had been the HUAC hearings, the State Constitutional Convention, the walkout at the Territorial Democratic Convention, the onset of the Korean War and its early oscillations which were characterized by cries ranging from "another Dunkirk" to "total victory." There was the hope and heartbreak of statehood, now viewed with more realistic eyes, and

49 Honolulu Record, January 25, 1951, pp. 1, 6. It is significant that neither of Honolulu's major dailies carried Bouslog's statement. The reversal of the Reluctant 39's conviction was given very cursory treatment by both the Advertiser and the Star-Bulletin.
there was the legal roller coaster ride taken by Harry Bridges from conviction for perjury, loss of citizenship, revocation of bail, imprisonment and release from jail just in time for the expulsion of the ILWU from the CIO.

As the first month of 1951 came to an end, matters appeared to be settling down. The Korean War had reached the point of stalemate, where it would remain for the next two years. It was obvious that the contentious Governor Stainback was about to be replaced by a more placid Oren E. Long. The Democrats were grateful that 1951 was not an election year. The ILWU was finding that it could "go it alone." Harry Bridges was doing business as usual while waiting for the courts to grind out a reversal of his perjury conviction.

But in scarcely three weeks after the acquittal of the Reluctant 39, one of them, Jack Kawano, released a devastating statement to the press indicating not only that he had been a member of the Communist Party but that the Communist Party dominated the ILWU. And in less than six months five of the Reluctant 39, Jack Hall, John Reinecke, Charles Fujimoto, Jack Kimoto and James Freeman, were arrested and charged with violating the Smith Act, as were two others, Eileen Fujimoto and Koji Ariyoshi. The "Hawaii Seven" would be the chief object of anti-Communism in Hawaii for more than two years. Many old skeletons would be brought
out of the closet once again and trotted across the stage. It was to be the final big effort of the anti-Communists in Hawaii.
In the spring of 1951, the Communist issue flared to life on the campus of the University of Hawaii. Controversy arose when President Gregg Sinclair cancelled an invitation which had been extended to the noted Caltech scientist, Linus Pauling, to speak at the dedication of the university's new chemistry building. Sinclair explained that "after learning that Dr. Pauling," who was later the recipient of the Nobel Prize in chemistry (1954) and the Nobel Peace Prize (1962), "has affiliations with organizations that have been referred to as subversive and also that he has refused to testify under oath that he is not a Communist, I felt it was not in the best interest of the university to invite him to be the speaker."\(^1\)

There was irony in the situation since Sinclair was then a member of the board of directors of the Institute of Pacific Relations which had been labeled as a subversive organization by the United States Attorney General.

Pauling protested Sinclair's action which apparently had been dictated by quiet pressure from the university's board of regents. In a letter to Sinclair and the regents, Pauling explained that the decision to rescind the invitation

\(^1\)Ka Leo O Hawaii, March 16, 1951, p. 2.
had caused him great embarrassment. The scientist also explained to the regents that he was not, nor had he ever been a member of the Communist Party, referring to himself as a Roosevelt Democrat. Pauling defended his right not to testify publicly on the question of whether or not he was a member of the Communist Party as a matter of conscience. His protest was to no avail.

One of the leaders of the student protest against President Sinclair's action was a candidate for the student body presidency, Shunichi Kimura. Another was the associate editor of the University of Hawaii's student newspaper, John Griffin. Griffin, who wrote a column called "Cross Currents," told of a young coed who was waiving in her support of Kimura because a sorority sister had told her Kimura was a Communist. In another column Griffin commented upon the whole episode:

In light of recent events, it should start to become obvious to the average man that the crusade against "creeping Communism" could and may be a thinly veiled cover-up for creeping Fascism. . . . The sad part of it is that most of these men who would preserve democracy by limiting it, are sincere.2

Though the students failed in their efforts to get the board of regents to change its mind, there was enough unity among them to support a student sponsored visit to Hawaii for Linus Pauling in late May and early June, 1951.

2 Ka Leo O Hawaii, March 16, 1951, p. 2.
Another campus issue involving the Communist question arose in the spring of 1951 when the Territorial legislature passed a series of loyalty measures. Two-hundred-twenty faculty members and an almost equal number of students signed petitions requesting that Hawaii's new governor, Oren E. Long, veto the measures. Koji Ariyoshi commented on the matter in a Honolulu Record editorial:

The dangers to our institutions as well as to individual liberties inherent in these bills, are all too clear in light of recent developments in world history and in the attitude and conduct of the type of man who would administer the loyalty oath program.

For example, Edward N. Sylva, chairman of the Territorial un-American commission, in trembling emotion and illogical argument, this week tried to dismiss the flood of protests from the Manoa campus by calling the deans, professors and instructors "sincere but misguided intellectuals" whose opposition to the loyalty bills "contrasted with the devotion of our brave boys who are clinging to the blood soaked peninsula of Korea."

Under the proposed loyalty bills, the signers of the petition would be suspect, for as Sylva says, their opposition to one of the bills "subjects the judgment of the signers to serious doubt."

This is only one step removed from casting "reasonable doubt" on the loyalty of the signers and "reasonable doubt" is sufficient grounds under the loyalty bills for dismissal. . . .

An informer, full of spite and hatred or for fun, can finger an individual. The accuser is protected. He need not prove his allegations; he does not face the accused. The accused must clear himself. . . .

The faculty at the university is aware of the historical parallel of what is happening today with what has happened in the past. Max Ascoli, a professor in Italian universities until the year of the loyalty oath,
1931, wrote in 1938 a brief description of how the oath in Italy proved to be a preliminary to something else:

"The fall of 1931, when all professors (in Italy) but twelve took the oath, marked the turning point. . . . From that time on, the pressure upon the university teachers went on with increased impetus. The oath had meaning only if supplemented by more positive acts of loyalty . . . more and more exacting and detailed." 3

Governor Long signed the loyalty measures. A week after he had done so, Koji Ariyoshi was indelicate enough to print a statement written by the governor in 1936 while he was serving as Superintendent of Public Instruction for the Territory of Hawaii. In his statement, Long was protesting a measure passed by the Territory's twenty-sixth legislature requiring that teachers submit to a loyalty oath. "It is those who would make of a teacher a cloistered

3 Honolulu Record, May 17, 1951, p. 8. Ariyoshi's use of the term "reasonable doubt" and his concern over the escalation of loyalty programs was not without foundation. Only the month before, the Truman administration had amended the standard for dismissal of federal employees under the government's loyalty program. A report prepared for the Peace Education Division of the American Friends Service Committee, Anatomy of Anti-Communism (New York: Hill and Wang, Inc., 1969), pp. 38-39, states: "As originally established the program reflected a concern to insure against the abuse of loyalty charges and provided that dismissal should be based on hard evidence that 'reasonable grounds exist for the belief that the person involved is disloyal to the government of the United States.' The revised loyalty standard (April 1951) stipulated that 'reasonable doubt exists as to the loyalty of the individual involved to the government of the United States.' The changes from grounds to doubt and from disloyalty to loyalty were not semantic; rather they reflected a different set of priorities and expedited dismissal of suspect individuals."
monk," Long contended, "something less than a citizen, who suggest that the teacher be required to take a loyalty oath." Long went on to say that he "should not wish to sign one." 4

But the Territory's loyalty measures seem to have been borne lightly by the university faculty. In a 1975 interview with Alan Saunders, one of the leading liberals on the faculty of the University of Hawaii during the late 1940's and early 1950's, the author commented that he had been unable to find any evidence of campus unrest over the issue of loyalty oaths beyond that cited above. Dr. Saunders confirmed that this had been the case, explaining that those protests which were made were made privately and worked out in such a way that the campus did not become preoccupied with the matter. 5

But the anti-Communist activity involving the University of Hawaii was no more than a preliminary to the truly critical events in the year 1951. These events took place in the summer within a space of less than two months, from July 6 to August 28.

4 Honolulu Record, May 31, 1951, p. 5.

5 Interview with Dr. Alan Saunders, March 22, 1975. Dr. Saunders also commented that the Pauling incident and the loyalty oath flap had been "welcome because it did stimulate activity among both students and faculty for social consciousness." In an interview with Dr. John Stalker, on March 25, 1975, Saunders' recollection of the matter was not supported. Dr. Stalker, himself, was a spokesman for the faculty group protesting the loyalty oaths. When Stalker appeared on the Aku radio program for
On July 6, 1951 Jack Kawano appeared before the House Committee on Un-American Activities in Washington D.C. Though his appearance before HUAC was not anticipated, his role as a loner had been building up for some time. There was his obvious alienation from union leadership during the 1949 dock strike, his departure from the ILWU thereafter, his unequivocal statement before HUAC in April 1950 that he was not a member of the Communist Party (though he was cited for contempt for refusing to answer other questions on the basis of the Fifth Amendment) and his retention of separate counsel at the trial of the Reluctant 39.

Kawano's actions since the 1949 dock strike had served to prepare the ILWU for his public admission on February 10, 1951 that he had been a member of the Communist Party. In a press release, Kawano said, in part:

> I joined the Communist Party because some individual Communists were willing to assist me in organizing the Waterfront Union. The waterfront employers were totally intolerant of labor unions. They did all they could to smash all attempts to organize the waterfront. No civic or community organizations showed any signs of willingness to assist in our organizing efforts. I did not think it was harmful to the union as long as the Communists were willing to assist me in bringing up the living standards of the workingman because they led me to believe that the basic existence of the Communist Party was primarily to promote the best interests of the workingman.

I decided to quit the Communist Party because I found that the primary existence of the Communist

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a debate on the issue, his opponent, Territorial Attorney General, Edward N. Sylva, did not show up. Stalker attributed the subsequent campus calm on the issue of loyalty oaths to the sensitivity with which it was handled by Paul Bachman, Dean of the Faculty of the University of Hawaii.
Party was not for the best interests of the working man but to dupe the members of the union, to control the union, and to use the union for purposes other than strictly trade-union matters.

Today I am more than ever convinced that I did right by quitting the Communist Party, for in view of the international situation, when our boys are giving their lives to their country which is at war with Communist Korea and China, I cannot help but believe that anyone who is a Communist and is willing to assist Communist Korea, China, or any other Communist nation today is dangerously flirting with treason against his own country.

For the sake of the union, I call on you to check on what I have said. It is your duty to investigate, to ask pointed questions, to get information. When you have done so, you will find the destructive effects of Communism within the union. I strongly urge the rank-and-file members of the ILWU, every one of them, to fight to keep the control and the management of their union and union activities in the hands of the rank-and-file members. To accomplish this important task, all Communists and those who follow the Communist line should be rejected by the rank-and-file membership.6

The full force of Kawano's statement did not hit the community when it was originally made for two reasons: first, the statement was very general in nature; second, Kawano had no forum in which to develop his charges. Kawano's request to have a letter read to the delegates at the ILWU's Ninth Biennial Convention in April was denied.7

6Honolulu Advertiser, February 11, 1951, pp. 1, 12.

7Kawano's press release of February 10, 1951 and his letter to the delegates at the ILWU Convention, dated April 5, 1951, appear at the end of this work as Appendices J and K, respectively.
But on July 6, 1951, Jack Kawano appeared before the House Committee on Un-American Activities, accompanied by Chuck Mau, and told his story. In more than fifty pages of recorded testimony, Kawano cited chapter and verse on the Communist Party in Hawaii, giving names, dates and places. His testimony, which had a strong ring of authenticity, was aided by a friendly committee and the absence of cross-examination.

The forty year old Kawano was born at Puna on the Big Island on February 27, 1911. He had left school after the seventh grade and after working at a variety of jobs on the Big Island for ten years had gone to Honolulu at the age of twenty-three to work as a longshoreman. He told the committee of his role in the development of the ILWU and proudly displayed a picture of Harry Bridges with the inscription, "To Kawano, who pioneered in leading a great movement." 8

Unlike Ichiro Izuka, who had never held more than a marginal position of leadership in the ILWU, Kawano had, indeed, been an important figure in the establishment of the union. This, of course, was what made Kawano's testimony so important.

Kawano told the committee how he had been brought into the Communist Party in 1937 by Bill Bailey, who had recently arrived in Hawaii from the East Coast. Bailey had given Kawano his Travelers' Club card, "otherwise known as a Communist card. He told us that as long as we carried that card we would be respected by all good union men from the mainland, and we could count on Harry Bridges to help us."9

When asked what Bailey had said at the first Communist Party meeting, Kawano replied that "the general trend of thought was like this--that the bosses are no good; that workers can live without the bosses, and we should try to get rid of the bosses by forming an organization and fighting the bosses, first through the union and later through the revolution."10

The preliminaries out of the way, HUAC counsel, Frank Tavenner started feeding Kawano names, asking him to comment

9 HUAC hearings, Kawano, 1951, p. 9. Like Emil Muller at the HUAC hearings in Honolulu in April 1950, Kawano placed Ed Berman at Communist Party meetings, an assertion which Berman had vehemently denied in 1950 and was again prepared to deny. In a July 10, 1973 interview with the author, Berman said that he had offered Richard Gladstein his testimony as a rebuttal witness to Kawano, but Gladstein had declined, saying that Berman's testimony would not advance the cause of the defense.

10 HUAC hearings, Kawano, 1951, p. 10. Francis Walter's comment to Kawano following the statement above deserves attention here as it shows the way in which Kawano was being encouraged in his testimony as well as giving us a glimpse of the thought processes of the subcommittee's presiding officer. Walter said: "It would interest you to know that recently a young Chinaman testified before the Committee on Immigration and Naturalization and told exactly the same
on whether, to his knowledge, each was a member of the Communist Party. Of the first twenty-two names read to him, Kawano identified seven as members of the Communist Party, including Levi Kealoha, Jack Hall, Ben Kaahawinui, William Piilani (whom Kawano pointed out was also known as William Kamaka, appearing as a friendly witness before HUAC in Honolulu in April 1950), Ed Berman, Jack Kimoto and George Goto.11

Kawano was then asked about the early organization of the Communist Party in the years before World War II, and the way in which the party was used to control the union movement. He described his having been sent to the "Communist Party school" in San Francisco during the months of September and October, 1938.12

Kawano then told the committee that after his return from California he had helped hold the union together at a story in relating what occurred in China when the Communists moved in. Then when the Communists came into power, the owners of this small factory where he worked were murdered. So you can see that what you were told about the bosses being bad is part of the general line that the Communists employ."

11 HUAC hearing, Kawano, 1951, pp. 11-12.

12 There has been much debate over the question of whether the California Labor School was a Communist Party school. Those who deny it have pointed to the fact that the San Francisco school openly advertised in a number of California newspapers and that instruction at the school was available to veterans at the end of World War II under the subsidy of the G.I. Bill. Those who contend that it was a Communist Party school point to specific members of the Communist Party who studied and taught there as well as the unquestionable Marxist slant evident in the lesson plans and books used at the school. Both sides have valid points.
time when they, having just lost a National Labor Relations Board election, were ready to "throw in the towel." Kawano claimed that he had pulled the union back together and led the ILWU to its first NLRB certification in 1941. Francis Walter, leading Kawano along, then asked, "How did Hall muscle his way into the union then?"

"He was not in the union then," Kawano replied.13

Jack Kawano continued to weave the thread of Communist Party control into his testimony. At one point he described how Robert McElrath had brought his drydock union into the CIO at the end of World War II. The following exchange is interesting:

Tavenner: Was McElrath known to you to be a member of the Communist Party at that time?

Kawano: He was.

Tavenner: And was it the Communist Party that brought McElrath's union into the CIO?

Kawano: That is correct.14

Kawano's testimony then turned to the reorganization of the Communist Party at the end of the war, particularly about the arrival of Dwight James Freeman in 1946. Kawano described the process or reorganization,

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13 HUAC hearings, Kawano, 1951, p. 20. Though a technical case could be made in support of Kawano's statement, since Jack Hall was not a member of longshore local of which Jack Kawano was president, this is a gross distortion of Hawaii's labor history. Hall's position as the key local figure in the organization of the ILWU is secure.

We ran into a lot of problems because we signed a lot of people in the Communist Party who had no idea what the Communist Party meant, and we needed somebody to educate them and to recruit new people into the party. We needed a good live-wire person to do that particular work for the party in Hawaii. We requested the Party in San Francisco to send such a person, and the party sent Freeman. After Freeman's arrival the party stepped up its activities even more. . . . Charles and Eileen Fujimoto were assigned to work under the direction of Jim Freeman.15

The line of inquiry then turned to party organization, Communist Party conventions, and the composition of the executive board of the Communist Party. Kawano told HUAC that the Honolulu Record was the creation of the Communist Party, describing at length how Koji Ariyoshi was selected to establish the paper:

Kawano: We heard news he was already a Communist, and he was a local boy, so we felt he would be a logical guy to head up a newspaper that the Communist Party was interested in formulating. That is how we got him to come to Hawaii. . . .

Tavenner: "We" means who?

Kawano: Jack Hall, John Reinecke, Jack Kimoto, people like that.

Tavenner: In other words, Communists?

Kawano: That is right.16

Turning to politics, Kawano discussed the relationship between the Communist Party and the CIO-PAC and then moved on to the "Communist Party decision" to infiltrate the

15 HUAC hearing, Kawano, 1951, p. 29.
16 HUAC hearing, Kawano, 1951, p. 31.
Democratic Party in 1948. Kawano's description of the meeting at which the decision was made is most revealing:

In 1948 there was a tremendous amount of discussion among the Communists regarding the failure of PAC in Territorial politics, and in early 1948, at Jack Hall's Manoa home, the executive board called an enlarged committee meeting to discuss the question of politics.

This is not a regular executive board meeting, so there would be many people attending, and there might even be a few non-Communists attending. Party members felt pretty safe in having non-Communists come in, because the subject we were going to talk about was only on politics.

Kawano listed the decisions made at that "enlarged committee meeting" as follows:

(1) The Communist Party, through the ILWU and other organizations will join the Democratic Party.

(2) Take over leadership of it by getting the majority of convention delegates elected who were Communists, Communist sympathizers, or at least union men.

(3) Elect majority of this type people. 17

When asked by Tavenner to name some of the people who were present at the meeting, Kawano obliged him by reeling off no less than thirty-three names, followed by the comment that there were "a flock of others I cannot now remember."

Tavenner, sensing that something had gone awry, asked Kawano to run through the list once again to signify those who were and those who were not members of the Communist

17HUAC hearings, Kawano, 1951, pp. 34-35.
"As I understand," Tavenner said, "this was not a meeting of the Communist Party?"

"Yes," Kawano insisted, "This was a meeting of the Communist Party . . . but there could have been someone attending that meeting who did not suspect it to be a meeting of the Communist Party."\(^{18}\)

Now if Kawano's testimony about the three decisions made at the meeting is to be taken seriously, the statement that someone could have been there without suspecting that it was a Communist Party meeting makes no sense at all. It was characteristic of anti-Communist testimony to take such turns. In the desire to build the most complete case possible, the witness would characterize every act of the accused as a Communist act, whether it was made as a Communist, a union man, a Democrat or simply as an individual following the dictates of his own conscience. But we must be careful that, having found a flaw in the witness's testimony, we not fail to give the rest of it proper consideration.

Kawano was not the only one whose remarks suggest some serious problems in the proceedings that July day in Washington D.C. Representative Harold Velde (R-Ill.), a former FBI agent made a blunder when, in the course of discussing the matter of the Communist Party's coming out into the open in Hawaii, he asked Kawano to elaborate upon

\(^{18}\)HUAC hearing, Kawano, 1951, p. 36.
"testimony" the former longshoreman had not yet given. The testimony is worth examining for its content as well as Velde's faux pas.

Kawano described a meeting at Foster Gardens in 1948 at which the executive committee of the Communist Party in Hawaii discussed the question of coming out into the open with Harriet Bouslog and J. R. Robertson, first vice-president of the ILWU from San Francisco:

Kawano: Present at this meeting were Jack Kimoto, Jim Freeman, Koji Ariyoshi, Mr. and Mrs. Fujimoto, Jack Hall, myself, Mr. and Mrs. McElrath, Harriet Bouslog and J. R. Robertson. . . .

Velde: Did Harriet Bouslog engage in the decision as though she were a member of the Communist Party?

Kawano: She did.

Velde: Do you remember if she opposed the idea?

Kawano: Hall, McElrath and myself, together with Robertson, opposed the idea of coming out in the open. The rest favored coming out, including Harriet Bouslog. The meeting lasted four or five hours, but there was no meeting of minds.

It was at this point that Velde asked his premature question:

Velde: These two, Robertson and Bouslog, were the only two present at the Foster Gardens and Hanauma Bay meetings who were not members of the executive board of the Communist Party?19

There was subsequent testimony about the Hanauma Bay meeting, but a careful search of the transcript reveals no prior reference to it. The only reasonable inference from this is

19HUAC, Kawano, 1951, pp. 41-42.
that Kawano's testimony had been carefully rehearsed for
the benefit of the committee members in order to build the
strongest possible case. In a setting where there was no
cross-examination, the reader of the testimony is left with
the uneasy conclusion that the deck was stacked.

According to Kawano's testimony, the issue of whether
the Communist Party in Hawaii should come out into the open
was so volatile that it led, indirectly, to the expulsion
of Robert McElrath from the party and, directly, to Kawano's
own threatened resignation from the party. He apparently
reconsidered resigning over the issue, though his testimony
was not clear on the matter.

The end of Kawano's testimony was concerned with the
relationship of the Communist Party and the ILWU during the
1949 dock strike. He told the committee that at his last
Communist Party meeting in June 1949, he was the only one
present who was in opposition to having the sugar workers go
on strike while the dock workers were out. Kawano testified
that "their plan was 'haywire' and 'all wet.' I said that
their plan, if followed, would not help but would break the
union." Though he had been the only one against the sugar
walk-out, Kawano said, "Among the sugar workers I agitated
against a strike, and the strike did not materialize." 20

20 HUAC hearing, Kawano, 1951, p. 46.
In his closing remarks, Jack Kawano gave special thanks to those who had helped make him "a good American": Chuck Mau, John Burns, Mits Kido, Ernest Murai, Sakai Takehashi, Dave Benz, Dan Aoki and Dan Inouye. 21

In turn, Chairman Walter had some words of thanks for Jack Kawano:

Mr. Kawano, the committee is indebted to you for your coming this great distance in order to give us the benefit of your deep knowledge of the machinations of this group of international conspirators. 22

Reaction to Kawano's testimony was quick in coming.

Koji Ariyoshi, editor of the Honolulu Record, commented:

When a disgruntled former labor leader falls into the hands of anti-labor elements, like the notorious un-American committee, he is forced to name names, to smear and bring disrepute to individuals and in doing so, facts become important.

Thus, the editor of the Record finds himself, in Kawano's testimony, attending "Communist" meetings in Honolulu when he was actually serving in the army thousands of miles away in China. Also, as an army intelligence liaison officer, he was supposed to have been making contacts in China with the Japanese Communist leader, Tokuda, who was at that time, serving his 18-year sentence in prison somewhere in Japan for opposing the Japanese militarists. 23

The ILWU was also quick to denounce Kawano's testimony. The executive board of ILWU Local 136, the union of which Kawano had formerly been president, passed a formal

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21 HUAC hearing, Kawano, 1951, p. 52.
22 HUAC hearing, Kawano, 1951, p. 52.
23 Honolulu Record, August 2, 1951, p. 24.
resolution denouncing Kawano's testimony before HUAC. Among other things they charged that: 1) Despite the fact Kawano had been one of the original organizers of Honolulu's longshoremen, it had become clear "that Kawano had lost all interest in the Union and was more concerned with making political deals." 2) Though he stopped working, "the Union and its officials continued to carry Kawano. He has expressed his thanks by a base betrayal of the Union." 3) "During the 1949 strike Kawano declined to be Chairman of the Strike Committee, his logical responsibility as President of the Local." 4) "The only time Kawano showed any interest in the strike was when he tried to work a political deal to settle the strike for 14 cents." 5) Kawano did not stand for reelection in 1949, and could not have won if he had. 6) Kawano was finally dropped from the ILWU for non-payment of dues. 7) It was alleged that Kawano had told members of the executive board of ILWU Local 136 that he was working for the CIO national organization and that he had been involved with Tim Flynn in the CIO's efforts to start up again in Hawaii after the ILWU's expulsion from the national organization. 24

There were charges that Kawano had been used by those members of the left-wing Democrats whom he described in his HUAC testimony as those who had helped to make him "a good

24 *ILWU Reporter*, August 22, 1951, p. 3.
American," in order to demonstrate their loyalty and to establish their anti-Communist credentials. The author finds something to be said for this argument. But there is a corollary to it. If Kawano were "used" by Chuck Mau and the others who convinced him to go to Washington, he was just as surely "used" by Jack Hall and those who helped make him into an important leader of the ILWU. In the author's 1975 interview with Robert McElrath, it became clear that Hall and McElrath thought of Kawano as their own creation. McElrath was quick to point out that he had written most of the public statements Kawano had made. There is considerable evidence that as the ILWU became more complex, as it became an established entity rather than a struggling union looking for a foothold, Kawano's usefulness to the ILWU diminished. And as meaningful participation was denied him, Jack Kawano became careless in the exercise of those responsibilities which were left to him.

Jack Kawano was an important figure in Hawaii's labor history. The way in which he became involved in matters which were beyond his depth, and the way in which he was used by different people for their own purposes have strong elements of personal tragedy. Eventually, it drove Jack Kawano into exile from his native Hawaii.

But Jack Kawano's story does not end with his testimony before HUAC. For reasons which seem largely to have been financial, Jack Kawano allowed a sensational version of his
HUAC testimony, with some colorful additions, to be the basis for an article in the Saturday Evening Post on February 2, 1952. The article, written by Richard English was titled, "We Almost Lost Hawaii to the Reds." The article opens with a description of a conversation at a cocktail party on the windward side of the island of Oahu. "Trade winds sighed through the palms, and clouds scudded across a flawless sky." The hostess is talking to a "crew-cut Navy officer" about the Communist menace. "It's awful," she said, "this gradually finding out how they had moved in everywhere. It's like living on a volcano and feeling all that lava surging beneath you, ready to erupt at any moment."  

The article concluded:

The first Americans to be subject to a communist invasion are still stunned at finding it can happen here. And where, in the past, Hawaii's boosters hoped that by minimizing communism it would, like yesterday's tropical rain, just go away, they know better now. They realize that the strong red roots of the ILWU beanstock on which the communists climbed to almost terrifying power are much too malignant for that.

Jack Kawano's testimony before HUAC and its romantic elaboration in the Saturday Evening Post became the object of heated controversy. It also became, in February 1953, the object of searching cross-examination by attorney

26 English, p. 54.
Richard Gladstein since Kawano had become one of the key witnesses in Hawaii's Smith Act trial. The arrests which preceded this trial were made by the FBI in the early morning of August 28, 1951, less than two months after Jack Kawano's testimony in Washington D.C.
On August 28, 1951, at 6:30 a.m. twenty-one FBI agents moved simultaneously to arrest seven alleged leaders of the Communist Party in Hawaii. Those arrested included: Jack Hall, regional director of the ILWU; John Reinecke, former teacher; Jack Kimoto, employee of the Honolulu Record; Koji Ariyoshi, editor of the Honolulu Record; Jim Freeman, variously and irregularly employed; Charles Fujimoto, announced chairman of the Communist Party in Hawaii; and Eileen Fujimoto, wife of Charles Fujimoto and secretary to Jack Hall. The arrested soon came to be known as "The Hawaii Seven."

The indictment of the seven charged that they had violated Section 2 of the Smith Act by conspiring

(1) unlawfully, willfully, and knowingly to advocate and teach the duty and necessity of overthrowing the Government of the United States by force and violence, and (2) unlawfully, willfully and knowingly to organize and help organize as the Communist Party of the United States of America a society, group and assembly of persons who teach and advocate the overthrow and destruction of the Government of the United States by force and violence.¹

¹United States v. Fujimoto et al., Criminal No. 10,495, p. 81. Cited hereinafter as Smith Act transcript. The complete text of the indictment can be found at the conclusion of this work as Appendix L. The series of events connected with the Smith Act trial in Hawaii, from the arrest on August 28, 1951 to conviction on June 19, 1953, involved a
The Hawaii Seven were not necessarily chosen as the most dangerous members of the Communist Party in Hawaii, but as the ones whose activities between April 1, 1945 and the date of arrest, the chronological limits of the alleged conspiracy, were in violation of the Smith Act as recently construed by the United States Supreme Court in Dennis v. United States (341 U.S. 494).

The indictment included eleven "overt acts" committed by as few as one and as many as seven of the defendants. These acts included everything from attending Communist meetings, organizing Communist study groups, distributing literature, and participating in political demonstrations. The great number of legal questions and generated an incredible amount of recorded legal material. The transcript of the trial alone runs in excess of 16,000 pages. On top of that there were a number of legal issues which found their way into the courts both before and during the trial. The matter of setting bail was a significant legal issue. The prosecution demanded that Judge Delbert Metzger, the original judge on the case, disqualify himself. When a change in the court calendar placed J. Frank McLaughlin in charge of the case, the defense demanded that he disqualify himself. There was even the spectacle of watching Judge Metzger and Judge McLaughlin do battle with one another over the legality of the grand jury which brought the original indictment against the Hawaii Seven. At one point Judge Metzger, who was chief judge, dismissed the grand jury only to have Judge McLaughlin, who was in charge of the criminal calendar, call them back into session. There were challenges to the substantive legality of the indictment as well as to the make-up of the grand jury. There were issues involving the case heard in San Francisco as well as in Honolulu. All of these matters, and many more, are worthy of scholarly treatment. But a full account of the Smith Act case in Hawaii is beyond the scope of this work. It is the logical sequel to this work. In this chapter, the author will select highlights from the twenty-two month ordeal known as the Smith Act case in order to establish the historical context of the episode and to describe the most important consequences of the experience for the Territory of Hawaii.
Party conventions and serving on the executive board of the Communist Party in Hawaii, to Charles Fujimoto's announcement that he was the chairman of the Communist Party in Hawaii, Koji Ariyoshi's publishing the Honolulu Record and Jack Hall's having instructed a person (the indictment did not say how) who he believed would be subpoenaed by "a Committee of the Congress of the United States." There was one "overt act" listed which read in full as follows: "On or about January 12th, 1949, Jack Wayne Hall, a defendant herein, did travel from the City and County of Honolulu, Territory of Hawaii, to the City of San Francisco."2

Conspiracy law has a special quality in that all members of the conspiracy are held responsible for the acts and words of other members of the conspiracy. An interesting aspect of the indictment of the Hawaii Seven is that they were all made part of a larger conspiracy by the technique of listing thirteen co-conspirators who were "not defendants herein." These unindicted co-conspirators included all eleven of the Communist Party leaders who had been convicted of violating the Smith Act in the Dennis case, William Z. Foster, the chairman of the Communist Party in the United States who had been dropped from the Dennis case due to ill health, and William Schneiderman, who had just been indicted

2Smith Act transcript. The "overt acts" are listed from pp. 83-86.
on a Smith Act violation in California. If that were not enough, the indictment also charged that the conspiracy included "diverse other persons to the grand jury unknown." 3

As soon as the Hawaii Seven had been rounded up, there came an immediate cry from within the ranks of the ILWU that the whole thing was nothing more or less than an effort to "get Jack Hall" and to "bust the ILWU." The ILWU was in the final stages of sugar negotiations (successfully completed on September 2, 1951, with such cooperation on the part of the government that Jack Hall was allowed to hold one union meeting in the U.S. Marshal's office), and many feared that the arrest of Jack Hall would jeopardize the talks.

The facts of the situation do not seem to support the ILWU's contention that the Smith Act trial in Hawaii was all part of a Big Five plot to bust the union, though there were obviously some who saw the possible disruption or destruction of the ILWU as a salutary by-product of the Smith Act case.

In fact, Hawaii was the fifth in a series of government actions against alleged Communist Party leaders throughout the country since the Dennis decision on June 4, 1951.

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3Smith Act transcript, p. 81. During the trial, the words and acts of many individuals were introduced by the prosecution with the explanation that the individual so introduced was an "unnamed co-conspirator."
Similar arrests had been made in New York (June 20, 1951), California (July 26, 1951), Baltimore (August 7, 1951), and Pittsburgh (August 17, 1951). In all, the Justice Department pursued sixteen separate cases similar to the Hawaii Smith Act trial before the constitutional air was let out of the Smith Act balloon by *Yates v. United States* (354 U.S. 298) on June 17, 1957.

The Smith Act, properly known as the Alien Registration Act of 1940, ironically grew out of congressional efforts to have Harry Bridges deported from the United States. The conspiracy provision of the Smith Act, the portion under which the Hawaii Seven were charged, was the only portion of the bill which did not involve immigration matters. It was added to the bill just minutes before its passage and there was no significant debate on it.\(^4\)

\(^4\)In the spring of 1938, the United States Circuit Court, Fifth District, held that alien Joseph Strecker could not be deported for being a member of an organization which advocated the overthrow of the American government by force and violence unless he were a member of that organization at the time of his arrest. (A year later, the Supreme Court upheld this decision in *Kessler v. Strecker*, 307 U.S. 22). After the Fifth Circuit Court's decision, the Department of Labor, which then had jurisdiction over immigration cases, was forced to postpone the deportation hearing scheduled to begin against Harry Bridges on April 25, 1938.

On March 20, 1939, even before the Supreme Court had acted on the Strecker case, Representative Howard Smith (D-Va.) introduced a bill which was intended to close the loophole which had prevented the deportation of Joseph Strecker and was making it necessary to amend the complaint against Harry Bridges. The Smith Act, as originally introduced, included a conspiracy section which made it illegal for citizens and aliens alike to teach and advocate the
The United States government had only once made use of the "teach and advocate" section of the Smith Act before overthrow of the American government by force and violence. But essentially it was an immigration bill.

Three months after Smith's bill had been introduced, Representative John McCormack (D-Mass.) introduced legislation to punish "whoever knowingly or willfully advocates the overthrow of the Government by force and violence." (Congressional Record, House of Representatives, June 5, 1939, p. 6605) When the McCormack bill passed the House, the House Judiciary Committee rewrote the conspiracy section of the Smith bill so as to eliminate the redundancy.

During the debate on Smith's Alien Registration Act, the author of the bill was asked, "Will this bill as presently proposed give Congress authority to handle the Bridges case?" Smith's response was, "That is exactly what it was designed to do." (Congressional Record, House of Representatives, July 29, 1939, p. 10449)

In the closing moments before the Alien Registration Act was to be voted upon, Smith, fearing that the McCormack legislation would not pass the Senate (which it did not) restored the original conspiracy section to the bill. Lest the reader assume that Smith did not fully realize the implications of this act, it should be understood that the Virginia congressman declared at the time he restored the conspiracy section that he regarded it as "the very heart of the legislation. We have laws against aliens who advocate the overthrow of this government by force, but do you know that there is nothing in the world to prevent a treasonable American citizen from doing so?" (Congressional Record, House of Representatives, July 29, 1939, p. 10452)

No action was taken by the Senate on the Smith Act for almost a year. While the bill was languishing in the Senate, on May 14, 1940, Representative A. Leonard Allen (D-La.) introduced a bill calling for the deportation of Harry Bridges, who had successfully fought the 1939 effort to deport him. The Allen bill was passed in the House of Representatives by a vote of 330 to 42 on June 14, 1940. Five days later, Attorney General Robert H. Jackson sent a strongly worded memorandum to the Senate Committee on Immigration pointing out the bill's obvious Constitutional disabilities and calling for its rejection by the Senate.

By the spring of 1940, the events in Europe, particularly the Nazi-Soviet non-aggression pact, had aroused the American people to threats of subversion. Senator Tom Conally (D-Tex.) indicated eagerness to secure legislation because, "it will have a very fine effect on the public mind, and assure the public that Congress is doing something about
July 20, 1948 when twelve leaders of the Communist Party were indicted in New York.5

The New York trial of the top Communist Party leaders in the United States lasted from January 17 to October 14, 1949, when all eleven defendants were found guilty. On August 1, 1950, the United States Court of Appeals upheld the original decision and on June 4, 1951, the Supreme Court, in Dennis v. United States (341 U.S. 494), found the conspiracy section of the Smith Act to be constitutional, Justices Hugo Black and William O. Douglas dissenting.

Chief Justice Fred M. Vinson wrote the majority decision which involved a reinterpretation of the "clear and

the so-called 'fifth column' and in correcting subversive activities." (Congressional Record, Senate, June 10, 1940, p. 2818.) The Senate ducked the Alien bill and passed the Smith Act which was signed into law by President Franklin D. Roosevelt on June 28, 1940.

When the Smith Act came out of conference committee and back to the House of Representatives it was passed by a vote of 382 to 4. Only the radical socialist from New York, Representative Vito Marcantonio, spoke against it: "I believe this is the most incongruous proposition I have ever heard. On the one hand you say that you want to preserve American liberty and then attempt to preserve American liberty by destroying American liberty." (Congressional Record, House of Representatives, June 22, 1940, p. 9034)

5 The prior use involved a friendless group of Trotskyites in Minneapolis during World War II. In a remarkable bit of irony, the Daily Worker, with its Stalinist viewpoint, praised the United States government for its decisive action in the case: "The American people can find no objection to the destruction of the Fifth Column in this country. On the contrary, they must insist on it." Quoted from Walter Goodman, The Committee, p. 99n.
present danger" doctrine first enunciated by Justice Oliver Wendell Holmes, Jr., in *Schenck v. United States* (249 U.S. 47) in 1919. Vinson held that it was sufficient that the conspirators were willing to overthrow the government if and when possible. Further, he held that the probability of success in an attempt to overthrow the government was too hard a measure and, therefore, not a proper measure. "An attempt to overthrow the Government by force even though doomed from the outset," Vinson wrote for the majority, "is sufficient evil for Congress to prevent."

There is no doubt that from the date of the first conviction in the Dennis case until the Supreme Court's decision on the constitutionality of the Smith Act, the Department of Justice was preparing to move against the so-called "second-string Communists." In a 1975 interview, Howard K. Hoddick, acting U.S. Attorney at the time of the Smith Act arrests in Hawaii, recalled for the author a meeting he had attended on the subject in Washington D.C. At this meeting, which Hoddick

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6 *Dennis v. United States*, 341 U.S. 494 (1951). In his dissent, Hugo Black wrote: "Public opinion being what it now is, few will protest the conviction of the Communist petition- ers. There is hope, however, that in calmer times, when the present passions and fears subside, this or some later court will restore the First Amendment liberties to the high preferred place where they belong in a free society." In contrast, United States Attorney General, J. Howard McGrath said, "This is a good day for loyal citizens and a bad day for the conspirators. I am proud of those who worked so hard and faithfully to achieve the result."
recalled as having taken place shortly after the original lower court decision in the Dennis case, Attorney General J. Howard McGrath told the assembled U.S. Attorneys of the Justice Department's plans to prosecute regional leaders of the Communist Party throughout the United States. He told those assembled that the FBI was, at that very time, preparing for such trials. "I cannot assume," Hoddick told the author, "that the FBI's decision was influenced by any calls from the sugar factors or business interests in Hawaii."7

There were a variety of predictable reactions to the arrest of the Hawaii Seven. The ILWU's reaction, mentioned above, was echoed by the Honolulu Record, whose editor was among those arrested. The Record quoted extensively from the dissenting opinions of Black and Douglas in the Dennis decision. Both left-wing and right-wing Democrats were quoted with hopeful comments that the Smith Act case might help to "clear the air."

The Honolulu Advertiser saw the arrests as "part of a national battle against treason."8 The Honolulu Star-Bulletin saw the arrests as a "clear warning to individuals or unions which accept, as leaders, men who follow the Moscow instead of the American line."9

7 Interview with Howard K. Hoddick, March 22, 1975.
8 Honolulu Advertiser, August 30, 1951, p. 6.
The Hawaii Residents' Association (IMUA) greeted news of the arrests with an announcement that they would expand their Pier 7 headquarters and increase their hours of operation. An open house was announced for September 6-8. It was during the period of the Smith Act arrests and trial that IMUA reached its peak of influence in the community.

The popularity of IMUA Spotlight, the organization's newspaper, jumped dramatically with the addition of Tony Todaro as its featured columnist beginning on September 26, 1951. Todaro added a songwriter's touch to IMUA's anti-Communist efforts. He had special names for friends and enemies alike. His two biggest friends were Minnie Stroni and Andy Pasta. In a 1975 interview with the author, Todaro, who has long since repudiated his IMUA days, told the author that Minnie and Andy were actually the local FBI agents.

According to Todaro, the FBI allowed him to read their teletype dispatches from Washington D.C. as they came off the machine. Todaro would then reveal his inside information through the mouths of his fictional spies, Minnie and Andy.10

10 Interview with Tony Todaro, March 23, 1975. Todaro told the author that during the Smith Act trial, "I made a complete turnabout on the question of whether Jack Hall was guilty." Todaro, who regularly attended the trial, continued, "There was absolutely no proof that these people were enemies of the country." Todaro added that he came to see the right wing "as a greater threat to the nation." After his anti-Communist period, Todaro became very active in the civil rights movement. He told the author that his meeting Martin Luther King remains one of his most prized memories. Todaro also points with pride to the fact that, in 1972, he won an $8,000 settlement and a public retraction from David Watumull,
Todaro's enemies were less carefully disguised. There was "Rattletrap McElrath," alias "Robert McElmouse." Charles Fujimoto had such names as "Charlie the Commie," and "water boy Charlie." Jack Hall was known as "Angel Hall." But Todaro's favorite was Koji Ariyoshi, whom he called "My boy Koji." Harriet Bouslog was referred to as "the proletarian pin-up." The Smith Act defendants were known to Todaro as "the seven mules of Moscow."

There were times when Todaro could be genuinely funny, as when the government's special prosecutor, John C. Walsh, tipped over backward in his chair. "Minnie got scared silly the day Walsh leaned back too far and did a flip-flop to the floor," Todaro wrote. "She thought the Commie revolution had started. As Walsh went down, she swore she heard 'Charlie the Commie' Fujimoto remark: 'Down with the Government.'" 11

But Todaro could also be brutally vicious. The piece below was written by Todaro concerning a story Koji Ariyoshi told about a kindness done by John Reinecke:

then owner of the now-defunct radio station KTRG. Watumull had said on the air that "someone told me that Tony Todaro is under the surveillance of the FBI." On top of that, KTRG announcer Jeff Burnside, who was also named in Todaro's suit, had said on the air that Todaro got his orders "direct from Moscow." The quotes from Watumull and Burnside are from Tony N. Todaro v. Hawaiian Paradise Park Corp., David Watumull, et al., Civil no. 31187.

During a time when canned cream was scarce, Reinecke overheard a stranger on a bus wail that he couldn't get any canned cream. Later on that evening, the stranger answered a rap on his front door and, lo and behold, there was Reinecke with an armful of canned cream.

When Koji thought he had melted the hearts of his audience with this touching story, he remarked: "I ask you, could such a man be dangerous to his country?"

I'm reminded of the gangster Al Capone, who threw lavish banquets for his enemies before he beat them to death with a baseball bat. I'm reminded of the child murderers who buy their victims ice cream and candy before they hack them to pieces.

I'm not saying that John Reinecke is a sadist or a gangster, but giving canned cream to a stranger does not prove that Reinecke cannot or is not selling his country to its enemies, thereby rendering more physical violence than a thousand gangsters and sadists.12

Todaro's column continued in the IMUA Spotlight through the February, 1953 edition. In March, the editors explained that Todaro's space was needed for letters and in May, it was announced that Todaro's column had been received too late for publication. It was never mentioned again. Todaro did not publicly repudiate the position he had defended so staunchly for another two years, but he was through with IMUA.13


13 In the Honolulu Advertiser, May 23, 1955, p. 4, Tony Todaro responded to a letter from Paul Crouch, a professional ex-Communist who had been a government witness in the Smith Act trial in Hawaii. Todaro said then that Crouch's letter attacking statehood for Hawaii, "compels me to dust off my soap box abandoned two years ago after severing relations with IMUA. . . . I cannot go along with Crouch that the Communist menace in Hawaii is grave enough to warrant a denial of statehood. . . . I strongly disagree with my good
During the period between the arrest and trial of the Hawaii Seven, there were a number of public exchanges which had the effect of ventilating the issues surrounding the case. The ILWU and IMUA provided a constant radio dialogue as well as some major, one-shot efforts. Two of these are worth special attention: first, an ILWU pamphlet called "Fear" and IMUA's "The Answer to 'Fear'" by Urban E. Wild; second, IMUA's special edition of IMUA Spotlight entitled "The American Way of Life" and the ILWU response to it, "Americanism, As Defined By Great Americans."

"Fear" was actually a reprint, in pamphlet form, of a speech by Harriet Bouslog, one of the defense attorneys for the Hawaii Seven. The speech was given at a 1951 Labor Day rally held by the ILWU just days after the arrest of the Hawaii Seven had taken place.

Bouslog told the union men that "the reason for the prosecution of Jack Hall is the same as that for the prosecution of Harry Bridges." And that, she said, will continue

friend, Dr. Lyle Phillips, of IMUA, that nowhere in the Mainland has the Communist Party progressed towards its evil aims as has the Communist Party in Hawaii. . . . I challenge IMUA, Paul Crouch and all prejudiced congressmen to submit to the public a list of names that could be elected to sit in congress as Moscow agents and another list of political issues these 'Moscow agents' would try to force upon the national Congress that would benefit Russia. I challenge these people, also, to pinpoint their charges that the legislature of Hawaii is dominated or influenced by Communists or Communist philosophy. Give us names and specific action and not a general charge that McElrath was seen talking to certain lawmakers at Iolani Palace."
"until the government silences all who dare to challenge the right of government to freeze wages, while profits soar; who demand peace when the government is bent on war."\textsuperscript{14}

There follows an indictment of the FBI, Harry Truman, Joe McCarthy and the Supreme Court. Then, turning specifically to the Smith Act prosecutions being undertaken by the government, she asks:

How does the government . . . prove its point? Here is where the stoolpigeon, the professional witness, the political opportunist, the renegade, the Izukas, the Kawanos, come in. They announce that they were once Communists, and that when they were Communists, they were terrible people who engaged in all sorts of illegal activity, but now that they have seen the light, they would like to help the government put behind bars all their former associates whom they now hate. They are paid with publicity, with witness fees, with royalties from their books and pamphlets. One of these stoolpigeon-informers, Mr. Izuka, once testified that he directed a slowdown at Port Allen to hold up lend-lease ships. No lend-lease ship ever docked on Kauai, but no lie is too big for these stoolpigeons or the government prosecutors.\textsuperscript{15}

The ILWU attorney then turned to the question of the freedom of the press, pointing out the incongruity of the situation in which the \textit{Honolulu Record} can be granted the privilege of using the mails by the same government which has charged that the production of that newspaper is an overt act in support of a conspiracy to teach and advocate the overthrow of the government of the United States.

\textsuperscript{14}Harriet Bouslog, \textit{Fear} (Honolulu: International Longshoremen's and Warehousemen's Union, October 16, 1951), p. 4.

\textsuperscript{15}Bouslog, p. 12.
Discussing Charles Fujimoto, and his avowed commitment to Communism, Harriet Bouslog offered a truism frequently made by socialists under attack in the United States: "Now, there is nothing in the United States Constitution that says capitalism and democracy are the same thing."\(^{16}\)

Bouslog concluded her remarks with a warning to her audience:

> Do not feel safe because your name is not among the seven, because if this conspiracy of the government against the seven succeeds, you and your children will have lost your liberties, and we will go again into dark ages of thought-control against which we fought in Germany, in Japan, in Italy, and to which our government has now turned to maintain itself in power.\(^{17}\)

On November 26, 1951 Honolulu attorney Urban E. Wild delivered a speech to the membership of IMUA which was a response to Harriet Bouslog. It was published as a small pamphlet with the title, "The Answer to 'Fear.'" It began with a recitation of the "pertinent" parts of the Smith Act. It then reviewed the Dennis case. Wild asserted that the prosecution in the Dennis case had proved four key points to be basic to the program of the Communist Party in the United States:

1. To teach those subject to their influence secretly to prepare for the coming of some crisis such as a deep depression or war with the Soviet Union.

\(^{16}\)Bouslog, p. 16.

\(^{17}\)Bouslog, p. 21.
2. To spring into action when the word of command was given upon the coming of such a crisis.

3. To paralyze power houses, transportation systems, vast industrial machinery in the heart of our economic organization.

4. In the resultant chaos and confusion to bring about by violence and unlawful means the overthrow or destruction of the government and the setting up of a "dictatorship of the proletariat." 18

Wild then turned to the contempt convictions sustained by all five defense attorneys in the Dennis case and by Eugene Dennis, who had defended himself in the original trial. Wild quoted Judge Jerome Frank of the United States Court of Appeals who had concurred in upholding the six contempt convictions. "We affirm," Judge Frank wrote, "for the plain reason that the crude antics of these lawyers, if copied in other cases, would almost surely disrupt trials."

"These words of a learned judge," Wild said, "certainly answer more eloquently than I could the propaganda that is

18 Urban E. Wild, The Answer to "Fear" (Honolulu: Hawaii Residents' Association, 1951), p. 3. Nothing so specific as that which Wild claimed had been "proved" in the Dennis case. Consider Chief Justice Vinson's treatment of the same basic ground which Wild was covering in his augmented version of the Dennis decision: "The formation by petitioners [Dennis, et al.] of such a highly organized conspiracy, with rigidly disciplined members subject to call when the leaders, these petitioners, felt that the time had come for action, coupled with the inflammable nature of world conditions, similar uprisings in other countries, and the touch-and-go nature of our relations with countries with whom petitioners were in the least ideologically attuned, convince us that their convictions were justified." Dennis v. United States (341 U.S. 494)
the main theme of Harriet Bouslog's 'FEAR.' It is not entirely clear what Wild meant here, unless he was warning Harriet Bouslog to watch her step in the courtroom. Perhaps he anticipated the situation which did develop during the Smith Act trial in Hawaii in which the trial judge, Jon Wiig, asked the U.S. Attorney, A. William Barlow, to look into a speech Mrs. Bouslog had made at Honokaa, on the Big Island on December 14, 1952. Whatever Wild had in mind, he certainly did not think Mrs. Bouslog's Labor Day Speech on Kauai was befitting an officer of the court.

Wild was even critical of Mrs. Bouslog's praise of the historic role of the ILWU in Hawaii which was, he asserted, "merely brought in to bring quick sympathy on generalities, and to provide a reason for reproduction and distribution of her Labor Day address, which of course was not on labor as such but was devoted to an attack on the Smith Act." 21

19 Wild, p. 4.

20 On that occasion, Mrs. Bouslog had told her audience that "horrible and shocking" things were going on in the trial of the Hawaii Seven. She asserted that it was impossible for them to get a fair trial, and was openly critical of the rules of evidence used by Judge Wiig. Though nothing came of the possible contempt charge, after the Smith Act trial was over a complaint was brought against Mrs. Bouslog to have her suspended from the practice of law for a period of one year. The Territorial Supreme Court did suspend her (41 Hawaii 403). The Court of Appeals upheld the decision (260 F2d 189), but the United States Supreme Court finally overturned the suspension (In re Harriet Bouslog Sawyer, 3 L ed 2d 1473) on June 29, 1959.

21 Wild, p. 5.
IMUA, as an organization, was concerned not only about the fact that Harriet Bouslog's "Fear" had been printed, but that it was being distributed in such a way that it might do great harm to the community. And so, with the approval of the Territorial Department of Public Instruction, IMUA produced a special edition of IMUA Spotlight, primarily for use in the schools, but also for sale to the general public. This special edition called, "The American Way of Life," was a compilation of patriotic slogans and conservative social philosophy.

One article, purporting to deal with the Bill of Rights, offered the following message:

We say that we want personal freedom, but we demand government housing, government price controls, government guaranteed jobs and wages. We boast that we are responsible persons, but we vote for candidates who promise us special privileges, government pensions, government subsidies, and government electricity. Such schemes are contrary to the spirit of the Bill of Rights.22

The special edition's treatment of labor emphasized that labor-management cooperation was the way to prosperity. It was highly critical of those who assume labor and management to exist in an adversary relationship. And in a section which sought to describe what the term, "Sweet Land of

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"Liberty" meant, it was stated that one of its meanings was "the right to organize . . . competitive labor unions." 23

Tony Todaro wrote the longest article in the special edition, an apocalyptic description of the struggle between "Communism vs. the American Way of Life," which he called the "climatic [sic] struggle of human rights." 24 Todaro first turned his pen to the matter of religion:

Communism destroys religion. Can you imagine what this means to the hundreds of thousands of religious institutions in America which are benefitting the spiritual and economic welfare of millions of God fearing Americans? This is the kind of life that William Z. Foster, Charles Fujimoto and the rest of America's Stalinists are preparing for we "unhappy" Americans. 25

Todaro dismissed the assertion of some that there was such a thing as a uniquely American variant of Communism. "The answer is simple," Todaro intoned. "Communists are liquidated if they fail to blow their noses whenever Joe Stalin sneezes. It must be remembered that actually there is no 'American' party or movement." 26

Todaro closed his column with a ringing pronouncement: "Communism without a violent revolution is like Christianity without Christ." 27

23 IMUA special edition, p. 15.
24 IMUA special edition, p. 20.
26 IMUA special edition, p. 20.
27 IMUA special edition, p. 20.
The ILWU, angered by "The American Way of Life," decided to publish its own view of America for Hawaii's school children. It was called, "Americanism, As Defined by Great Americans." The Territorial Department of Public Instruction denied the ILWU the right to distribute its pamphlet in the schools. In the foreword, the editor commented upon the situation:

In our judgment, IMUA presented only the reactionary businessman's concept. We felt that students had a right to know that Americanism is not that narrow and rigid—that Americanism, as defined by great Americans, is a strong, living, growing, beautiful expression of ever increasing freedom for all people.

The Department of Public Instruction has called the writings of the people quoted in this booklet—Franklin D. Roosevelt, Henry David Thoreau, Frederick Douglass, Thomas Jefferson, Abraham Lincoln, Oliver Wendell Holmes, Jr., Wendell Willkie and others—"cleverly weaved propaganda." They have censored these great Americans, and have declared that they will not allow distribution of this booklet through the schools as they allowed the partisan IMUA publication to be distributed.28

The ILWU pamphlet was properly characterized as "cleverly weaved propaganda," but it is doubtful that it should have been disqualified by the Department of Public Instruction unless that body was prepared to say that the IMUA pamphlet was acceptable because it was not "cleverly weaved."

A look at some of the quotations used in "Americanism, As Defined By Great Americans" will offer the reader some idea of the flavor of the pamphlet. Thoreau was quoted on the law: "The law will never make men free; it is men who have got to make the law free." (p. 3) Justice Holmes' plea for "freedom for the thought we hate," was there. (p. 6) Willkie was similarly quoted: "Whenever we take away the liberties of those whom we hate, we are opening the way to loss of liberty for those we love." (p. 9) "Labor is the superior to capital, and deserves much the higher consideration," Lincoln was quoted as saying. (p. 10) F.D.R. was called upon many times: his speech about the "economic royalists" was cited as well as his statement, "The test of our progress . . . is whether we provide enough for those who have too little." And so it went, concluding with selections from important international documents including the Atlantic Charter, the Preamble to the United Nations Charter and the United Nation's Universal Declaration of Rights.

But there was more happening in this period than the running ideological battle between IMUA and the ILWU. One of the most dramatic events added considerable fuel to the ILWU's contention that the whole purpose of the Smith Act case was to get at Jack Hall and, through him, the union.

In late December 1951 and early January 1952, two FBI agents, Richard Burress and James Condon, met with the ILWU's
educational director, David Thompson, in an attempt to get Jack Hall to repudiate Communism in exchange for release from his indictment. Thompson had three meetings with Burress and Condon. The first one was on December 15, the second on December 18, and the third on January 9. The latter two were at the home of David Thompson and were recorded in their entirety by Robert McElrath who had concealed himself with recording equipment.

The tapes do not reveal exactly what would have been expected of Jack Hall, had a deal been made, but David Thompson has indicated on many occasions that one of the key points of the FBI agents in the December 15 meeting was that Jack Hall would have to pull Hawaii's ILWU unions out of Harry Bridges' international union. Whether both sides saw the arrangement in the same light, we cannot say. But there is no doubt that there was an attempt to make a deal. In the December 18 meeting, one of the agents put it this way:

We couldn't say "Jack, if you say so-and-so we'll get the indictment dismissed," or "You won't have to go to trial, we'll back you to the hilt." What we could do would be to explain his position to the guy who regulates these indictments, who's going to press the thing and see if it couldn't be straightened out whereby it would be 6 instead of 7.29

In the interview on January 9, 1952, David Thompson reported to the FBI agents that Jack Hall had not been particularly receptive to the suggestion that he cooperate with the FBI. Thompson spoke:

I told him that—ah—that—I told him you know, I says, uh, when those guys were up to see me they mentioned the fact that if you weren't a Communist they wished you weren't in this deal and they wished there were six instead of seven. And Jack says you guys know darn well that he's not a Communist, and that you're trying to get him to break the union.30

A few moments later, the following exchange took place:

Agent: Well, that's a, if Jack as he indicated again as it seems to me were really out of it and got out a while back, and has been fighting them and isn't an undercover for them. You see, that's the thing that always we have to watch out for. Just kinda telling you our business a little bit, but you can see the person in fact that's undercover is possibly a greater danger to the country than one who is more open about it, and easier to keep tabs on. But we can't be naive about it, and not fully protect the security of the country and do the job that they give us to do. But I don't know.

Agent: Did you have a chance to read the paper tonight?

Thompson: No. I just read the thing on Churchill.

Agent: Check page 14, first column. (The article in question, which Thompson apparently checks as he sat there with the agents, concerns a possible defect in the original indictment, a situation which might make it necessary to re-indict the Hawaii Seven—or Six)

Thompson: Yeah, well I kind of figured this might happen.

Agent: If what he says is true, then that's when we'd like to make it 6 instead of 7.

Thompson: Um hmmm.

Agent: We're coming up to a logical place here that if it slips on beyond there'll be no turning back for anyone.31

The FBI agents did not realize that a turning point, if there ever was one, had long since passed. On January 24, 1952, Robert McElrath went on the air with the FBI recordings. The revelation was met by the friends of the Hawaii Seven with great enthusiasm. It was not even mentioned in the Honolulu Advertiser or the Honolulu Star-Bulletin. When FBI agent C.C. Weeks was asked about the recordings by the Honolulu Record, his response was a terse, "We don't comment on those things."32

During the Smith Act trial, Attorney Richard Gladstein attempted to bring Richard Burress to the stand to be interrogated about the interviews he and Condon had with David Thompson. But the government's counsel objected, saying, "He is only called here to bring a red herring into this case. You are dealing with a conversation which is absolutely irrelevant to this case. It is an old trick, one often employed, trying the agent, trying the policeman, trying the sheriff, trying the State, rather than meeting the issues of this case."33

33 Smith Act transcript, pp. 10028-9.
After much debate, Judge Jon Wiig agreed with the prosecution that Burress' testimony would not be relevant to the case, adding that "if these things (meaning the attempt to make a deal with Jack Hall) were done in excess of their authority it would not be binding on the Government in any way." Thus, posterity was denied an FBI explanation of the incident. There can be no doubt, however, that the revelation of the Thompson-FBI interviews provided the ILWU leadership with a welcome and unexpected weapon in its continuing effort to demonstrate that the Smith Act trial was another episode in the government's unending effort to "bust the ILWU."

Two more sections of the Thompson-FBI interviews are especially interesting. The first comes from the December 18, 1951 interview. The agents had been telling Thompson that Hall's cooperation would be in the best interest of the ILWU:

Agent: For every point of issue between the union and the employers, they've thrown up the issue of Communism. If they disagree with Jack Hall in anything, they can say "Goddamn red," and, "Get out of here with your Communist union."

Second Agent: It's a strike, it's a Communist effort to paralyze the community.

Agent: If he'd got rid of that, he thereby gets rid of 90 per cent of the things they've been trying to get on him, the wedge they've had on him all this time. Public opinion goes up, much better bargaining position.

34Smith Act transcript, p. 10,059.
Second Agent: Union members' morale would go up, I'm sure of that. 35

The second is even more revealing. It took place during the January 9, 1952 interview. They were discussing the possible danger the six facing trial along with Jack Hall posed to the security of the nation and the local community. David Thompson indicated that he did not see how anyone should "lose a lot of sleep" over the threat they represented. One of the agents responded:

You can't put these guys out here on any basis at all with the Communist Party leaders on the mainland who've been picked up and are under process of being tried under the Smith Act. They just don't rate. These would make poor Communists in the lowest cell in California, but they're the guys who are the leaders of the Communist Party here and so we're stuck with them. 36

In the spring of 1952, a big flap was created when John Wayne came to Hawaii to make what was undoubtedly one of his worst films, "Big Jim McLain." It was a story about a Communist effort to seize control of the labor movement in Hawaii. In it Art Rutledge played the part of an anti-Communist labor leader. People clamored for bit parts in the film or for the chance to meet John Wayne, who played the part of a two-fisted, Commie-fighting FBI agent. When Wayne left Hawaii, it was rumored that he had left IMUA $200 richer.

35 Thompson tapes, December 18, 1951, p. 16.
Politics produced no real surprises in 1952. While Dwight D. Eisenhower was being elected President of the United States, Joseph R. Farrington was being returned to Washington D.C. as Hawaii's Delegate to Congress.

In the Democratic primary to see who would run against Farrington, Judge Delbert Metzger defeated Superintendent of Public Instruction W. Harold Loper. This race was of interest because of Metzger's immense popularity in the ILWU and Loper's strong position with members of the Democratic Party's right wing. Metzger was remembered by the community for his decision in the contempt case of the Reluctant 39, for his reduction of bail for the Hawaii Seven from $75,000 to $5,000, and for his support of the contention of the Smith Act defendant's counsel that Hawaii's Federal Grand Jury was not representative of the community. Loper was remembered, primarily, for his role in the Reinecke case in 1948.

Another old fixture in Hawaiian politics was returned to office as Mayor Johnny Wilson easily defeated his Republican opponent, Neal Blaisdell. Wilson had a tougher time in his own party primary, however, defeating Frank Fasi by a scant three thousand votes. While the Honolulu Record found the 1952 primaries "practically devoid of 'red-baiting," it charged that Frank Fasi "stood out among the few who labor-baited." 37

37 Honolulu Record, October 9, 1952, p. 3.
It was a relatively calm community which greeted the opening of Hawaii's Smith Act trial on November 5, 1952, the day after the general election.\(^{38}\)

The Smith Act trial in Hawaii, as elsewhere, was largely a literary exercise. The manner in which conspiracy was construed made it possible for the prosecution to have a witness merely mention the title of a book or pamphlet or periodical which could in any way, however remote, be connected with one of the defendants, one of the unindicted co-conspirators or even one of the unnamed co-conspirators, to have the document entered as evidence and to have the defendants held responsible for its contents.

Oddly, when defense counsel sought to introduce documents which would support the contention that their clients had not conspired to teach and advocate the overthrow of the American government by force and violence, even if they had been members of the Communist Party (which

\(^{38}\)The author will not attempt to summarize the Smith Act trial in Hawaii. To do so briefly would be to cover ground which has already been covered by Robert M. McNamara in a competent Master's thesis on the subject. Robert M. McNamara, *Hawaii's Smith Act Case* (Honolulu: 1960) M.A. Thesis No. 434. And to provide a full treatment of the trial would entail a work at least as long as the present one. In addition, there was little material covered in the Smith Act trial which dealt directly with Communism in Hawaii which had not been revealed through the Reinecke hearing, the HUAC hearings and the Kawano testimony, material already covered earlier in this manuscript. The author will deal with those aspects of the Smith Act trial which demonstrate the character of the legal battle which confronted the Hawaii Seven.
was never admitted), they found the court most reluctant to admit the material in question as evidence.

In all, the prosecution presented twelve witnesses in making its case against the Hawaii Seven. There were an additional twenty-one prosecution witnesses during the rebuttal phase of the case, but they did not participate in "building" the government's case against the defendants.

Of those twelve witnesses, one, Honolulu Star-Bulletin writer A. A. Smyser, was on the stand for a matter of minutes only, describing the press conference in 1948 at which Charles Fujimoto had announced that he was the chairman of the Communist Party in Hawaii.

Of the remaining eleven, eight were residents of the Territory of Hawaii. The first local resident was Ernest L. Golden who testified that he had been a member of the Communist Party briefly in 1946. He named the members of his group, none of whom were among the defendants, raising an objection from defense attorney A. L. Wirin. In a phrase which was to become quite common, government counsel Rex McKittrick said, "We are attempting to show a pattern, and . . . certain individuals named by the witness will appear later as unnamed co-conspirators."39

The next local witness was Ichiro Izuka, whose story is already well known to the reader. His testimony in the

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39Smith Act transcript, p. 967.
Smith Act trial added nothing significant. The same is true of the third and fourth local witnesses, Emil Muller and Henry Johnson, Jr., both of whom had testified before HUAC. Golūen, Izuka, Muller and Johnson all appeared in sequence between November 24 and December 12, 1952.

The last four local witnesses appeared between January 22 and February 25, 1953, at the conclusion of the government's case. The first of the concluding witnesses was Robert M. Kempa, whose position as literary director of the Communist Party in Hawaii gave the prosecution a splendid opportunity to read a considerable amount of Communist literature into the record, including extensive passages on the Russian Revolution. Kempa's direct examination produced no surprises except for the fact that it is surprising that, for one who had been so active in the Communist Party in Hawaii from 1946-52, his name had not come up before.

Much of Kempa's cross-examination involved testifying about the pressure which had been put on him by FBI agents Burress and Condon. Kempa indicated that he had resisted at first, but after losing his Navy Yard pass in August 1952, he had begun to reconsider, finally agreeing to appear as a witness "about two weeks ago." 40

Near the end of his cross-examination, when defense counsel Richard Gladstein was discussing with Kempa the

40 Smith Act transcript, p. 5848.
tightening of security measures by the Communist Party in Hawaii in 1950, the following exchange took place:

Gladstein: Now, the purpose of that was to enable the Party to continue to do the kind of work and activity that it had been in the past, ... isn't that true?

Kempa: Yes, to continue the operation of the Party at all costs, to work for the Party's ultimate aims that were to overthrow the government and establish socialism.

Gladstein: Who suggested that you say that?

Kempa: No one, it just came to my mind. 41

After Kempa came Henry Toyama, whose testimony left little doubt that he had, indeed, been a member of the Communist Party and had been in contact with a significant number of the defendants in that capacity. He offered no new information, only variations on what had already been said. As with Kempa, it was brought out in cross-examination that Toyama had been under considerable pressure from the FBI to testify. After establishing that Toyama had signed at least two loyalty oaths in which he had perjured himself, Richard Gladstein asked him:

Gladstein: Isn't it true, Mr. Toyama, that by testifying here you expect that you will not be prosecuted for those false oaths that you gave back in 1950, am I right about that?

Toyama: Well, that is a reasonable assumption, but I am not banking on it. 42

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41Smith Act transcript, p. 5903.

42Smith Act transcript, p. 6133.
The next witness was Florence Tam, a young lady from Maui who had met the Reineckes during their tour of the outer islands in 1948. Miss Tam testified that John Reinecke had given her a copy of the Constitution of the Communist Party with the instructions that she should read it with discrimination. The prosecution also sought to introduce a portion of a letter John Reinecke had written to Miss Tam suggesting that she read certain Communist literature. The counsel for defense insisted that the whole letter be read, and when this was done it was disclosed that Dr. Reinecke's list of books for Miss Tam included books which were critical as well as those which were favorable to Communism.

The final prosecution witness was Jack Kawano. Kawano's testimony was particularly significant in the Smith Act trial because it was the first time the former ILWU leader had been subjected to cross-examination. Kawano's cross-examination alone lasted for the better part of eight days and required 861 pages of transcript for its reproduction.

On direct examination, Kawano's testimony was a composite of his July 1951 HUAC testimony and the February 1952 Saturday Evening Post article (less the sighing trade winds, the swaying palm trees and the scudding clouds), but with some augmentations.

One Kawano story is particularly interesting. It concerned a trip to the Communist Party headquarters in New
York in 1947. For some reason, this was not mentioned in
Kawano's HUAC testimony. The Saturday Evening Post article
had offered a brief account of the event:

"While I am at the Boston [CIO] convention,"
Kawano said, "it is suggested by someone that I
drop in the national offices of the Communist Party
on my way home. And at the party office I talk
with Betty Gannett and Eugene Dennis, the secretary
of the party, and then Gannett brings in an old
guy. His job, she says, is getting information.
This old guy is kind of a father type, not too
clean shave, and he talks very slow. He wants to
know all about Pearl Harbor, Schofield Barracks,
and how much military activity goes on. He wants
to know how much war materials are sent to Far
East and what contact system we have with commu-
nists in Japan and China. Most of all he wants
to know about defense operations. I tell him I
don't know about such things. Then I wonder do
don't want me to be a spy or something, and I don't
feel so good about it."

When Kawano told the same story in the Smith Act trial,
it went considerably beyond its brief mention in the
Saturday Evening Post. The "old guy" was identified as
Emmanuel Levine, a security officer with the Communist
Party's national office. "Pop," as Kawano indicated Levine
was known, had asked about one of his old friends, Jack
Kimoto. Kawano explained that Levine and Kimoto had been
friends in the Communist Party in Los Angeles before World
War II. On direct examination, Kawano said he had told
Kimoto about the meeting in a rather vague way:

I told him that I met one of his old friends
and he said, well, who was he? And I told him

43 English, p. 54.
that I do not recollect the name. And he said, well, what kind of guy was he? So I told him that he was kind of old, that he stated that he worked with you in Los Angeles and that he also asked me whether we have established a liaison between the Communist Party in Japan, China and the Philippines with Hawaii. And I told him that he told me to say hello to you, and he thought about it for a while and he said, well, maybe I know who you mean. But he did not tell me exactly whether he knew that guy or he did not try to repeat his name or anything like that.44

When asked directly by counsel for the prosecution whether this was the extent of his conversation with Kimoto about "Pop" Levine, Kawano replied, "Right."45

During cross-examination, Richard Gladstein pressed Kawano on the "Pop" Levine story:

Gladstein: Now this conversation, this part of the conversation about munitions, the shipments, the installations, the military personnel, you never told Mr. Kimoto or Ariyoshi or Charles Fujimoto or Eileen Fujimoto or Jim Freeman or Jack Hall or John Reinecke, did you?

Kawano: I did not.

Gladstein: And the first time you gave any public expression of it was in the Saturday Evening Post article.

Kawano: Right.46

Kawano was also questioned about those who had encouraged him to go to Washington D.C. to testify before HUAC. As before, Kawano named Chuck Mau, Mitsuyuki Kido, Dr. Ernest Murai and Daniel Inouye as being principally responsible.

44Smith Act transcript, p. 6733.
45Smith Act transcript, p. 6734.
46Smith Act transcript, pp. 7321-2.
Sakae Takahashi and Ernest Heen were mentioned as having taken lesser roles in his decision. John Burns and David Benz, whom Kawano had mentioned when he testified before HUAC were not mentioned during the Smith Act trial. After establishing some of the personnel involved, Gladstein drove to his point:

Gladstein: Isn't it a fact that during the time these people were constantly working on you to clear yourself, Mr. Kawano, they offered you money to set yourself up in business?

Kawano: Absolutely not.

Gladstein: Isn't it a fact that you did receive loans from them to set you up in business?

Kawano: Correct. . . . I will read off to you the individuals whom I borrowed the money from: first, Mr. Kido I borrowed $2750; from Mr. Murai I borrowed $1700; from Mr. Doo I borrowed $2000; from my brother I borrowed $1000; and from the Capital Investment Company I borrowed $1000. . . .

Gladstein: Did you give notes for this money? . . .

Kawano: Yes.

Gladstein: Were any of them secured?

Kawano: Yes . . . by Mr. Mau. . . .

Gladstein: All the notes?

Kawano: All the notes except the thousand dollars I borrowed from my brother. . . .

Gladstein: Were they gifts or loans?

Kawano: They were loans, as you can well see, as you can see for yourself.

Gladstein: Did you pay any part of them back?

Kawano: Not yet.

Gladstein: When did you make them?
Kawano: Sometime in the latter part of 1951.

Gladstein: About a year and one half ago?

Kawano: Approximately, yes.

Gladstein: As a matter of fact, some of these notes have a little trick clause in there that says that you wouldn't ever have to pay them at all unless you are able to and willing to do it, isn't that right? . . .

Kawano: The understanding was that, as I made profits by operating that store, I was to pay back any portion of the loan that I have borrowed from time to time. However, while operating the business, if I happened to go broke and became penniless again, then those few individuals who loaned me the money, particularly Mr. Kido, Mr. Doo and Mr. Murai, they stated that in the event that I go broke and go penniless, forget about it. But if I make the money, if I prosper, they expect me to pay back.47

Obviously the defense was seeking to establish that Jack Kawano had, in some way been bought off by those who were using him to demonstrate their loyalty. While the purpose is difficult to ascribe with absolute certainty, there is no doubt that Jack Kawano had financed his liquor store in a very irregular manner.48

Not only was the financing of Jack Kawano's liquor business unusual, but the manner in which he obtained his

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47Smith Act transcript, pp. 7214-20.

48Ultimately, Kawano's business failed. The author has been unable to ascertain whether any of the loans were repaid. In the author's March 22, 1975 interview with Howard K. Hoddick, the former acting U.S. Attorney said that one of the government's special deputy prosecutors, Rex McKittrick, helped Kawano obtain a job in Southern California after the Smith Act trial had ended.
license to do business was equally irregular. Richard Gladstein brought evidence into court from the liquor commission to show that 1) Kawano's liquor store was in an area designated as zone 17, 2) between July 1, 1945 and September 28, 1951, five applications had been made in zone 17 for liquor permits by responsible individuals in the grocery and meat business, all of which were denied. Gladstein further asserted that Kawano was granted his liquor license after a closed hearing, such hearings normally being public. On these matters, Gladstein made the following observation:

We submit that the jury would be entitled to draw the inference that Mr. Kawano was the recipient of a very special and unusual--I will not say illegal--unusual and favorable benefit and advantage and that that, too, was a part of the entire consideration that was exchanged for his testimony.49

In his cross-examination of Jack Kawano, Richard Gladstein made a strong effort to show that Kawano had become derelict in his union duties in the last two years of his membership in the ILWU:

Gladstein: Isn't it a fact that ever since 1947, your own local union had to beg you to come to union meetings and take care of their grievances for them, isn't that true?

Kawano: If that was true, how come I was elected as an officer the following year?

Gladstein: From 1947 on, didn't Mr. Kimoto talk with you again and again, begging you to pay attention to your union duties?

49 Smith Act transcript, p. 7268.
Kawano: I believe Mr. Kimoto talked to me about two or three times.

Gladstein: In 1947, didn't the executive board of your union have to write to you and ask you to come and attend meetings?

Kawano: Correct. That was because I had other duties. At that time I was also president of the Territorial Council of the ILWU and I had been working on assignments sometimes on this island and sometimes on the outside islands. The assignments on this island sometimes included the legislature. In 1949, I was the legislative representative for the Territorial group in the legislature.

Gladstein: Did you ever tell that to the long-shore local?

Kawano: I did. They knew where I was.

Gladstein: They knew you were shooting pool?

Kawano: I shot pool once in a while.

Gladstein: They knew you were playing golf instead of taking care of their grievances?

Kawano: I played golf once in a while. I shot pool once in a while, and once in a while I played poker, just like Jack Hall.50

Under relentless pressure from Gladstein, Kawano admitted having said on several occasions that he "deeply hated Jack Hall." Kawano was quick to explain that this hatred

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50Smith Act transcript, pp. 7197-7201. However the earlier part of the exchange is judged, the last comment of Kawano's about Hall must be interpreted as a "cheap shot." Hall had a reputation among friends and enemies alike as a monumentally hard worker. In the author's March 13, 1975 interview with David Thompson and his March 21, 1975 interview with Robert McElrath, both ILWU officials had stories to tell about Kawano's progressive negligence in the performance of his union duties. McElrath offered as an example an occasion when Jack Kawano allowed a union contract to automatically renew itself at a time when it
stemmed entirely from Hall's membership in the Communist Party.

The net effect of Kawano's testimony is mixed. There is no doubt that there was a basis in truth for much of what he said. But the way in which he colored his testimony is difficult to evaluate with precision. There is no doubt that he was at least partially motivated by vindictiveness towards Hall and the ILWU. In speaking with some individuals who were at the trial, the author has concluded that those who were predisposed to believe Kawano, believed him; those who were predisposed not to believe him did not. Few were on the fence.

There were three more prosecution witnesses about whom a few words must be said: Paul Crouch, Daisy Van Dorn and John Lautner.

Paul Crouch was a minister's son from North Carolina who had drifted away from his home at the age of 21, coming to Hawaii in 1924. Having been converted from the Baptist to the Communist faith, Crouch got himself in trouble for preaching Marxism to his Schofield Barracks buddies. For his political activities, Crouch was court-martialed and sentenced to a three year term at Alcatraz. Freed in 1928, Paul Crouch went to work for the Communist Party, remaining on the party's payroll until 1942.

could, and should have been re-opened. Kawano was also reported as having put a slot machine in his office.
As an expert witness, Crouch was allowed to go on at great length about his own personal experiences in the Communist Party, although he had been out of the Party for three years before the alleged conspiracy of the Hawaii Seven began.

Probably the most colorful part of Crouch's testimony was his description of his visit to the Soviet Union shortly after he was released from Alcatraz:

I participated in meetings of the Executive Committees of the Communist and Young Communist Internationals, the World Congress of the Red International Trade Unions. I met with members of the general staff of the Red Army, reported to them and received directives from them. I received a commission as an honorary regimental commander in the Red Army. I met with leaders of the Soviet Government and the Communist International including Lenin's widow, Krupskya, V. M. Molotov, Sen Kateyama of Japan, Harry Pollitt of Great Britain, and many other leaders. I spoke over the Comintern radio station. I received a commission of five members to draw up a documentary program for infiltration of capitalist armies and methods for Communist activities during a future war. 51

Such evidence was objected to again and again throughout Crouch's testimony. But Judge Wiig invariably held that such testimony gave an insight into the workings of the Communist Party and was, therefore, relevant--and binding upon the defendants.

The same was true with the literature which was read into the record, Crouch, as an "expert" witness, had every

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51Smith Act transcript, p. 48.
opportunity to demonstrate his knowledge of Communist literature. And after he had introduced a work which had, for example, been used in one of the Communist Party schools in which he had taught, the prosecution would then read copious amounts of the volume in question into the record. This was done so often that the mere announcement that the prosecutor was going to read would have the immediate effect of emptying the courtroom of spectators. A joke making the rounds went as follows:

Prosecutor: Have you ever seen a coconut tree?
Witness: Yes.
Prosecutor: Where?
Witness: In front of the public library.
Prosecutor: Good, I shall now read to the jury the history of the Russian Revolution.52

There was no effort made to show that Paul Crouch's brief adventure in Hawaii in 1924 had put him into contact with any of the defendants. There was testimony, however, to the effect that he had taught Jim Freeman in a Communist Party school in Alameda County in California just before World War II. Crouch was used as the government's first

52ILWU, Running Story, February 5, 1953, p.m., p. 1. Running Story was a twice-a-day report of the Smith Act trial put out by the ILWU. Robert McElrath, in 1975, called it "pure propaganda." The ILWU library has a more objective summary of the trial which was maintained by Theodora Kreps for the union. It will be quite valuable for the scholar who eventually writes the full account of Hawaii's Smith Act trial.
witness, and there can be no doubt that his testimony had a strong cumulative effect upon the jury despite the fact that the defense attorneys sought to show its contradictions and general irrelevancy.

Daisy Van Dorn's testimony can only be called outrageous. When describing her own Communist Party training in San Francisco, "Bloody Daisy," as she came to be called, grew very excited. The erratic grandmother offered the following scenario for the coming revolution:

We were instructed that we were to go as far as cutting the telephone lines of our neighbors. . . . Also we were taught that we were immediately broken down to smaller classes, clubs, groups, as it were, and we were to have, each club, eight guards. . . . We were to take all our orders from them when the revolution broke, which would not be long, and they promised us in this class that they had food stored up for us for the time of the revolution. . . . I was supposed to be the nurse in one of the houses and I was to assist and take care and bandage up only members of the Party. . . .

When Howard K. Hodlick tried to break in on Daisy's testimony, she was quite angry, telling Hodlick, "I'm not through yet."
And, indeed, she wasn't. Speaking of her instructor, Ann Polanchek, Daisy uttered the lines which were the source of her well-earned nickname:

She said, "Now, there will be lots of blood running in the streets. It will be bloodthirsty, but we will gain our victory of socialistic government."

53Smith Act transcript, pp. 3250-51.
Defense counsel sought to have a mistrial declared, so inflammatory was the testimony of Bloody Daisy. But Hoddick managed to swallow hard and say:

We will submit now . . . that so far as the evidence of Ann Polanchek, it is material and relevant only as it goes to the nature and purpose of the Communist Party. . . . In this connection, upon showing that these defendants in this court knew the aims . . . and nature of the conspiracy, we submit that this evidence of Ann Polanshek's teachings and instructions would properly be binding against these defendants. 54

Judge Jon Wiig found Hoddick's argument reasonable and denied the motion without comment.

If Crouch and Van Dorn were flamboyant, the last of the government's imports from the mainland was not. John Lautner was the government's chief witness in every Smith Act case after the Dennis case in 1949. John Lautner was a Communist Party wheelhorse from 1932 to 1950, when he was unceremoniously expelled from the party. Herbert L. Packer, in his volume, Ex-Communist Witness, chose Lautner as one of his four representative subjects. In his conclusion, Packer says the following about Lautner:

John Lautner's workmanlike role in the Communist movement is echoed in his stolid, pedantic, relatively unshakable testimony. To be sure, he has been tripped up on more than one occasion. He has also been evasive, militantly self-justifying, and all the other things one might expect of a man who, late in life, finds himself in the unenviable position of repudiating his life's work. Yet he gives the over-all impression of close familiarity

54 Smith Act transcript, p. 3327.
with the Party's ideology and, more important, with the day-to-day details of its operation.

Strongly in Lautner's favor as a witness is the fact that . . . he has not carved out an extra-testimonial career as an ex-Communist. He has been paid, and paid well, for his testimony. But he has not had the additional impetus to fabricate that comes from the creation of a public image that must constantly be refurbished by yet another round of revelations.55

Howard K. Hoddick told the author, in 1975, that John Lautner was the government's most satisfactory witness. He was surely their most heavily used witness. His testimony covers 2,239 pages of the transcript. Lautner was the "expert" on the aims and purposes of the Communist Party and his testimony epitomizes what the author referred to earlier as the literary aspects of the Smith Act trial. For a full month Lautner sat on the stand competently working at his job as a professional ex-Communist. His employers were pleased, defense counsel was exasperated, and the public was generally bored.

The defense and its rebuttal will not be discussed here beyond saying that it was not responsive to the case the government had attempted to make. None of the witnesses appeared in his own behalf. What happened, instead, was a parade of character witnesses (50 witnesses appeared in behalf of one or more of the defendants), followed by a parade of prosecution witnesses, stating that the character

of the defendants was bad (21 such witnesses were produced to the government).

But the example of the Dennis decision which defined the law in this case and the seemingly unquestionable fact that all seven defendants were, at some time during the alleged conspiracy (April 1, 1945 to August 28, 1951), members of the Communist Party, combined to produce an almost inevitable decision. The Hawaii Seven were convicted on June 19, 1953, after the jury had deliberated for sixteen hours.

The six men were sentenced to five years in jail and fined $5,000. Eileen Fujimoto was sentenced to three years in jail and fined $2,000. At the request of the government, bail was raised to $15,000 while the appeal of the decision worked its way through the courts. The ILWU Defense Fund was able to get Jack Hall released immediately, but the others had to spend a week in jail while bail was being arranged. None of them ever returned to jail.

On June 17, 1957, almost exactly four years after the verdict in the Hawaii Smith Act trial, the United States Supreme Court made the decision which led to the reversal of the conviction of the Hawaii Seven. In *Yates v. United States* (354 U.S. 298), the conviction of fourteen convicted leaders of the Communist Party in California was overturned. Justice John Marshall Harlan considered the Yates case from several viewpoints. His first ruling was statutory rather
than constitutional, and had to do with the term "organize."
The government had argued that the term organize connotes a continuing process and was not, therefore, subject to a three-year statute of limitations. Justice Harlan and the majority of the court held that the statute of limitations did apply, thereby overturning the convictions.

On the constitutional question, there is no doubt that Harlan, his own protestations to the contrary notwithstanding, led the Supreme Court back to a position more closely in tune with Holmes' "clear and present danger" doctrine:

> We are faced with the question whether the Smith Act prohibits advocacy and teaching of forcible overthrow as an abstract principle, divorced from any effort to instigate action to that end, so long as such advocacy or teaching is engaged in with evil intent. We hold that it does not. 56

On January 20, 1958 the Hawaii Seven became the beneficiaries of the Yates decision. Eight and one-half years after their original arrest, their legal ordeal had finally ended. 57

CHAPTER XIV
CHANGING TIMES

The anti-Communist impulse did not die in Hawaii with the end of the Smith Act trial. But the immediacy of the issue disappeared as rapidly as the series of protest strikes that greeted the conviction of Jack Hall and his six fellow defendants. Hawaii produced no Julius Rosenbergs or Alger Hisses to substantiate in the minds of the residents of the Territory any real connection between the Communist Party in Hawaii and Moscow.

The story of Communism in Hawaii, as "revealed" by the anti-Communists, was largely completed during the year between Governor Stainback's Armistice Day speech in 1947 and the final dismissal by the Territorial Department of Public Instruction of John and Aiko Reinecke on October 29, 1948. The Izuka pamphlet and its elaboration in the Reinecke hearing remained the basic working document of the anti-Communists. Those accused of Communist associations had learned from the Reineckes' experience that the times did not allow for the luxury of a philosophical elaboration of the radical political persuasion. As I. F. Stone put it in 1951, "If I were a lawyer with a radical client these days
I wouldn't let him assert under oath that he wasn't a two-headed calf."¹

By 1955, the spear of the anti-Communist thrust had been blunted. The irresponsible career of Joseph McCarthy had come to an abrupt halt with his humiliation at the Army-McCarthy hearings and with his formal censure by the United States Senate in December, 1954. In April, 1955, Attorney General Herbert Brownell announced that the Justice Department was giving up the practice of retaining full-time "consultants" on Communism. Ended were the careers of such noted former Communists as John Lautner, Paul Crouch and Louis Budenz who, in the words of I. F. Stone, had told their "familiar story of the Communist conspiracy with the glibness of a traveling evangelist describing the details of hell."²

The Truman administration had given way to the administration of Dwight D. Eisenhower, who had promptly gone to Korea and ended that struggle on terms for which Truman might well have been impeached. And despite the wishes and rhetoric of his moralistic Secretary of State, John Foster Dulles, Eisenhower had no wish to take on the mantle of French colonialism in Indochina in the name of anti-Communism. Nor

²Stone, p. 191.
did Eisenhower intend to "roll back" the Iron Curtain in Europe if a substantial risk of war were involved.

By 1954, the Democrats of Hawaii were tired of apologizing for the Communist albatross the Republicans had so long wrapped around their necks. In his book, *Journey To Washington*, Daniel Inouye described a dramatic moment in the 1954 election campaign when a Democratic rally was interrupted by a so-called Republican "Truth Squad." The leader of the interloping Republicans told the audience that the Democratic Party was in the hands of men who were, as Inouye recalled it in 1967, "the willing tools of ILWU leader Harry Bridges and hence, at the very least, soft on communism." Daniel Inouye, the one-armed war hero who was running for the Territorial House of Representatives, recalled that he rose from his seat and took the microphone from the head of the "Truth Squad" and addressed the audience saying,

I cannot help wondering whether the people of Hawaii will not think it strange that the only weapon in the Republican arsenal is to label as communists men so recently returned from defending liberty on the firing lines of Italy and France. Let me speak for those of us who didn't come back--I know I speak for my colleagues on this platform, and for good Democratic candidates everywhere in these Islands--when I say that we bitterly resent having our loyalty and patriotism questioned by cynical political hacks who lack the courage to debate the real issues in this campaign. . . .

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I gave this arm to fight fascists. If my country wants the other one to fight communists, it can have it. 4

After the dust of battle had settled in the fateful political "Revolution of 1954," the Democrats found themselves with a two-thirds majority in both houses of the Territorial legislature. Hawaii's "normal" Republican majority henceforth became a "normal" Democratic majority.

The Republicans, now a minority, continued to hammer away at the issue of Communism. A review of the Republican Party platforms throughout the decade of the 1950's shows that the Republicans pledged themselves to oppose Communism and to support the Territorial Subversive Activities Commission. It was not until 1962 that this biennial pledge disappeared. 5

In 1958, John A. Burns, then Hawaii's Delegate to Congress, met the charge of Communist penetration in the Democratic Party by pointing out that according to the FBI the Communist Party, which had 160 members in 1946, had only thirty-six in 1952. The success of the Democratic Party, Burns asserted, had killed the Communist menace. 6

4Inouye, pp. 248-49.


The nature of the Communist Party in Hawaii had, indeed, changed by the mid-1950's. There is a good deal of evidence that the more ideological members of the Party felt somewhat betrayed by their more pragmatic brethren from the ILWU who had largely dropped out of the Party when it became an impediment to the union's continued strength. The ILWU had become a part of the new establishment, and as Jack Hall said in 1968, "The radicals are no longer in the unions. They are on the campuses." 7

The ILWU became so much a part of the establishment that upon his death in 1971, Jack Hall was treated as a labor statesman by friend and former foe alike. Gene Hunter, associate editor of Hall's old nemesis, the Honolulu Advertiser, wrote:

Although sometimes accused of being a Communist and once arrested for allegedly conspiring to teach and advocate the overthrow of the United States government, a violation of the Smith Act, Mr. Hall, long before his death was recognized as a respected community leader, working on a variety of civic programs with some of the same businessmen he at one time counted among his bitterest enemies.

Throughout his life he was to fight for racial equality, for higher wages and better working conditions for laboring men and women and for the improvement of social conditions which he found abhorrent—sometimes at peril to his life and reputation. 8

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The specter of Communism in Hawaii was kept alive on
the national scene until statehood was achieved in 1959, but
it was maintained primarily as a convenient diversion for
racist Southerners such as James O. Eastland (D-Miss.) and
Olin D. Johnston (D-S.C.) who brought their Senate Internal
Security Subcommittee to Hawaii for six days of hearings in
November and December of 1956. At the hearings, former
Governor Ingram M. Stainback sought to justify his anti-
Communist actions during his governorship; the then governor,
Samuel Wilder King, sought to demonstrate that he was as
much against Communism as anyone; the head of the Territorial
Subversive Activities Commission complained to the senators
that the Democratic legislature in Hawaii had cut the com-
misson's 1956 budget request by more than fifty percent.
There were a few familiar names refusing to testify before
the committee, but on this occasion there were no threats
of contempt charges. In short, there were no surprises to
arouse a disinterested community.

Most individuals with whom the author has spoken agree
that there was an over-reaction to Communism in Hawaii.
There are some, such as Dr. Lyle G. Phillips, former
president of IMUA, who claim otherwise, but they are in the
minority.9

9Interview with Dr. Lyle G. Phillips, March 17, 1975.
Dr. Phillips, a retired physician, not only felt that the
Communist menace was every bit as large as IMUA had painted
it during the peak years of the Hawaii Residents' Association's
In 1975, A. A. Smyser, editor of the Honolulu Star-Bulletin, spoke about the days in the late 1940's and early 1950's when he was covering the political scene for the Star-Bulletin. There was an over-reaction to Communism, Smyser told the author, but he quickly added that this phenomenon must be looked at within the context of the times. And the times were dominated by fear. 10

Howard K. Hoddick, in 1975 a successful attorney in Honolulu, was one of the key figures in the Smith Act trial. As acting United States Attorney, Hoddick carried the lion's share of the burden in preparing the government's case against the Hawaii Seven. Commenting almost a quarter of a century later on that trial, Hoddick told the author, "Looking back, we probably wasted a lot of time. The trail was too thin, if there was any trail at all. But we believed it at the time," Hoddick concluded. 11

power, but maintained that the Communists had actually won out in the struggle without the public ever realizing that it had happened. Dr. Phillips bemoaned the fact that IMUA no longer receives the support it formerly got from the Big Five and the trusts. "They quit a few years ago," Dr. Phillips told the author, "and IMUA is falling apart now."

10 Interview with A. A. Smyser, March 21, 1975. Mr. Smyser indicated to the author that the greatest fear existed during the time of the 1949 dock strike when so many institutions, all in a state of flux, were so severely tested.

11 Interview with Howard K. Hoddick, March 22, 1975.
Fear was not the exclusive companion of one side during these troubled years. David Thompson, still the ILWU's educational director in 1975, observed that fear afflicted the ranks of labor during those days, "especially the Japanese who had been through it before." Thompson spoke of the fear of losing a job, of being overcommitted to the union, and of the possible failure of unionism.12

Fear is a breeder of conspiratorial thinking. The post-World War II era had many sources from which fear might emanate. Besides the international and national concerns which filtered their way into the Territory's consciousness, there were more immediate sources of concern: the Japanese-American's experience both at home and abroad during World War II, the changing relations between labor and management which had been dimly perceived before World War II and were so explosively apparent by the end of the war, the sense of a new day dawning in Hawaii's politics—all of these created a situation in which it was easy to believe in conspiracy. The bosses' conspiracy and the Communist conspiracy were both exaggerated.

It took time for the new world which rose out of the ashes of World War II to begin to come to terms with itself. That process continues to this day. But in Hawaii, the new relationships which produced the "Revolution of 1954" have

12 Interview with David Thompson, March 13, 1975
become established and, generally, accepted. There are many who do not relish looking into the closets of the past, who would rather not rattle the old bones of years gone by. For the lion has learned to live with the lamb. And in these days, it is sometimes hard to tell which was which.

The author encountered no more poignant demonstration of changing times than that encountered in the office of the president of AFL-CIO Local 5, Arthur Rutledge. On the walls of Rutledge's spacious office hang oil paintings of a dozen or so individuals who have made great contributions to the growth of the union. One of those paintings is of a man whom Art Rutledge, ardent anti-Communist that he was in 1947, helped drive out of the public schools where he had taught for twenty years. That portrait is of John Reinecke.
APPENDIX A

DEFENSE EXHIBIT "H" IN EVIDENCE

Principals'
Circular No. 943

DEPARTMENT OF PUBLIC INSTRUCTION
TERRITORY OF HAWAII
HONOLULU

March 16, 1948

TO ALL PRINCIPALS:

"ZEAL FOR AMERICAN DEMOCRACY"

The professional obligation of the teacher to remain neutral on controversial issues, to present impartially the facts and arguments on both sides of any question, may result in some uncertainty on the subject of Communism. Such uncertainty, if it exists, is no doubt increased by the confusion deliberately fostered by Communists. The propaganda that teachers are threatened with gag rule, that FEAR has silenced them, is in itself a crafty suggestion that they need to be afraid. The fact that some states recognize a political party called Communist may give rise to some honest doubts. Teachers have shown a commendable disposition to suspend judgment, where individual loyalties have been questioned, until the facts are in and the evidence heard. But this virtue can easily be exploited by subversive forces. It is a simple trick to interpret silence as a sign of timidity. And finally the very devotion of teachers to the cause of civil liberties may disarm them for the encounter with Communism unless clear thinking and full discussion prevail.

Two distinctions need to be made sharp and clear to dispell any such confusion. First we must differentiate positively between the appropriate attitude of the teacher toward controversial issues in general and the role of the teacher with respect to Communism. Then we need to contrast boldly the principles of American Democracy with the cunning strategy of the Communist Party.
The seriousness of the problem is clear enough and becoming clearer every day. The magazines are full of it. Press, radio and official reports have brought it into sharp focus. The tragedy of Czechoslovakia may be due for re-enactment in Italy. Then France may be next. It can’t happen here, we hope; but if not, it will be because we stop it now. Current events in Europe show the pattern of "intimidation, fraud and terror" by which free countries are taken over. The discrimination we need here will depend upon sober, judgment, not emotional propaganda. A brief review of the contrast and conflict between Communism and American Democracy may lead to a profitable exchange of ideas concerning the problem.

The Communism we are talking about is not just another political party. It is a dictatorship which demands unswerving loyalty and uncritical obedience. As a philosophy of life and a system of government it is the very antithesis of democracy. It places little value on human personality; the individual is of no importance except as a servant of the state, to be liquidated for the slightest deviation from the Party Line. It holds that the end justifies the means, and teaches its devotees the black arts of deceit, falsehood and violence as a means to power. It abuses the moral principles and civil liberties of free peoples in order to destroy those principles and abolish those liberties. It tolerates no disagreement, no freedom of thought or action, and crushes all opposition.

We cannot afford to compromise nor to temporize with such a system. It does not present a debatable question which has two sides for good Americans, for it would destroy the very possibility of effective difference of opinion on all other issues. And yet our defense against it is not the method of the secret police and the firing squad. Our defense is education. It is our responsibility to lead youth to an understanding of how our freedom depends upon constitutional government, what the alternative of tyranny under absolute power would be like, and what duties and responsibilities we have as citizens of a democracy. We have inherited a system and a tradition of holding our representatives responsible to the will of the majority, and of respecting the rights of minorities. We place supreme value on individual human personality and make the state subservient to that end. We guarantee protection for the individual against arbitrary use of official authority. All of this we stand to lose if we fail in our educational task.

These values we have taken for granted, possibly because the threat of their destruction never before has been so great. If they are understood, especially by our young people, if Democracy is made to work effectively, we have
little to fear from Communism in our country. But to allow Communism to grow by granting to it the status of any other controversial issue, feeding on ignorance and injustice, is blindness indeed. Free speech and majority rule are characteristics of Democracy, not of Communism. If he who would destroy free speech claims it as a right, we would do well to remember that liberalism is not called upon to commit suicide in the name of consistency. To carry freedom to the point of self-destruction is absurd.

Under our machinery for orderly and peaceful change, there is room for wide divergence of opinion. Both the liberal and the conservative, the radical and the reactionary, are free to win support for their ideas, by the method of open discussion and persuasion. When a sharp line has been drawn between this procedure and the practices of totalitarianism, whether of the right or the left, then both the conservative and the left wing liberal are in a stronger position. Unless this distinction is drawn, anyone of liberal ideas is apt to be called a Communist.

The labor movement offers a good example of this tendency. Some who are opposed to labor unions in general, condemn Communism and organized labor in the same breath. In doing so they take in too much territory. For workers to join unions and employ concerted action to improve their incomes and conditions of work is perfectly legitimate. But the unions themselves, if they are smart, will throw out the Communists. If they fail to do so, they center upon themselves and their legitimate union activities all of the opposition to Communism.

A wise teacher, in the discussion of any controversial issue will not use his position nor his classroom to spread propaganda for either side. He will present the facts, help with the analysis, and submerge any personal prejudices he may have. He will indulge in only one kind of indoctrination, namely, the use of the democratic method of resolving such conflicts. However, where the question of Communism is concerned, such academic impartiality is a sign of un-critical thinking. There is no middle ground on this issue.

What more can we do about the challenge and the threat of Communism? How can we combat it without violating our own principles of political freedom? We can read about the problems involved, discuss them with our co-workers and unify our thinking concerning them. An excellent starting point is the special issue of SCHOOL LIFE for February, 1948, from which the title of this circular is borrowed. United States Commissioner of Education, John W. Studebaker, in the leading article quotes J. Edgar Hoover on a number of "don'ts" to remember in the fight against Communism, and then adds a number of positive admonitions of his own:
"Don't confuse liberals and progressives with Communists."

"Don't fail to make democracy work, with equal opportunity and the fullest enjoyment of every American's right to life, liberty, and the pursuit of happiness."

"Do give young people a clear understanding of the essential elements of the American democratic way of life.

"Do contrast very concretely the philosophy and practices of democracy with those of dictatorship.

"Do help young people to recognize the elements of Communist strategy and to be intelligent and skillful in thwarting that strategy."

We can all cooperate in the national program for "ZEAL FOR AMERICAN DEMOCRACY" by reading the articles in that magazine and discussing them in teachers' meetings. Let us know in the Central Office what you and your staff think of them. We shall also welcome the reaction of principals and teachers to this statement, including any criticism or any suggestion for modification or extension of it.

Very truly yours,

[signed] W. H. Loper

WHL/ED

SUPERINTENDENT.
Greetings:

Last New Year we did not write you because we were taking a vacation on Maui and most of you already had Aiko's letter about the sugar strike. This New Year we shall return to our annual custom, though we are on trial for our lives - do not start, it is only our economic and professional lives. We are suspended from our positions on charges of membership in a "secret, underground society," namely the Communist Party of Hawaii, and of all the odious and disreputable consequences of such membership.

To give the background of what the newspapers are headlining as "the Reinecke case" we must drag in pretty much of the economic and political developments of the past two years. So sit and read patiently.

The ILWU-CIO grew like Jonah's gourd all through 1944 and 1945 and most of 1946. It brought all sorts of benefits to its members: standardization of wage rates and job classifications, a million and a half in overtime pay, relief from petty oppression by managers and foremen, a spirit of freedom in plantation life. It threw its weight about in the 1944 elections. The employers, the famous but misnamed Big Five (the Big One, really), looked upon it with apprehensive eyes. The ILWU offered them the hand of friendship but they would not shake it. The Hawaii Employers Council, which assumed the negotiation of all labor contracts, became more and more an instrument for stalling negotiations and fighting unions in a gentlemanly, underhanded way. (We give not our own opinion but that of an NLRB trial examiner.)

Result: the sugar strike of September 1 to November 14, 1946. Aiko described it in a letter which most of you have read. If you did not get a copy, and want one, let us know. The union won cash gains averaging about 20 cents an hour, had the century-old, dependence-breeding perquisites system abolished and cash paid in lieu of the perquisites, and
brought a great feeling of independence and manliness. During the strike all the waverers joined the union. It was a frightening victory. All the more frightening because of the success of CIO-PAC. The progressive wing of the AFL had parted company with the ILWU and no real effort was made to bring in citizens not in unions; yet PAC showed itself stronger than in 1944.

This was in spite of a burst of Red-baiting such as accompanied the elections on the mainland. To vote Republican was to vote for the only truly American party. One Republican candidate went about Jew-baiting, since three of the ILWU leaders here during the strike had German names, and boasting how he would run these men out of the Islands. Meanwhile the semi-fascist Advertiser carried cartoons of three repulsive, hook-nosed carpetbaggers raking in union dues. The Advertiser was full of hysterical letters, the most hysterical being one written by blue blood S. N. Castle, member of several learned societies:

"How long, how long are we to be dupes - to supinely let a set of saboteurs ignore or ridicule our courts, defying our laws tho claiming their protection? The MASK slips slightly and reveals - the face of MOSCOW. Uncle Joe says, 'Vote for PAC-CIO endorsed candidates.' Are we to live free . . . or are we going to be content to become the SLAVES OF MOSCOW? The issue is joined - I say and I say again. NO AMERICAN can AFFORD to vote for ANY candidate endorsed by PAC-CIO."

The issue was somewhat confused by PAC's refusal to go all out for the Democratic Party. Joseph Farrington, delegate to Congress (see the cover of Time, December 22), is publisher of the largest daily. For Hawaii, he is something of a liberal. He is a persistent and effective fighter for statehood, which is the ILWU's great goal also. (The whole business community were for statehood then, publicly. Today some of the most important men are openly against it, mingling "Jap" and "Red" in their arguments.) PAC, with one eye on statehood and the other on the neutrality of the Star-Bulletin during the strike, endorsed Farrington over William Borthwick, Democrat, the candidate of Governor Ingram M. Stainback.

Had PAC endorsed Borthwick we might be writing a very different letter. For the governor, who comes from the state of Senator McKellar, has some of McKellar's stubborn vindictiveness in him. By the end of the strike, which coincided with the close of the elections, Stainback and the ILWU were bitter political enemies. The governor demanded Jack Hall's resignation from the Honolulu Police Commission, to which he had appointed him, on the grounds that Jack had written a scathing open letter against an injunction-granting judge.
Jack replied with: Everyone knows the real reason, that I did not support Borthwick. Within the union, too, there was some dissension over the endorsement of Farrington, because the Democratic Party is traditionally the poor man’s party. In the case of one unionist this dissension, as you will see, has had serious results.

Farrington was re-elected, though the haoles of the silk-stocking precincts scratched the Republican ticket for the first time in history and voted for Borthwick. Elected also, by a margin of 16 votes, was 72 year old Johnny Wilson, Democratic mayoralty candidate, even though Merchant Street poured money freely in support of its own blue blooded son, "Montie" Richards. (Wilson is a great fighter, and today he is on the worst possible terms with the governor because the latter, it appears, brought about the miscarriage of a drive to clean up the police force, which had taken bribes wholesale from the brothels.) Elected to the Honolulu board of supervisors was John's former student, a strong labor man named Kageyama. "Moscow's kiss of death" did not frighten the voters as it did Castle, but neither was PAC strong enough to overcome the old practice of voting for personal and racial reasons. The score: a clean sweep of Maui county's board of supervisors; control in Kauai County; 8 Republicans and 7 Democratic senators, nearly all of them conservatives; 16 Republican and 14 Democratic representatives.

Then a Republican from West Hawaii died. Both parties threw all they had into the by-election. The Democrats won by a small margin. Score: 15-15. Consequences: An 18-day deadlock in organizing the House, which was ended when a PAC endorseee "sold out." No legislation of importance, good or bad, passed. Deepened apprehension on the part of the Big Five. And Roy A. Vitousek, brains of the Republican Party, died of heart failure during the session.

This seems a very discursive way of getting to the suspension of the Reineckes. But have patience.

The Communist Party has no monopoly of "fronts." During the sugar strike a new program was put on the air, at first under the auspices of the Elks, called Spearhead for Americanism. Its later means of support are not visible. It followed the approved pattern. First a series of broadcasts on the horrors of Russian Communism, adapted from material supplied by a fascist organization, "dumbed down" and presented in the tradition of ham melodrama by a vulgar little announcer who by now fancies himself the chief savior of Americanism. Next the ILWU-CIO was indicated as the local agent of Moscow. Finally everything displeasing to Merchant Street was smeared with red: a territorial fair employment practices act pushed by the Hawaii Association for Civic Unity, a proposed medical
insurance bill (not even supported by the unions!), a milk-and-water consumers' council worrying over high prices. All this in broadcasts that literally turn the stomachs of intelligent folk. But effective, effective.

In March 1947 the Pearl Harbor reports were published. One volume contains photostats of charts compiled by the FBI, apparently before June 1941, showing agents and sympathizers of the Axis powers and Communists and fellow travelers. The quality of those monkeys' sleuthing is evidenced by two entries. A judge just recommended to the territorial supreme court is listed as a German sympathizer because he belonged to the Anthroposophy Society. Another man, a Jew, is on two lists of sympathizers, the German and the Communist. At the top of the Communist chart is the "Central Committee," namely Jack Hall, Jack Kimoto, the McElraths, and John Reinecke. This chart, for all its absurdities, was wonderful grist for the Spearhead mill. It is accepted by gospel by many. The governor today cites it as evidence of "known and proven" Communists. John began to be mentioned as a person to be purged from the school system.

Though the sugar strike was a great defeat for the Employers Council, they were resolved to retrieve it in the approaching showdown in the pineapple industry. They drew out negotiations, meanwhile protesting how unreasonable ILWU leadership was. All the while the Spearhead prodded at the Reds. The ILWU scorned counter propaganda. By the first of July it found itself in such a position that a work stoppage was inevitable. The employers called it a strike, the union called it a lockout.

Whichever it was, it lasted only five days. Then the union went back to work, practically on the employers' terms. In all reason, the ILWU should have suffered a great defeat. The plantation hands were militant, but not the Honolulu cannery workers. There were plenty of strikebreakers. High school kids wanted jobs during the vacation. Public sentiment was against a strike. The pineapple units went out almost criminally unprepared - we know, for we trudged the picket lines the first morning, without bite or sup or relief. The president of the pineapple local, a drunken and incompetent and dishonest fellow, had been thrown out only a few weeks before and was going about Red-baiting and trying to split the workers. Mass picketing was quickly enjoined by the courts. The police dug riot sticks into pickets' stomachs and escorted scabs through the lines.

Yet today the morale of the pineapple workers is stronger and their understanding of unionism better than it was before their defeat. The treatment they got from the police might
have been specially ordered straight out of the opening pages of *State and Revolution*. Harry Bridges and Bob Robertson explained the reasons for the defeat so clearly to the key unionists that it became to them only a single battle lost.

Straightway both sides began preparing for a grand showdown in February or March of 1948, when contracts of all three main industries—pineapples, sugar, longshoring—will be reopened for wage adjustments. The ILWU leaders, who had spent too much time at their desks, went from plantation to plantation, explaining the situation and trying to get the shop steward system really functioning. You must remember that the ILWU, with 35,000 members, has few who really understand unionism. The leadership has not yet succeeded, either, in integrating the social life of the plantations into union activities; so meetings are poorly attended.

The employers' strategy was, and is, simple: talk about irresponsible Reds, and Reds who preach class hatred, and then talk still more about Reds. Some of the Catholic clergy are helping them at the job.

As we said before, the governor was in an anger with the ILWU for not going along with him at election time. The ILWU reciprocated heartily and pressed the Department of the Interior and the Democratic National Committee to have Stainback removed. The times being propitious (praise be to St. Thomas), the governor began assailing the ILWU for its Red leadership, each time more specifically. (Just what the tie-up between the governor and the employers in this campaign may be, we do not know. But we do know that an expert was sent from California to guide the employers' part of it.) Finally, on Armistice Day, Stainback read an excerpt from what he claimed was the plan under which the Communist Party of Hawaii had been operating for years, and which had been written by someone later identified as John; and he promised to see that all Communists were cleared out of government service.

Now we must go back and tell about Edward Berman and Ichiro Izuka. Berman is a tall, strongly built, sallow man who seems always to have a dissatisfied sneer on his face. He led the 1938 Inter-Island strike and then went to San Francisco to work as a longshoreman and study law. Coming back to Hawaii with a law degree, he evidently expected to be taken up by the ILWU as legal adviser and one of the top leaders; but his reputation from San Francisco was so unfavorable that he was cold-shouldered from the start. So he began trying to win individual followers from the union ranks. Once he stopped John in the street and began with this subtle approach: "Jack Kawano and McElrath have no use for you, because you are an intellectual. They say, 'Comes the revolution,
Reinecke will run like a rabbit, pissing his pants at every step.' But there is a place for us intellectuals, don't you agree? I can work all day on the waterfront and then write a pamphlet. Can Kawano do that?

Berman hooked one follower, Izuka. Izuka had eaten enough bitterness to know better: he had gone through a ten months' strike and had spent six months in jail and concentration camp early in the war, sent there by a board of plantation managers. But, from what we gather, he felt that the ILWU was not using his ability, and for that reason he was resentful toward Hall and Kawano.

Berman became friendly with Borthwick and the governor. He pinned great hopes on Borthwick's election; some think he expected to be appointed his secretary. He and Izuka campaigned strongly for Borthwick and began denouncing the leadership of the ILWU.

Immediately after the Armistice Day speech appeared a pamphlet, bearing Izuka's name as author but written in excellent English, *The Truth about Communism in Hawaii*. Named as Communists are Hall, the McElraths, Kawano, and about 25 other unionists of various ranks, and as many other persons, including the Reineckes. This pamphlet has been sold and given away wholesale by employers, the Hawaii Government Employees Association (which is losing members to the United Public Workers-CIO), and AFL leaders.

Here, like Herodotus in his time, your historians must make another digression. The coolness that began over PAC tactics between the ILWU and the Rutledge wing of the AFL developed into an open split because of rivalry in organizing; and by the end of 1946 the breach between the leaders was unbridgeable. This was a great grief to John, who withdrew from contact with the AFL unions so as to avoid being caught in the fight. His work with the Electrical Workers is one of his most pleasant memories, and for all Rutledge's present Red-baiting he cannot help having a personal aloha for irrepressible Art.

The "Izuka" pamphlet has had great effect within the ILWU. How can anyone who has not been systematically educated to the reasons for Red-baiting avoid feeling uneasy at the word Communist? A number of leaders have been in the ILWU from the start not so much because of devotion to the working class as for political and other personal reasons. One of these is Rep. Amos Ignacio of Hawaii island. Animosity between him and another Hawaii leader almost wrecked PAC there in 1946. Without warning, on December 14, Ignacio and several other sugar unit officers formed a new Union of Hawaiian Workers, claiming 4000 members. This union was
immediately received with plaudits by employers, employers' politicians, and the press. But already, thanks to very energetic propaganda by ILWU people, it appears that most of the rank and file have repudiated the union to which Ignacio claims they belong.

Still, even if Ignacio's UHW is only a paper union, it can have lots of nuisance value. Every splitting device - race, religion, the "mainland carpetbagger" argument, and of course the menace of Communism - will be used to the full in the next few months.

When he read the Armistice Day speech John knew he would be the first marked for the slaughter. By his long activity in the labor movement he has become a sort of symbol of the intellectual turned traitor to the class on which he should depend. Of recent months he has done nothing to make himself less conspicuous, for he was called as expert witness in two cases which challenge the established order in Hawaii.

One was a suit brought by Chinese schools to challenge the constitutionality of the wartime act that virtually closed foreign language schools. A whole array of experts and big names in local education appeared on behalf of the Territory. John was the sole expert appearing for the schools. But the case was argued by A. L. Wirin, attorney for the American Civil Liberties Union. A panel of three Federal judges found the law unconstitutional.

The other was the Maui County grand jury case. The grand jury had indicted some pineapple strikers for throwing two foremen into a harbor. The ILWU attorneys - who had been giving local courts a bad time, letting workers know they have legal rights - challenged the constitutionality of the indictment because the jury was not a cross section of Maui chosen at random, but was highly selective on racial and class lines. Grand juries for years have been drawn preponderantly from the small white minority. Most of the statistical preparation for this case was done by Harry Oshima, an economics professor revisiting his native Hawaii, but John also appeared as a witness. The grand jury foreman is also a Commissioner of Public Instruction.

Aiko has been prominent, too. When Art Rutledge threatened a strike of all the public utilities in the summer of 1946, suddenly there sprang into existence an organization called We, the Women of Hawaii. Carried away by their own hysteria, these cultured women almost tore poor Art limb from limb. A second meeting was called to organize the group formally and elect officers. Obviously this was intended to be another pressure group dedicated to the "fifth freedom," the right to work unmolested by unions. A little group of women
in the ILWU circle went to the meeting and began asking what
the purposes of We, the Women were. So flustered were the
leaders that it took them several months to get their breath,
and then they organized on innocuous community-benefit lines.
Speak of class hatred - you should have heard the way these
upper class women jeered and booed the labor spokesmen, Aiko
among them. Mrs. Ruth E. Black, another of the Commissioners,
was author of the "fifth freedom" phrase and a main speaker.
(She is the one who tried to have John fired last spring,
when she took offense at his putting a summary of the Hartley
Bill on his blackboard.)

Aiko also attempted - unsuccessfully - the organization of a
small Japanese-owned department store for the UOPWA-CIO.
Two girls were fired because they came to our home to talk
about unions.

Both of us showed our solidarity with the sugar strikers. We
visited the strikers at Lahaina, where the strike was pro-
longed almost till New Year because the manager, in violation
of the new contract, fired several men who had beaten overseers
who tried to irrigate cane. Aiko, as she told you in
her letter, helped lead the women's demonstration at Koloa
on Kauai which demanded that the plantation release the
rice it was hoarding.

And both of us went on the picket line during the pineapple
strike. We went down to the canneries the first morning
planning to be observers. But how could we stay out? John
went to the district where he teaches and saw his graduates
among the crowd, a colleague of his scabbing, and the picket
line weak. Soon he was the most vociferous person in the
line. Aiko at the entrance to another cannery, saw women
bystanders undecided. She gave them a pep talk urging them
to join the picket line and ended by setting an example her-
self. And believe us, we would not have missed that exper-
ience in solidarity for anything.

So - to return once again to our case - we were not surprised
at being made the first victims of the governor's crusade.
On November 25 we were suspended without pay, pending trial
before the Board of Commissioners on December 18. The
governor at that time promised to make a sweep of Communist
sympathizers as well as of party members. Later, perhaps
because his threat sounded too much like "thought control"
for people to stomach, he confined himself to "card-holding
members." He has been making a great to-do demanding that
the Reineckes answer, in advance of the hearing, Yes or No,
are they enrolled Communists?

Naturally, given the nature of the charges against us, we are
answering in our own way at the proper time. Meanwhile the
governor's vociferations plus the "Izuka" pamphlet have convinced a great many people that we are indeed party members, therefore traitors. But many others realize that the governor is motivated less by love of country than by personal pique at the ILWU; and he did nothing to strengthen his case by saying that we territorial employees are to be "an example" in order "to force" the ILWU to repudiate its leaders. After all, people wonder, how did the Reineckes manage to teach for 20 years and gain a high reputation as teachers if they are as bad as Stainback says? But then our supporters, according to the governor, are all "Communist sympathizers or misguided fools."

The charges set forth that we are members of a "secret, underground society" existing "unlawfully without license" in contravention of law (one passed in 1884 to put down Chinese tongs); that the CP of Hawaii must obey the orders of the CPUSA, which in turn follows a "Party Line" beneficial to the CPUSSR; that the principles of these parties are the antithesis of and opposed to the principles of democracy; that said secret society is undemocratic in structure and demands blind obedience to its orders, besides indulging in "highly dishonorable and reprehensible" activities; that our membership has "been exposed and publicized in the community," thus bringing us into disrepute; that we are not "possessed of the ideals of democracy"; that by reason of our membership, etc., we "do not bear undivided allegiance to the government of the United States"; that John is "fanatically devoted" to the Soviet way of life; and that finally, if we are permitted to continue in our positions, "it will bring great odium and disrepute upon the DPI, so we must be relieved of jobs and certificates." These charges were drafted at the governor's orders by the jerk currently serving as attorney general and signed at the governor's orders by Dr. Loper, the Superintendent of Public Instruction.

Our attorneys, Harriet Bouslog and Myer Symonds, went into Federal court asking for an injunction against the Board hearing, because our constitutional rights were being invaded. As soon as he got wind of their intention the attorney general struck out the charge that the "secret society" exists in contravention of the law. We had already issued a blast to the press, asking why we hadn't been indicted and tried in court if we were lawbreakers. Two days before the "trial" was to have been held, Judge Delbert E. Metzger granted a temporary injunction, which lasts until two more Federal judges arrive on January 7 to sit with Metzger to decide the Maui grand jury case. The panel will decide whether to grant a permanent injunction or to remand the case to the Board. This breathing spell was a great upset to the governor's plans and an equal encouragement to us.
Meanwhile an Hawaii Civil Liberties Committee has been organized to coordinate defense activities and handle funds. Petitions with 1380 signatures have already been turned in demanding our reinstatement, and we hope to triple the number despite the fear of many persons that they will lose their jobs, or something terrible, if they sign. Most effective have been the letters that have been published, written by persons who know us.

We are also lining up character witnesses. If any of you know us fairly well wish to be of help, you may write a letter in duplicate, addressed to the Commissioners of Public Instruction, Territory of Hawaii, and send it to us for presentation at the hearing. If it is short, send it in triplicate so that one copy can go to the Star-Bulletin. You can tell when you knew us and under what circumstances and what you know of our general character, of our possession of the ideals of democracy and of our loyalty to our government. Add enough about yourself to show that you speak with authority.

This crisis is an education for us in people's behavior. Most middle class people, and teachers most of all, are terribly frightened of the word Communist. Working class people don't care nearly so much; they figure that the Big Five must have a finger in this affair. On the one hand we and our supporters have received abusive anonymous letters; and on the other, strangers have stopped us on the streets to wish us well. One teacher whom we have known for sixteen years and who was John's colleague for nine, was too frightened to allow us to come to his house to discuss the case. Another teacher who had met John twice put his name to the advertisement of the first meeting of the Civil Liberties Committee and is working heart and soul for it, because "It made me so damned mad to see teachers so cowardly."

John's principal, Walton Gordon, immediately the case broke, issued a warm statement praising his teaching, which was of great help; and he will appear as a witness for John. Aiko's principal Stanley Miyamoto, her high school mate, our personal friend and co-worker in liberal activities for several years, on the other hand is doing a sort of Louis Budenz. When Aiko was suspended he refused even to testify in her behalf - he has promised, instead, to testify for the attorney general. Last summer he read Kravchenko and Budenz and got the red horrors. Perhaps, too, he fears that he is one of the "six teachers" mentioned for investigation. Everything else about this affair has made Aiko fighting mad, but Miyamoto's attitude was a terrible shock.
If some people whom we thought friends have fallen away, those who are standing with us are the most precious - and they are many. We have come to appreciate, with humility, the integrity and goodness of people as we have never done before. Among them all we must give special places to our attorneys, Mrs. Bouslog and Mr. Symonds. They are resourceful, courageous, and understanding. Without them we would be up against it.

The most gratifying part of the "Reinecke case," personally, is the knowledge that our teaching has been appreciated. John was told - with some exaggeration, doubtless - that Aiko is regarded as a saint by Waialae parents. One of these parents, a widower with six little children for whom Aiko has done a few small favors, got 83 signatures to a petition and wrote a glowing letter in her behalf. Another father declared, "I don't care what you are; you are my friends. I'll testify for Mrs. Reinecke even if it meant going to jail." All of John's students are demanding his reinstatement. Several are going to testify for him, and others have circulated petitions in spite of mild intimidation by the attorney general's office. Several alumni are also testifying and scores are circulating and signing petitions. Even if we should lose our jobs, we shall go with the knowledge that people think we have done well in our profession.

But we must not lose! We must stop this witch-hunting before it can spread.

Our family, too, is backing us loyally. After ten years at 3571 Pahoa, we left our rented house - the landlord's son had been paying $95 a month rent for a small apartment and claimed his rights as part owner. Now we are living comfortably in one wing of a great old termite-eaten house of Aiko's parents. Lucky for us, too! Her brother and sister and their small children often come in and help keep life the good thing we find it to be.

Forgive us that in our haste we have not acknowledged your news of marriages, of children born, and the other good things in your lives. But we rejoice in your good and wish we could see each of you again. Salud!

(a) John & Aiko
APPENDIX C

"WHAT MUST WE DO?"


I. The great, ultimate aim of all activity must be the organization of workers in the sugar cane and pineapple industries into militant industrial unions, whose aim shall be the domination of those industries. Immediate objectives shall be set up to fight for, but must not be allowed to obscure the true aim of the unions—domination by labor of the basic industries of Hawaii.

Immediate objectives can best be determined by the circumstances, but would undoubtedly include: the eight-hour day and 44-hour week, with time-and-a-half or at least time-and-a-third for overtime; wages to be raised above the present subsistence level; extra pay for those not provided for gratis with lodging and perquisites; rapid improvement of housing and related conditions on the plantations; abolition of racial distinctions in assigning of living quarters; abolition of racial discrimination in assigning jobs; legal recognition of unions and of their functions in helping determine policies on the plantation through committees and secretaries (some­what on the Mexican model), fair treatment of small contrac­tors, and remedy of exploitation on the part of large contractors.

Unions should include all workers on a plantation unit who are not aligned with management of the plantation, though this plan might have to be changed to prevent formation of company unions. There should be the closest liaison among plantation units in each county. Subsidiary units among members of the same nationality might be advantageous (this is Sen Katayama's idea), but probably would have to be used with caution because of the danger of nationalities deserting each other; also the minor nationalities would be unprovided for.

II. Lesser industries should be organized, with no distinc­tion among nationalities (thus breaking down the present wage division between Whites and Orientals in the building trades, etc.) Especial attention should be paid to exploitation by fellow-Oriental contractors and storekeepers. The coffee-growers of Kona should be organized into cooperatives to try and break the power of the factors. By organization of trade unions, public opinion off the plantation could partially be built up favorable to a militant plantation organization.

Subsidiary organizations should be built up in industries subsidiary to pineapple and sugar; the Honolulu Iron Works, the
railways, the Inter-Island, the trucking service. These are necessary to help win major strikes and to build up supporting morale.

III. To secure unionization, an intensive campaign of propaganda will be necessary for some while. It must be directed toward bringing workers and prospective workers of all races to see that their economic interests are identical, and that any advances must be won from the sugar-pine baronage. Leadership must be developed among the Young Americans already on the plantations, in the mills, and canneries, and also from the Filipinos—and these leaders, citizens and Filipinos, must work from the start in the closest cooperation. (It seems to the writer that Kateyama's plan is weak in putting too much emphasis on national unions—necessary in other parts of the world that he knew—and in overlooking the citizen labor-Filipino split) In the cultural field there is room for the widest diversity of national activities; in the economic field, none.

The Filipinos can see clearly enough how they are discriminated against in favor of the Latin and Oriental workers, and probably will be willing to cooperate in any effort to better the lot of all workers if no racial distinctions are made. But the young Orientals, Latins and Hawaiians will require the greatest pressure of propaganda and of the logic of events to make them see that their interests are the same as those of the despised alien, more lowly paid "baiyaos"—the present trend against alien labor must be redirected. Instead of hostility to the Filipinos (divide and rule of the sugar barons) there must be hostility toward the system which has imported foreign labor. The Young Americans must be shown that only by bringing the Filipinos up to their own economic and social level can they be free from their competition.

There is a haole lower middle class hostile to the Oriental because of increasingly stiff competition and hated by the latter because of the advantages with which they are credited. Haole-baiting or indeed any form of racial hostility among the radical labor party of Hawaii will arouse even more difficulties than it will encounter anywhere and would, in any case, be illogical and unfair. Every effort must be made to show both haoles and others of the lower middle class that they stand in the same economic boat and to persuade them to work together toward the same end—overthrow of the power of the Big Five. Probably few haoles except a few among the intelligentsia can be brought into the movement, but that does not detract from the logic of the position. If there is to be racial hatred, let it come from outside the movement.

IV. Therefore, radical labor must stand uncompromisingly against all forms of racial and intra-racial discrimination for these divide and weaken labor by diverting its attention from its goals and making bad blood among its members. Here
we have to thank the public schools for having made a good beginning which we must follow up. Examples: social exclusion of Filipinos; treatment of Eta and Okinawa-kenjin by fellow Japanese; preferential treatment of haole, Portuguese, and Hawaiians.

V. The youth of Hawaii are at present scarcely aware of the economic and political movements going on throughout the world. Every effort must be bent to bring them to full class consciousness, to read understandingly and to see where they stand. Radical literature should be distributed and a book stand established in Honolulu. Probably, as soon as possible, a newspaper should be established to express radical views.

Close contacts between Hawaiian comrades and mainland centers should be established. Students going to the states should be contacted and propagandized on the mainland so that some, at least, will return more than mere satisfied dentists and doctors.

VI. Goals acceptable to liberal as well as radical elements in Hawaii should be set up and striven for (on the side) as a means of arousing popular support. For example, anti-militarism: First, attack ROTC in the high schools and in the University. Attack kowtowing to the military in the local press and in public affairs. Weaken the National Guard as much as possible and propagandize its members to make them sympathetic to unions. Attack militarization of Boy Scouts.

Education. Wide extension of educational opportunities; removal of all fees and rentals; aid of poor students. (See Rex David's International Pamphlet Number 29) No discrimination racially in placement of teachers. It is highly important to win the teachers and university and high school students.

Civil rights. Aim at legislation abolishing repressive legislation (present law against sedition, picketing and curbing foreign press) and legalizing strikes and picketing.

Religion. As an immediate objective, take the Christian religion out of the public schools, showing how other religions are discriminated against in a subtle manner by the use of Christian prayers, Easter, Thanksgiving and Christmas exercises, use of schools by Catholic priests, etc.; go on to attack Mission Board for its use of ministers to hoomalimali plantation employees; attack Roman Catholics for interference with public affairs (as in its attack upon the sterilization bill); attack Buddhists for keeping up Japanese chauvinism; attack exploitation of Mormons by LDS church.

Taxation, social legislation. Work for change in incidence of taxation outlining a complete program of social legislation to be agitated for.

Press. Arouse public to danger of "sugar-coated" press.
VII. (? This point I personally believe desirable, but I am not quite sure of its advisability.) Organize a radical political party aiming to drive the Democrats and Republicans together and so expose their identity. Even one member in the Legislature would give the workers of Hawaii a better chance for publicity and power than they have at present.
APPENDIX D

"STATEMENT OF ESSENTIAL HUMAN RIGHTS"

From the Annals of the American Law Institute, January, 1946

Preamble: Upon the freedom of the individual depends the welfare of the people, the safety of the state and the peace of the world. In society, complete freedom cannot be obtained. The liberties of the one are limited by the liberties of others and the preservation of freedom requires the fulfillment by individuals of their duties as members of society. The function of the state is to promote conditions under which the individual can be most free. To express those freedoms to which every human being is entitled and to assure that all shall live under a government of the people, by the people, for the people, this declaration is made.

Article 1. Freedom of religion. Freedom of belief and of worship is the right of everyone. The state has the duty to protect this freedom.

Article 2. Freedom of opinion. Freedom to form and hold opinions and to receive opinions and information is the right of everyone. The state has the duty to protect this freedom.

Article 3. Freedom of speech. Freedom of expression is the right of everyone. The state has the duty to refrain from arbitrary limitation of this freedom and to prevent denial of reasonable access to channels of communication.

Article 4. Freedom of assembly. Freedom to assemble peaceably with others is the right of everyone. The state has the duty to protect this freedom.

Article 5. Freedom to form associations. Freedom to form with others associations of a political, economic, religious, social, cultural or any other character for purposes not inconsistent with these articles is the right of everyone. The state has the duty to protect this freedom.

Article 6. Freedom from wrongful interference. Freedom from unreasonable interference with his person, home, reputation, privacy, activities and property is the right of everyone. The state has the duty to protect this freedom.
Article 7. Fair trial. Everyone has the right to have his criminal and civil liabilities and his rights determined without undue delay by fair public trial by a competent tribunal before which he has had opportunity for a full hearing. The state has the duty to maintain adequate tribunals and procedures to make this right effective.

Article 8. Freedom from arbitrary detention. Everyone who is detained has the right to immediate judicial determination of the legality of his detention. The state has the duty to provide adequate procedures to make this right effective.

Article 9. Retroactive laws. No one shall be convicted of crime except for violations of law in effect at the time of the commission of the act charged as an offense, nor to be subjected to a penalty greater than that applicable at the time of the commission of the offense.

Article 10. Property rights. Everyone has the right to own property under general law. The state shall not deprive anyone of his property except for a public purpose and for just compensation.

Article 11. Education. Everyone has the right to education. The state has the duty to require that every child within its jurisdiction receive education of a primary standard, maintain or insure that there are maintained facilities for such education which are adequate and free, and to promote the development of facilities for further education which are adequate and effectively available to all its residents.

Article 12. Work. Everyone has the right to work. The state has the duty to take such measures as may be necessary to insure that all its residents have an opportunity for useful work.

Article 13. Conditions of work. Everyone has the right to reasonable conditions of work. The state has the duty to take such measures as may be necessary to insure reasonable wages, hours and other working conditions.

Article 14. Food and housing. Everyone has the right to adequate food and housing. The state has the duty to take such measures as may be necessary to insure that all its residents have an opportunity to obtain these essentials.

Article 15. Social security. Everyone has the right to social security. The state has the duty to maintain or insure that there are maintained comprehensive arrangements for the promotion of health, for the prevention of sickness and accidents and the provision of medical care and of compensation for loss of livelihood.
Article 16. Participation in government. Everyone has the right to take part in the government of his state. The state has the duty to conform to the will of the people as manifested by democratic elections.

Article 17. Equal protection. Everyone has the right to protection against arbitrary discrimination in the provisions and application of the law because of race, religion, sex or any other reason.

Article 18. Limitations on exercise of rights. In the exercise of his rights, everyone is limited by the rights of others and by the just requirements of a democratic state.
APPENDIX E

STATEMENT TO HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

By Ring Lardner, Jr., October 1947

I do not wish to answer this question at this time for what seem to me to be cogent and compelling reasons. They are based on my conviction that the right to hold any political belief, including that of communism, carries with it as a natural corollary the right to choose for oneself the time and occasion to make a public statement of one's opinions.

As the question stands now, if I am a member of the Communist Party, I would be exposing myself to the bigotry and inspired hysteria which is forcing not only the communists but all left-of-center political groups into semi-secret status. More specifically, in view of the Motion Picture Association's blacklist statement, I would be banishing myself permanently from the profession in which I have earned my living since I was twenty-one.

If I am not a member, I would be exposing other men to the same bigotry and blacklist by contributing to the precedent that all non-communists must so declare themselves in order to isolate the actual offenders.

I realize that much of the opposition to those of us who challenge the Thomas Committee's powers is based on the theory that communists are advocates of terror and violence or foreign agents or both, but the Supreme Court determined in the Schneiderman decision that this was not the case and even if it has become so since, acts of treason must be uncovered and punished by due and orderly process of law.

The communists declare themselves to be loyal Americans and they propagate in favor of democracy, tolerance and higher living standards. Their critics say that they don't really believe in these things. I'm not trying to prove here which side of the argument is right. I simply maintain that it is not sound Americanism to prosecute or persecute people for what they think or what we think they think. Only an act--only an act can be a crime--never an idea. As Jefferson put it, "It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."
I am withholding my answer at this moment, then, because I am in the middle of a fight for my right to keep silent about my political beliefs. Freedom of speech has no practical reality unless it includes the freedom to associate and to act in concert with others of a like mind and the freedom to keep to himself those opinions and associations a man doesn't feel ready to communicate to his neighbors.
APPENDIX F

CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF COMMUNISM IN HAWAII BY THE U.S. HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES, OCTOBER 7, 1949

CONCURRENT RESOLUTION

REQUESTING THE COMMITTEE ON UNAMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA TO INVESTIGATE AND REPORT ON UNAMERICAN ACTIVITIES IN THE TERRITORY OF HAWAII.

WHEREAS, there have been numerous allegations and charges made by many groups and organizations both local and national in character, that there are subversive elements engaged in unAmerican activities within the Territory of Hawaii, and

WHEREAS, most of such allegations and charges seem to have arisen from the report of the HEARINGS BEFORE THE JOINT COMMITTEE ON THE INVESTIGATION OF THE PEARL HARBOR ATTACK, CONGRESS OF THE UNITED STATES 79th CONGRESS, hereinafter referred to as the "Roberts Report" in which there were named a number of residents of the Territory of Hawaii as being persons of subversive tendencies, many of whom have protested their innocence without avail; and

WHEREAS, one of the reasons for the opposition to Statehood for Hawaii by some members of Congress of the United States of America is that Hawaii is under the control of these subversive elements or is in danger of such control should Hawaii become a State; and

WHEREAS, it is desirable that the Committee on UnAmerican activities of the House of Representatives of the Congress of the United States of America conduct an immediate and impartial investigation on the scope of such alleged subversive elements and activities within the Territory of Hawaii, both in the interest of national defense as well as in fairness to Hawaii's aspirations for Statehood; and

WHEREAS, the Committee on unAmerican activities of the House of Representatives of the Congress of the United States of America is an experienced body of great prestige and judicial character well qualified and with sufficient power
and facilities to investigate the extent of such subversive activities within the Territory of Hawaii; now, therefore, be it

RESOLVED, by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, the House of Representatives concurring that the Committee of unAmerican Activities of the House of Representatives of the Congress of the United States of America be and it is hereby respectfully requested to conduct a full and thorough investigation of the alleged subversive elements and activities in the Territory of Hawaii and in connection with such investigation to provide an opportunity to the residents of the Territory of Hawaii who have been charged in the said Roberts Report as having subversive tendencies to prove their innocence and upon completion of such investigation to make a full report; and be it further

RESOLVED, that certified copies of this Concurrent Resolution be forwarded to the President of the United States of America, to the Speaker of the House of Representatives of the Congress of the United States of America, to the Chairman of the Committee on unAmerican Activities of the House of Representatives of the Congress of the United States of America, and to the Delegate to Congress from the Territory of Hawaii.
APPENDIX G

J.R. 5 CREATING THE TERRITORIAL SUBVERSIVE ACTIVITIES COMMISSION

J.R.5

Joint Resolution Creating a Fact-Finding Commission on Communist and Other Subversive Activities Including Activities of Persons Seeking to Overthrow Our Constitutional Form of Government by Force and Violence in the Territory of Hawaii, Conferring Powers and Duties Upon It, and Making Appropriations

WHEREAS, in these times of grave international tension, there are within the United States communists and other subversive persons and groups which are presently and clearly endangering our domestic tranquility and unity, and our provision for common defense who, under the cloak of the Constitution, seek to destroy our liberties and our freedom by force, threats and sabotage, and to subject us to the domination of foreign powers; and

WHEREAS, there are persons and groups, motivated by contempt for our republican form of government, and constitutional democracy, and hatred of our insistence upon the inalienable rights of all men to life, liberty and the pursuit of happiness, who are now seeking to achieve from within by subversion and conspiracy the substitution for these American ideals and processes a communist program of totalitarian government subservient to a foreign power or powers; and there is danger that the ordeal of war which we have endured in order to perpetuate our individual and collective freedom may be in vain; and

WHEREAS, communists have been projecting their influence and their skillfully designed and adroitly executed propaganda into our national life and have extended their activities to the Territory of Hawaii; and

WHEREAS, there is evidence indicating that there are subversive persons and groups active in soliciting the support, confidence and membership of persons in government, who seek to further their purposes by corrupting and causing disloyalty in governmental offices and agencies; and

WHEREAS, it is in the public interest that the problem as it affects the Territory be studied with a view to the enactment of appropriate legislation; and
WHEREAS, Territorial legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active commission appointed by the governor; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. [Commission on subversive activities; appointment; chairman] There is hereby created a fact-finding commission to be known as "The Commission on Subversive Activities", hereinafter referred to as the "commission", for the purposes and with the powers and duties herein stated.

The commission shall be composed of seven members, three of whom shall respectively be residents of the islands of Kauai, Maui, and Hawaii, nominated and appointed for a term of four years by the governor by and with the advice and consent of the Senate of the Territory of Hawaii, one of whom shall be designated in the appointment as chairman, and at least three of whom, including the chairman, shall be attorneys licensed to practice in all of the courts of the Territory, and no more than four of whom shall be members of any one political party. Any vacancy occurring in the membership of the commission may be forthwith filled by the governor and such appointment shall be effective at once.

In case of the chairman's absence, illness or incapacity, the said commission shall select from its membership an acting chairman, to serve during such absence, illness or incapacity. The chairman or acting chairman, as the case may be, shall: (1) preside at all meetings of the said commission; (2) certify or authenticate all actions, doings, proceedings or documents of the said commission; (3) approve all vouchers for expenditure authorized by this Joint Resolution; (4) hold in his custody, for the said commission, all records, papers, books, accounts and other documents of the said commission; (5) subject to the directions of the said commission, supervise all employees of the commission; and (6) perform all other acts authorized by the said commission pursuant to the provisions of this Joint Resolution.

Section 2 [Investigations to be made by commission.] The commission shall:

(a) Investigate, ascertain, collate, appraise, study and analyze all facts directly or indirectly relating to any person or persons or groups of persons, within the Territory, who (1) endanger the provision for the common defense against aggression by any foreign nation, (2) seek to destroy by force, threats or sabotage, liberties and freedom guaranteed by or provided for in the United States Constitution, (3) seek to subject the United States and the Territory to the
domination of any foreign nation, (4) seek to achieve by subversion or conspiracy, the substitution for American ideals and processes in the Territory a communist or other program of totalitarian government subservient to a foreign nation, (5) advocate the overthrow of the government of the United States or of the Territory by force or violence or other unlawful means, (6) seek to corrupt or subvert officers or employees of the government for the purpose of substituting for American ideals and processes in the Territory a communist or other program of totalitarian government or for the purpose of overthrowing the government of the United States or of the Territory by force or violence or other unlawful means, (7) unlawfully engage in espionage or fifth column activities on behalf of any foreign nation, or (8) seek to undermine the stability of American institutions or individual rights, liberties and freedoms; and

(b) Investigate, ascertain, study and report on the activities of persons, groups or organizations, within the Territory, whose membership includes persons who are communists, or any other persons, groups or organizations, within the Territory, known or suspected to be dominated or controlled by a foreign nation or to have as an objective the overthrow of the governments of Hawaii or of the United States by force or violence or other unlawful means.

Section 3. [Reports to be made.] The commission may file interim reports to every special session of the legislature of the Territory of Hawaii and file its final written report to the legislature not later than the tenth legislative day of the next regular session, provided, however, the commission may make a report to the governor whenever circumstances in its judgment so warrant.

Section 4. [Powers and duties.] The commission hereby created in exercising the powers and performing the functions vested in it by this Resolution shall have:

(a) All powers necessary or convenient to accomplish the objects and purposes of this Resolution, including but not limited to the following duties and powers:

(1) To employ, without regard to any residence qualifications provided for government officers and employees in other laws, and to fix the compensation of such clerical, investigative, legal, expert and technical assistants as it may deem necessary, which assistants shall not be subject to the territorial civil service and classification laws;

(2) To create committees from its membership and to designate the chairman thereof, assigning to the committee any study, inquiry, investigation or hearing which the commission itself has authority to undertake or hold, and the
committee shall have and exercise all of the powers conferred upon the commission, limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the committees, which powers may be withdrawn or terminated at any time by the commission; provided that no report of a committee shall be made public until and unless it is adopted and released by the commission;

(3) To adopt, and from time to time, amend or revise rules as may be necessary or desirable to govern its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter);

(4) To contract with such other agencies, public or private, within or without the Territory, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the commission as will best assist it to carry out the purposes for which it is created; and to lease, rent or buy such supplies and facilities as may be required;

(5) To make a complete study, survey and investigation of every phase of the subject of this Resolution, including but not limited to the operation, effect, administration, enforcement, needed revision and enactment of any and all laws in anywise bearing upon or relating to the subject of this Resolution;

(6) To meet at any and all places in this Territory, in public or executive session;

(7) To report its findings and recommendations to the legislature or to the governor from time to time and at any time, except that the final report shall be filed not later than as herein provided; and provided that no such report shall be released to the public except with the prior approval of the governor or the legislature; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this Joint Resolution.

Section 5. [Rules of procedure.] The commission shall adopt proper rules to provide:

(a) That the subject of any investigation be set forth clearly in advance to witnesses called.

(b) That witnesses will have the right to be accompanied by counsel, permitted to advise the witness while on the stand of his rights.
(c) That witnesses may be permitted reasonable opportunity at the conclusion of the examination by the commission to supplement their testimony in writing on matters with regard to which they have been previously examined.

(d) That witnesses will be permitted to inspect a stenographic record of their testimony, and, if the testimony is given at a public session, witnesses may receive a copy of their testimony at their expense.

(e) That no photographs, moving pictures, television or radio broadcasting of the proceedings shall be permitted while any witness is testifying.

Section 6. [Oaths; false swearing as perjury.] Each member of the commission, and any person designated by the commission or by its chairman, is authorized and empowered to administer oaths. False swearing by any witness before the commission or any committee thereof shall constitute perjury and shall be punished as such.

Section 7. [Subpoena: witnesses; search warrants; contempt.] In the discharge of any duty herein imposed, the commission, or any committee thereof shall have the authority through its designated members or subordinates to issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, to cause the deposition of witnesses, either residing within or without the Territory, to be taken in the manner prescribed by law for taking depositions in civil actions in the circuit courts, to pay fees and traveling expenses of witnesses to insure their attendance, if necessary, and to procure, from any court having jurisdiction upon complaint showing probable cause to believe that pertinent evidence is being concealed or withheld from the commission, or a committee thereof, as the case may be, a search warrant, and cause search to be made therefor. In any case of disobedience on the part of any person to comply with any subpoena issued in behalf of such commission, or any committee thereof, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated before the commission, or any committee thereof, it shall be the duty of the circuit court of any circuit, or of the judge thereof, upon application of such commission, or committee, or any member thereof, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Section 8. [Subpoena, form; service] Every such subpoena shall run in the name of "The Territory of Hawaii" and shall be sufficient if it: (a) states whether the proceeding is before the said commission, or a committee; (b) is addressed
to the person desired as a witness; (c) requires the attendance of the person desired as a witness at a time and place certain; and (d) is signed by the chairman of said commission, or the chairman of a committee thereof before whom attendance of the person as a witness is desired.

Every such subpoena shall be served upon the person to whom it is addressed by the high sheriff of the Territory or his deputy, or a sheriff of a county or his deputy, or any police officer, or any other person designated by the commission to serve the same.

Section 9. [Government officers, employees, to assist.] Every department, commission, board, agency, officer and employee of the Territory and of any political subdivision thereof shall furnish the commission and any committee, upon request, any and all such assistance, and information, records and documents as the commission or committee deems proper for the accomplishment of the purposes for which the commission is created; and any officer or employee of the Territory, or of any political subdivision thereof, shall, upon written request of the commission, or of any committee thereof, appear before the commission or such committee, as the case may be, and shall give such evidence, information or testimony as may be required of him.

Section 10. [Witnesses; fees and expenses.] Every witness who appears before the commission, or any committee thereof, by its order, other than an officer or employee of the Territory or any political subdivision thereof, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record and such fees and mileage shall be paid from the appropriation herein made for said commission upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of said commission, provided, however, that in the case of expert witnesses the commission may pay such additional amounts as it deems proper in the circumstances.

Section 11. [Witnesses; duties and privileges.] No person shall be excused from attending and testifying or from producing books, papers or documents before the commission or any committee thereof in obedience to the subpoena of the commission or of any committee thereof; but no individual shall be prosecuted or subjected to any penalty or forfeiture on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or to produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.
Section 12. [Salaries and expenses.] The members appointed to the fact-finding commission on communist activities in the Territory of Hawaii shall be reimbursed for their actual traveling and hotel expenses incurred by them while attending sessions of the commission or any committee thereof at any time or times during the lawful existence of the commission and in the performance of any individual duty required of them by the commission, the same to be paid upon their individual vouchers, approved by the chairman of the commission, from such funds as may be made available therefor. The salaries and expenses of any expert, clerical, investigative, legal, technical and other assistants employed by the commission and all other proper costs, charges and expenses incurred by the commission shall be paid upon vouchers approved by the chairman of the commission from such funds.

Section 13. [Appropriation.] There is hereby appropriated from the general revenues of the Territory for the purpose of defraying the expenses of the commission, the sum of seventy-five thousand dollars ($75,000,000), or so much thereof as may be necessary, said funds to be paid out of the treasury of the Territory on vouchers as herein provided on the warrant of the auditor of the Territory.

Section 14. [Saving clause.] If any phrase, clause, sentence, subsection, section, provision or part of this Joint Resolution, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Joint Resolution, or the application of this Joint Resolution to other persons or circumstances shall not be affected, and such remaining portions of this Joint Resolution shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Joint Resolution, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

Section 15. This Joint Resolution shall take effect upon its approval.

(Approved October 26, 1949.) H.J.R.1, J.R.5.
APPENDIX H

MOTION TO QUASH SERVICE BY SUBPOENA

Before the Committee on Un-American Activities of the House of Representatives of the United States, April 1950

Now comes the witness above named by his attorney and moves to quash the service of the subpoena directing the witness to appear before the Committee on Un-American Activities of the House of Representatives of the United States . . . on the following grounds:

I

The Committee's utilization of congressional power, as an agency of government, to compel disclosure of private political opinion and association is forbidden in that--

a. It interfered with, obstructs, coerces and abridges the exercise of the rights and duties of political expression through speech, assembly, association and petition, in contravention of the First Amendment to the Constitution of the United States.

b. It deprives the witness of the right to privacy and silence in such matters in contravention of the Fourth and Fifth Amendments to the Constitution of the United States.

c. It interferes with, obstructs, coerces and abridges the exercise of the governmental powers reserved to the people of the United States in contravention of the Ninth and Tenth Amendments to the Constitution of the United States.

II

The statute creating the House Committee on Un-American Activities on its face and particularly as construed and applied is unconstitutional in that:

a. It permits investigation of, and as construed and applied has been used to investigate, the content of speech and ideas, an area in which no legislation is possible, thereby exceeding the boundaries of legislative power under Article I of the Constitution of the United States.

b. It permits the process of investigation to be used, and as generally construed and applied it has been used, to expose and stigmatize the content of any and all speech and ideas disapproved by the members of the Committee, thereby impeding and placing a burden upon free thought, speech and
association in violation of the First, Ninth and Tenth Amendments to the Constitution of the United States.

c. It deprives witnesses of property rights without due process of law in contravention of the Fifth and Fourteenth Amendments to the Constitution of the United States.

d. It seeks to compel witnesses to testify against themselves in contravention of the Fifth Amendment to the Constitution of the United States.

Wherefore the witness prays that this motion to quash said subpoena be granted.
APPENDIX I
"THE RELUCTANT THIRTY-NINE"

In order of their appearance before the House Committee on un-American Activities in Honolulu, Hawaii in April, 1950

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Occupation/Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ralph Tokunaga</td>
<td>ILWU officer</td>
</tr>
<tr>
<td>2</td>
<td>Jack Hall</td>
<td>ILWU regional director</td>
</tr>
<tr>
<td>3</td>
<td>Wilfred Oka</td>
<td>Secretary, Oahu County Democratic Cent. Comm.</td>
</tr>
<tr>
<td>4</td>
<td>Charles Fujimoto</td>
<td>Chairman, Communist Party of Hawaii</td>
</tr>
<tr>
<td>5</td>
<td>Frank Silva</td>
<td>ILWU business agent</td>
</tr>
<tr>
<td>6</td>
<td>Dwight James Freeman</td>
<td>Unemployed</td>
</tr>
<tr>
<td>7</td>
<td>Mrs. Pearl Freeman</td>
<td>Unemployed</td>
</tr>
<tr>
<td>8</td>
<td>Ernest Arena</td>
<td>ILWU officer</td>
</tr>
<tr>
<td>9</td>
<td>Edward Hong</td>
<td>ILWU officer</td>
</tr>
<tr>
<td>10</td>
<td>Yoshito Marumo</td>
<td>ILWU shop steward</td>
</tr>
<tr>
<td>11</td>
<td>Jeanette Nakama Rohrbough</td>
<td>Wife of Honolulu Record employee</td>
</tr>
<tr>
<td>12</td>
<td>Esther M. Bristow</td>
<td>Secretary, Hawaii Civil Liberties Committee</td>
</tr>
<tr>
<td>13</td>
<td>Stephen Murin</td>
<td>Chairman, Hawaii Civil Liberties Committee</td>
</tr>
<tr>
<td>14</td>
<td>Marshall McEuen</td>
<td>ILWU Political Action Committee co-director</td>
</tr>
<tr>
<td>15</td>
<td>Rachel Saiki</td>
<td>Honolulu Record employee</td>
</tr>
<tr>
<td>16</td>
<td>Robert McElrath</td>
<td>ILWU Public Rels. Dir.</td>
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<td>17</td>
<td>Ralph Vossbrink</td>
<td>President, Oahu CIO Council</td>
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<tr>
<td>18</td>
<td>Ruth Ozaki</td>
<td>ILWU employee (stenographer-clerk)</td>
</tr>
<tr>
<td>19</td>
<td>Koichi Imori</td>
<td>ILWU international representative</td>
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<tr>
<td>20</td>
<td>John E. Reinecke</td>
<td>Unemployed</td>
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<tr>
<td>21</td>
<td>Hideo Okada</td>
<td>ILWU officer</td>
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<tr>
<td>22</td>
<td>John Akana</td>
<td>ILWU member</td>
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<td>23</td>
<td>Julian Napuunoa</td>
<td>ILWU officer</td>
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<td>24</td>
<td>Douglas Inouye</td>
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<td>25</td>
<td>Levi Kealoha</td>
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<td>26</td>
<td>Mitsuo Shimizu</td>
<td>ILWU officer</td>
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<td>27</td>
<td>Adele Kensinger</td>
<td>Housekeeper</td>
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<td>28</td>
<td>Yasuki Arakaki</td>
<td>ILWU member</td>
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<td>29</td>
<td>Denichi Kimoto</td>
<td>Honolulu Record employee</td>
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<td>30</td>
<td>Frank Kalua</td>
<td>ILWU officer</td>
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<tr>
<td>31</td>
<td>Shigeo Takemoto</td>
<td>Engineer, Wailuku Sugar Co.</td>
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<tr>
<td></td>
<td>Name</td>
<td>Position</td>
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<td>32.</td>
<td>Thomas S. Yagi</td>
<td>ILWU officer</td>
</tr>
<tr>
<td>33.</td>
<td>Frank Takahashi</td>
<td>ILWU business agent</td>
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<tr>
<td>34.</td>
<td>Yukio Abe</td>
<td>ILWU officer</td>
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<td>35.</td>
<td>Robert Murasaki</td>
<td>ILWU officer</td>
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<td>36.</td>
<td>Kameo Ichimura</td>
<td>ILWU business agent</td>
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<td>37.</td>
<td>Tadashi Ogawa</td>
<td>ILWU business agent</td>
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<tr>
<td>38.</td>
<td>Jack Kawano</td>
<td>ILWU officer</td>
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<td>39.</td>
<td>Benjamin Kahaawinui</td>
<td>ILWU officer</td>
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APPENDIX J

NEWS RELEASE, FEBRUARY 10, 1951

(By: Jack Kawano, former President of ILWU Local 137)

All during the latter part of 1949 and in 1950, and even up to the present time, I have been approached on many occasions by members of the ILWU and asked the following questions

1. Are you an organizer for the CIO?
2. Are you a Communist?
3. Have you ever been a Communist?

These questions have been constantly on my mind because, as many of the ILWU members know, I pioneered the organization of the Waterfront Union which, in turn, sparked the organizational drive among workers in the sugar industry, which became the backbone of the ILWU in Hawaii. Because of this I knew that some day I should publicly answer these questions.

Now that the contempt case against me is cleared, I feel I am able to make my personal position clear to all those who may be interested, without fear of intimidation or coercion from any source.

I wish all to know that I am not an organizer for the CIO.

My position is that in the event anyone tried to split the ILWU by raids or otherwise I would help in whatever way I could to maintain unity within the membership of the ILWU.

I am not a Communist. However, I was a member of the Communist Party. I joined the Communist Party because some individual Communists were willing to assist me in organizing the Waterfront Union. The waterfront employers were totally intolerant of labor unions. They did all they could to smash all attempts to organize the waterfront. No civic or community organizations showed any signs of willingness to assist in our organizing efforts. I did not think it was harmful to the union as long as the Communists were willing to assist me in bringing up the living standards of the workingman because they led me to believe that the basic existence of the Communist Party was primarily to promote the best interests of the workingman.

I decided to quit the Communist Party because I found that the primary existence of the Communist Party was not for the best interests of the workingman but to dupe the members of the union, to control the union, and to use the union for purposes other than strictly trade-union matters.

The Communists play rings around the rank and file members of the union and their union's constitutions, by meeting
separately and secretly among themselves and making prior decisions on all important union policy matters, such as the question of strikes, election of officers, ratification of union agreements, the question of American foreign policy, and all other important matters of the Union.

Primarily all of these decisions are made on the basis of what is good for the Communist Party and not what is good for the membership of the union.

For instance, in the election of officers of the sugar local in 1946, the Communist Party met and made their decision, which was to get their candidate elected at all cost. As a result of this decision, I was informed that the Communists stuffed the ballot box on behalf of their candidate.

Another instance was the proposed sugar strike of 1949 at the time when the longshore strike was on. The Communist Party had met and made a decision to pull the workers in the sugar industry out on strike. Had they been able to call out the sugar workers on strike at that time, when the longshoreman were having a life-and-death struggle in their strike against the water-front employers, the strike for both the longshoreman and the sugar workers would have been smashed.

There is no real local autonomy as long as the rank-and-file members allow the Communist Party, through the few Communists in their union, to predetermine all important matters on union policy and dominate their union.

Today I am more than ever convinced that I did right by quitting the Communist Party, for in view of the international situation, when our boys are giving their lives to their country which is at war with Communist Korea and China, I cannot help but believe that anyone who is a Communist and is willing to assist Communist Korea, China, or any other Communist nation today is dangerously flirting with treason against his own country.

For the sake of the union, I call on you to check on what I have said. It is your duty to investigate, to ask pointed questions to get information. When you have done so, you will find the destructive effects of communism within the union. I strongly urge the rank-and-file members of the ILWU, every one of them, to fight to keep the control and the management of their union and union activities in the hands of the rank-and-file members. To accomplish this important task, all communists and those who follow the Communist line should be rejected by the rank-and-file membership.
APPENDIX K

LETTER TO DELEGATES

Honolulu, T.H., April 5, 1951

To Convention Delegates
Ninth Biennial ILWU Convention
Honolulu, T.H.:

Dear Friends: Allow me to take this opportunity to extend my "Aloha" to you convention delegates. I sincerely hope that your convention will be successful and will result in further strengthening the ILWU.

I believe one of the problems facing this convention is to clarify the policy of the ILWU with regard to the right of the individual to testify or not to testify before Un-American Activity Committees.

I wanted to testify at the last hearing, but I was advised by the officers of the ILWU including its attorney not to testify, so I followed their advice and did not testify before the Un-American Activities Committee hearing.

Later I realized that I made a mistake. My thinking here is based on two points:

1. In view of the world situation, where our country is at war with communist forces in Korea, I cannot see myself assisting Communists or communism in any way, particularly when you consider them to be enemies of our country. Therefore, I feel I owe it to my country to bring to light all I know about Communist activities in Hawaii.

2. While I participated as a Communist in the ILWU, predetermining its policies from time to time, I realized that each time I engaged in such activities, I was undermining, and violating the policies and principles set forth in the constitution of the ILWU as clarified by resolution No. 11 adopted on January 27, 1951, attached to the resolution on Red-baiting entitled "Statement of Principles Adopted at the Territorial Sugar Unity Conference Held in Hilo, Hawaii, January 3, 4, 5, 1948."

The third paragraph of the statement reads as follows: "The ILWU is governed by the principles and policies formulated through the democratic machinery of the union. No political party, Communist, Republican, Democratic, or other, and no racial or religious group, shall determine our policies."

Around the latter part of July, or early August 1950, when the Un-American Activities Committee investigator came back to Hawaii, I wanted to testify in order to clear myself, both with
my country and also with the union. I told regional director Jack Hall of my opinion and intentions.

However, he made it very clear to me that if I testified I would be regarded as a union breaker, also that I would be regarded as a rat by the entire membership of the ILWU and that my name would be mud from that time on.

I told him that by testifying I would be helping the union because through it I would be able to bring to the attention of the ILWU those that are predetermining policy of the union and that therefore are violating the principles and policies of the ILWU as set forth in its constitution. Therefore I considered it my duty to bring this to the attention of the union. Hall insisted that that was ratting. I disagreed with him and gave the following example as an argument. "If my union is out on strike, and I knew of some of the members scabbing on our strike, I certainly would consider it my duty to bring this to the attention of the striking membership, and by doing that I do not consider myself a rat. On the contrary, I would consider myself a good union member by bringing it to the attention of the union. And the same thing goes when someone or a group of individuals is violating the constitution of the union."

I had similar conversations not only with Hall, but also with McElrath and Arena. But they all ended up the same way, "You will break the union, we will call you a rat in the ILWU, and your name will be mud."

So that time again I did not testify.

At that same time Hall offered me a job with the ILWU. I told him that I would gladly accept the job provided he agreed to allow me two privileges:

1. That I be allowed to testify.
2. That I don't have to take dictation from the Communist Party.

The offer was withdrawn promptly.

As time went on I became more and more convinced that I did wrong by not testifying, and so on February 10, 1951, I made my position clear to the membership of the Union and to the public. A copy of that statement is attached herewith.

Although I am not a member of the ILWU at this time, I am still a union man at heart. Any man who gives 15 of his best years to the labor movement, 7 of which spent organizing without compensation while being unemployed, cannot simply wipe off his memories and union habits and sentiments overnight.

Therefore, I am very much interested in the policy of the ILWU.

There is no question that the ILWU's policy is to support those witnesses who refused to testify at the hearing.

Is it also the policy of the ILWU to guarantee to its members the right to testify at any such hearings if that happens to be their convictions?
For the benefit of the membership of the union, and in order to further strengthen the ILWU, I feel it is important for the policy of the ILWU to be clarified not only for the benefit of the Communists, who I believe have a right to belong to the union as long as they do not violate the constitution of the union, but also for the individuals who disagree with communism, know its operation in the ILWU, where they are predetermining policies for the ILWU, and want to bring this to the attention of the membership, but cannot do this because the policy of the ILWU does not seem to support them in their position, and because the officers of the union particularly discourage it.

Therefore, I strongly urge that the ILWU convention go on record guaranteeing the right of the individuals to follow their convictions, be it refusing or not refusing to testify before any committee, governmental or union, which has authority to investigate communism.

Fraternally yours,

Jack H. Kawano
The Grand Jury charges:

(1) From on or about April 1, 1945, and continuously thereafter up to and including the date of the filing of this indictment, in the District of Hawaii, within the jurisdiction of this Court, and elsewhere, Charles Kazuyuki Fujimoto, Dwight James Freeman, Jack Wayne Hall, Eileen Toshiko Fujimoto, Jack Denichi Kimoto, John Ernest Reinecke, and Koji Ariyoshi, the defendants herein, unlawfully, wilfully, and knowingly did conspire with each other and with William Z. Foster, Eugene Dennis, John B. Williamson, Jacob Stachel, Robert G. Thompson, Benjamin J. Davis, Junior, Henry Winston, John Gates, Irving Potash, Gilbert Green, Carl Winter, Gus Hall, and William Schneiderman, co-conspirators but not defendants herein, and with diverse other persons to the grand jury unknown, to commit offenses against the United States prohibited by Section 2 of the Smith Act, 54 Stat. 671, 18 U.S.C. (1946 ed.) 10, and 18 U.S.C. (1948 ed.) by so conspiring (1) unlawfully, wilfully, and knowingly to advocate and teach the duty and necessity of overthrowing the Government of the United States by force and violence, and (2) unlawfully, wilfully and knowingly to organize and help organize as the Communist Party of the United States of America a society, group and assembly of persons who teach and advocate the overthrow and destruction of the Government of the United States by force and violence;

(2) It was part of said conspiracy that said defendants and co-conspirators would become members, officers, and functionaries of said Party, knowing the purposes of the Party and in such capacities would assume leadership in said Party and responsibility for carrying out its policies and activities up to and including the date of the filing of this indictment.

(3) It was further a part of said conspiracy that said organized groups, cells, clubs, sections, county, district and state units of said Party in the Territory of Hawaii and elsewhere and would recruit and encourage recruitment of members of industries and plants;

(4) It was further a part of said conspiracy that said defendants and co-conspirators would publish and circulate and cause to be published and circulated books,
articles, magazines and newspapers teaching and advocating the duty and necessity of overthrowing and destroying the Government of the United States by force and violence;

(5) It was further a part of said conspiracy that said defendants and co-conspirators would write and cause to be written articles and directives in publications of the Communist Party of the United States of America, including, but not limited to, 'Political Affairs', 'Hawaii Star', 'Honolulu Record', 'Daily People's World', 'Daily Worker', and 'The Worker', teaching and advocating the necessity of overthrowing and destroying the Government of the United States by force and violence;

(6) It was further a part of said conspiracy that said defendants and co-conspirators would conduct and cause to be conducted schools, classes, meetings and discussion groups for indoctrination of recruits and members of said Party in the principles of Marxism-Leninism in which would be taught and advocated the duty and necessity of overthrowing and destroying the Government of the United States by force and violence as speedily as circumstances permit;

(7) It was further a part of said conspiracy that said defendants and co-conspirators would agree upon and carry into effect detailed plans for the vital parts of the Communist Party of the United States of America to go underground in the event of emergency and from said underground position to continue in all respects the conspiracy described in paragraph (1);

(8) It was further a part of said conspiracy that said defendants and co-conspirators would use false names, passports, and other false documents in order to conceal their identities and activities as members and functionaries of said Party;

(9) It was further a part of said conspiracy that said defendants and co-conspirators would do other and further things to conceal the existence and operations of said conspiracy; and

In pursuance of said conspiracy and to effect the objects thereof, in the District of Hawaii, and elsewhere, the defendants and co-conspirators did commit, among others, the following

OVERT ACTS:

One. Charles Kazuyuki Fujimoto, Jack Wayne Hall, Eileen Toshiko Fujimoto, Jack Danichi Kimoto, and John Ernest Reinecke, defendants herein, did attend and participate in
the 1946 convention of the Communist Party of Hawaii, held at Kaneohe, in the City and County of Honolulu, Territory of Hawaii;

Two. From the aforesaid 1946 Convention of the Communist Party of Hawaii until the 1947 Convention of the Communist Party of Hawaii, Charles Kazuyuki Fujimoto, Jack Wayne Hall, Eileen Toshiko Fujimoto, Jack Danichi Kimoto, and John Ernest Reinecke, defendants herein, did continuously serve and act as members of the Executive Board of the Communist Party of Hawaii;

Three. Charles Kazuyuki Fujimoto, Dwight James Freeman, Jack Wayne Hall, Eileen Toshiko Fujimoto, and John Ernest Reinecke, defendants herein, did attend and participate in the 1947 Convention of the Communist Party of Hawaii, held at Kaneohe, in the City and County of Honolulu, Territory of Hawaii;

Four. From the aforesaid 1947 Convention of the Communist Party of Hawaii until the 1948 Convention of the Communist Party of Hawaii, Charles Kazuyuki Fujimoto, Dwight James Freeman, Jack Wayne Hall, Eileen Toshiko Fujimoto, and Jack Denichi Kimoto, defendants herein, did continuously serve and act as members of the Executive Board of the Communist Party of Hawaii;

Five. Charles Kazuyuki Fujimoto, Dwight James Freeman, Jack Wayne Hall, Eileen Toshiko Fujimoto, Jack Denichi Kimoto, John Ernest Reinecke and Koji Ariyoshi, defendants herein, did attend and participate in the 1948 Convention of the Communist Party of Hawaii, held at Kaneohe, in the City and County of Honolulu, Territory of Hawaii;

Six. From the aforesaid 1948 Convention of the Communist Party of Hawaii until the date of this indictment, Charles Kazuyuki Fujimoto, Dwight James Freeman, Jack Wayne Hall, Eileen Toshiko Fujimoto, Jack Denichi Kimoto, John Ernest Reinecke, and Koji Ariyoshi, defendants herein, did continuously serve and act as members of the Executive Board of the Communist Party of Hawaii;

Seven. On or about October 18, 1948, Charles Kazuyuki Fujimoto, a defendant herein, did announce his position as Chairman of the Communist Party in Hawaii.

Eight. On or about October 21, 1948, Koji Ariyoshi, a defendant herein, did publish and circulate and cause to be published and circulated an issue of the 'Honolulu Record';
Nine. On or about January 12th, 1949, Jack Wayne Hall, a defendant herein, did travel from the City and County of Honolulu, Territory of Hawaii, to the City of San Francisco, California;

Ten. On or about June 3, 1949, Charles Kazuyuki Fujimoto, Dwight James Freeman, Eileen Toshiko Fujimoto, Jack Denichi Kimoto, John Ernest Reinecke and Koji Ariyoshi, defendants herein, did attend and participate in a meeting held at 2162 Makanani Drive, City and County of Honolulu, Territory of Hawaii;

Eleven. On or about April 1, 1950, Jack Wayne Hall, a defendant herein, did instruct a person whom the said Jack Wayne Hall believed would be subpoenaed as a witness before a Committee of the Congress of the United States;


Dated at Honolulu, T.H. this 29th day of August, 1951.
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