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MARTIAL LAW AND CRIME

W. A. Gabrielson¹

The attack on Pearl Harbor December 7, 1941, resulted in martial rule for Hawaii, a rule which had never previously been experienced here as an American Territory. Martial law had been enforced earlier when the islands constituted an independent republic. On that fateful day in December Governor Poindexter by declaration placed all the islands under martial law which still continues in effect. The situation called for close cooperation between civilian and military authorities, with added responsibility for the civilian police.

When martial law was declared in the Territory, its regulations affected a population which had rapidly increased because of the exigencies of defense work. The influx of civilian war workers and army and navy personnel had greatly increased the population of the islands. The City and County of Honolulu had naturally received the larger share of this increase.

Because of the increased population and the added duties of the law enforcement agencies, the Military Governor of Hawaii authorized an addition of 200 regulars to the Honolulu police personnel. Supplementing this, a volunteer group of business and professional men were formed into a Police Reserve. This increased strength was utilized by the Department in more effective patrolling of the various areas of the city, making possible intensified control over areas where crime was likely to be prevalent.

Increased labor demands have contributed toward the preservation of law and order. With the lengthening of working hours, which in many cases now amount to seven days a week, little time is left for crime. The huge demands for labor afforded employment for all, even the young people who had previously been refused work. By rule of military authorities, every one was required to work and the bums, vagrants, and professional idlers were made to get busy contributing to the war effort. There was little time for getting into trouble.

The Police Department still has the duty of making investigations and arrests for criminal offenses amongst the civilian population, but martial law brought with it a new system of courts for trying criminal cases. These courts, known as provost courts and military commissions, were established by the Military Governor upon the declaration of martial rule and the right of civilian courts to try criminal cases was suspended. The provost courts and mili-

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tary commissions followed the procedure, so far as it was applicable, prescribed by the Articles of War for Special and Summary Courts Martial. These allowed for few continuances and made for swift trial and substantial punishment.

Military commissions, provost courts and prosecutors were appointed from among the military personnel. The right to trial by jury was eliminated, and the right to a writ of habeas corpus was suspended. No appeals were allowed. For the first month after the December attack, night courts were held in which persons arrested were given immediate trial.

The provost courts can impose a maximum fine of \$5,000, a jail sentence of five years, or both, in any case, while the military commission, established for the trial of cases involving major crimes, is not limited in the punishment it may adjudge and may even impose the death penalty. For offenses of burglary and robbery, which are usually tried by the provost court, the maximum permissible sentence is lighter than that which might be imposed by the civilian courts, but for cases involving petty larceny, the provost courts are allowed to give a far more severe punishment than allowed in the civil courts. A heavy fine and a stiff jail sentence are common in cases of theft involving sums less than \$50.00, and under martial rule the sentences are immediately carried into effect.

Through their record of swift and strict handling of crime, and the imposing of some peculiar types of sentence such as the ordering of blood donation or the purchase of defense bonds by the offender, the provost courts of the Territory have received a great deal of publicity. A great respect for the provost courts has been created amongst the public, and this probably acted to deter the commission of crime.

Among their first wartime restrictions, the military authorities imposed the curfew and the blackout. Blackout hours were from 6 p.m. to 7 a.m. at the outset and were changed from time to time according to daylight hours. Persons were not allowed to be on the streets or highways during blackout, in public parks or beaches, whether on foot or in a vehicle, unless they possessed a pass issued by the police or military authorities. Places of business and amusement were originally both closed at 6 p.m., but later the time of operating theaters was extended. Restrictions on the travel and transportation of the civilian kept him at home, and served to lessen the opportunity for crime at night.

All the factors listed above: the military commissions and the provost courts, the labor conditions, the increased police personnel and the blackout and curfew restrictions, resulting from martial law, have had a decided effect on crime in the City and County of Honolulu. Comparison of statistics of criminal offenses available

for the first half of the year 1941 with the corresponding period in 1942 gives an interesting picture of the trend in crime after martial law was declared.

For the type of offenses known as major crimes, there has been a general decrease of 39%. There is one robbery reported as against thirteen last year, a decrease of 92%, and three cases of rape as against fourteen last year, a decrease of about 79%. Aggravated assault remained the same—twenty-four cases—but manslaughter lessened 73%. Murder was the only crime showing an increase this year. There were eight known cases against five for last year, an increase of 60%. Burglary, auto theft, and larceny each decreased in 1942 more than a third in ratio over the comparable period of 1941. The number of residential burglaries committed during the night this year lessened approximately a third in number, and the number of non-residential burglaries decreased by one-fourth.

Of the great volume of misdemeanors, the statistics show also a reduction. Arrests for assault and battery, drunkenness, and disorderly conduct, taken as a group, show a decrease of 18% over the corresponding period last year. Stricter control over the sale of liquor, and the provost court's attitude toward liquor offenses, have probably been influential in this decrease. For the first two months, after the outbreak of the war, saloons were closed entirely and the sale of liquor banned. Upon the resumption of the sale of liquor, strict regulations were made and violations severely dealt with. Fines of \$100 or more, and also jail sentences, were often given.

Convictions for both traffic and gambling offenses have climbed in comparison with last year's figures. The doubling of traffic arrests can probably be explained by the many new restrictions brought about by war conditions, such as no parking at night, less parking area in the daytime, lower speed limits and the like. Moreover, increased traffic patrol has enabled the police better to enforce traffic regulations. The provost courts have been dealing with traffic offenses severely, imposing heavy fines, pronouncing longer jail sentences, and cancelling the licenses of reckless drivers. Gambling arrests, totalling 3,868 as compared with 2,514 last year, have arisen because of the huge increase in personal income which gives opportunity for gambling profit. Heavy fines imposed on gamblers have not been sufficient to curtail the offense.

Taken in its entirety, however, the number of arrests for offenses classed as misdemeanors, after deducting those for violating laws such as those imposing blackout and curfew restrictions which were non-existent during the first half of the previous year, amount to some 300 less than for 1942. The figures are 9,446 as against 9,784, showing a reduction of about 3%.

A tabulation showing the amount of offenses committed during

the period January 1 to June 30, 1941, and January 1 to June 30, 1942, follows:

CLASSIFICATION OF OFFENSES (Part 1 Classes)	NUMBER COMMITTED	
	1942 Jan. 1- June 30	1941 Jan. 1- June 30
1. Criminal homicide		
(a) Murder and non-negligent manslaughter.	8	5
(b) Manslaughter by negligence.....	3	11
2. Rape	5	11
3. Robbery	4	14
4. Aggravated assault	24	24
5. Burglary—Breaking or entering.....	367	661
6. Larceny—Theft		
(a) \$50 and Over in Value.....	171	140
(a) \$50 and Over in Value.....	797	1248
7. Auto Theft	162	318
Total	<u>1541</u>	<u>2432</u>
(Part 2 Classes)		
8. Other assaults	1257	2093
9. Forgery and counterfeiting.....	21	84
10. Embezzlement and fraud.....	119	153
11. Stolen property; buying, receiving, possessing.	7	2
12. Weapons; carrying, possessing, etc.....	22	8
13. Prostitution and commercialized vice.....	2	6
14. Sex offenses (except 2 and 13).....	178	216
15. Offenses against the family and children.....	41	81
16. Narcotic drug laws.....	0	0
17. Liquor laws	135	69
18. Drunkenness	1246	2444
19. Disorderly conduct	1423	722
20. Vagrancy	257	247
21. Gambling	483	355
22. Driving while intoxicated.....	126	137
23. All other offenses.....	2272	2725
24. Suspicion	125	102
Total	<u>7714</u>	<u>9444</u>

From this brief survey, it can be conclusively stated that there has been a marked tendency towards a *decrease* in crime since the inception of martial law in the Territory.