

## Notes & Queries

*The Journal welcomes responses to previously published articles, statements on Hawaiian and Pacific history, and queries for information that will assist research. Opinions expressed here and elsewhere in the pages of the Journal are those of the authors and do not necessarily reflect those of the Editorial Board or the Hawaiian Historical Society.*

### SOME NOTES ON CENSORSHIP IN HAWAI'I BEFORE 1950

Hawai'i has in the past had some major brushes with censorship. Today, in contrast, censorship no longer seems to be much of an issue: a generally liberal population, vigilant watchdogs like the American Civil Liberties Union and members of the press, statutory reforms, and the end of military rule have supported considerable loosening of the strictures that once governed Island life. But this freedom is a fairly recent phenomenon, which in some details did not take place until the 1950s or later.

Censorship of the press first became evident in 1838, only four years after the founding of the kingdom's earliest newspaper. The Reverend Reuben Tinker, editor of *Ke Kumu Hawaii*, "became dissatisfied with what he considered a despotic policy of the ABCFM [the sponsors of the Sandwich Islands Mission] which from Boston censored materials for publication," wrote Helen Chapin. "He severed connections in 1838 and soon departed from Hawai'i."<sup>1</sup>

The Provisional Government was responsible for the first official censorship of newspapers. On January 30, 1893, only thirteen days after the overthrow of the monarchy, the P.G. legislature enacted a law forbidding "seditious libel," which it defined as any published statement intended "to bring into hatred or contempt, or to excite disaffection against the Provisional Government."<sup>2</sup> A year later, this statute was made part of the 1894 Constitution of the Republic of

Hawaii and was strengthened by a provision permitting the government to close down any "libelous" newspaper (and any successor paper edited, published, or owned by the same personnel) for as long as four years.<sup>3</sup> Under this law, "a score of suits were filed against a dozen newspapers and their Hawaiian and *haole* editors and printers," notably the royalist and bilingual *Ka Holomua* (The Progressive). As Chapin noted, the 1894 Constitution "in effect cancelled freedom of speech."<sup>4</sup> The laws against "seditious libel" were repealed in 1900 by the Organic Act.<sup>5</sup>

Different kinds of censorship were imposed during World War I. "Late on Thursday, April 5, [1917,] a strict censorship was placed on the wireless service," according to Ralph Kuykendall. In spring 1918, the Vigilance Corps discovered that copies of a book thought to be sympathetic to Germany, *The War as Seen Through German Eyes*, were being circulated, and remaining copies were immediately seized by federal authorities: after a long trial, its author, F. H. Schurmann, was stripped of his citizenship.<sup>6</sup>

Censorship was far more pervasive in Hawai'i during World War II. "Army and Navy censors were on the job at telephone, radio, and cable companies within two hours after the [Pearl Harbor] attack," wrote Gwenfread Allen. "They moved into newspaper offices, and they were soon reading the mail at the post office. Censors listened to all inter-island and transpacific telephone calls. . . . All radio scripts were censored, and no 'ad-libbing' was allowed."<sup>7</sup> J. Garner Anthony, wartime attorney general of the territory, wrote: "In the year 1942 there existed no free press in Hawaii. The press operated under a military censorship . . . which prohibited publication of news items of general interest . . . related to the regime of military government." The armed forces also controlled shipping allocations and newsprint.<sup>8</sup> As in 1918, censorship ended with the end of hostilities.

The censorship of books, pictures, and theatrical performances was first authorized during the 1850s. The Penal Code of 1850 banned "any obscene picture, or pamphlet, sheet or other thing containing obscene language, obscene prints, figures, descriptions or representations."<sup>9</sup> Nine years later, the Civil Code of 1859 provided for licensing "any theater, circus, Hawaiian hula, public show or other exhibition, not of an immoral character."<sup>10</sup> These laws were amended

in 1909 (to include moving picture shows), 1915, and 1929 and during various periods referred to “obscene and censorious or ridiculous publications” and “obscene, lewd, lascivious, filthy, indecent or disgusting . . . pictures or stories of lust or crime.”<sup>11</sup> They survived, largely intact, until their recent repeal, one statute in 1972 and the other in 1982.<sup>12</sup>

Notwithstanding such legislation, movies made or shown in Hawai‘i seem to have escaped formal censorship. The chief threat occurred in 1939, when territorial Senator David K. Trask, upset by the portrayal of Hawaiians “as a group of savages” in a Hollywood musical, *Honolulu*, unsuccessfully proposed legislation to create a three-member censorship board to restrict local showings to films of “a moral, educational and amusing and harmless character.”<sup>13</sup> In January 1946, three local Americans of Japanese Ancestry “formed a committee of voluntary censors to review prewar Japanese films so as to ban all showings here if any of them put forth pro-Japanese propaganda or the spirit of ‘bushido,’ or its handmaiden, the theme of revenge.” Particularly incensed by the classic *47 Ronin*, the group relied mostly on “moral force.”<sup>14</sup>

Although live entertainers presumably tested public morals from time to time and consequently incurred police action, relatively few cases in the postwar years achieved much notoriety. One case that did so involved the Beretania Follies, an “adult movie” house at 1229 Kamanuwai Lane, which in July 1947 initiated regular stage shows, beginning with “Cover Girl Scandals.”<sup>15</sup> The Follies’ new live offerings, featuring leggy strippers and baggy-pants comedians, quickly attracted the attention of police and church. According to an account published in November 1947,

When the police closed a strip joint in the Aala Park district in Honolulu . . . the Judge said he couldn’t tell whether the show was indecent or not unless he saw it. So, [Defense] Attorney O. P. Soares and the Judge, District Court Magistrate Clifton H. Tracy, braved their way down “Tin Can” alley . . . to witness a private performance of the strip tease act put on by a group of malihini wahines who were arrested for same. . . . [After viewing the performance,] the Judge . . . announced from the bench: “The women in this show were as well clothed as the women on the beach at Waikiki and the jokes were corny.”<sup>16</sup>

Some of Hawai'i's major bouts with censorship were exceedingly serious in their civil rights implications but fortunately limited in duration. The suppression of free speech after the overthrow of the monarchy and during both world wars is especially troubling. The prohibition on moral grounds against offensive books, art, plays, and movies, in contrast, was much longer lasting. Such censorship, however, was pretty common throughout the United States during those years and was seldom viewed then as a civil rights issue. Motion pictures, curiously, seem to have escaped systematic censorship in the Islands.

Submitted by Robert C. Schmitt

#### NOTES

- <sup>1</sup> Helen G. Chapin, "Newspapers of Hawai'i 1834 to 1903: From *He Liona* to the Pacific Cable," *HJH* 18 (1984):52.
- <sup>2</sup> Session Laws of Hawaii (SLH) 1893-1894, Act 8.
- <sup>3</sup> Constitution of the Republic, Art. 3, in Penal Laws 1897, p. 2; Penal Laws 1897, chap. 96, sec. 1620-1625.
- <sup>4</sup> Chapin, "Newspapers of Hawaii" 70-71; Albertine Loomis, *For Whom Are the Stars* (Honolulu: UP of Hawaii and Friends of the Library of Hawaii, 1976) 47-48.
- <sup>5</sup> Organic Act, sec. 7: see Revised Laws of Hawaii (RLH) 1905:47-49.
- <sup>6</sup> Ralph S. Kuykendall, *Hawaii in the World War* (Honolulu: The Historical Commission, 1928) 17, 424.
- <sup>7</sup> Gwenfread Allen, *Hawaii's War Years 1941-1945* (Honolulu: U of Hawaii P, 1950) 146. See also DeSoto Brown, *Hawaii Goes to War* (Honolulu: Editions Limited, 1989) 84-85.
- <sup>8</sup> J. Garner Anthony, *Hawaii Under Army Rule* (Stanford: Stanford UP, 1955) 39-40.
- <sup>9</sup> Penal Code 1850, chap. 37, sec. 7-12.
- <sup>10</sup> Civil Code 1859, sec. 96 and 97; Penal Code 1869, chap. 55, sec. 6 and 7.
- <sup>11</sup> SLH 1909, Act 96; SLH 1915, Act 191; SLH 1929, Act 221.
- <sup>12</sup> Hawaii Revised Statutes (1968), sec. 445-161 to 165 and sec. 727-8; SLH 1972, Act 9; SLH 1982, Act 208.
- <sup>13</sup> Senate Journal 1939, references to SB no. 237 on pp. 298-99, 316, and 1565; "Movie Censor Board of 3 Is Asked in Bill," *HSB* 10 Mar. 1939:1, 4; "Movie Censorship Support Is Denied," *HSB* 11 Mar. 1939:1, 3.
- <sup>14</sup> "Voluntary AJA Soldier Group Censors Japanese Movies Here," *HA* 18 Jan. 1946:1, 7.

<sup>15</sup> "Jim Becker's Hawaii," *HSB* 26 Apr. 1967:C-16; advertisements in *HSB* for 1 July 1947 (p. 12), 5 July 1947 (p. 19), 2 Sept. 1947 (p. 8).

<sup>16</sup> Harold Godfrey, "Strip Tease Command Performance," *Hawaiian Digest* Nov. 1947:13-14.

#### UNWARRANTED PROMOTIONS

There is a small but significant error in the otherwise excellent article by Philip H. Harris on Charles Coffin Harris in volume 27 (1993) of *The Journal of Hawaiian History*. In several places in the article Mr. Harris incorrectly uses the title "ambassador" for Major General Edward M. McCook, a diplomatic representative of the United States accredited to Hawai'i. Mr. McCook's official title was minister resident, a lower rank in the diplomatic service than ambassador. The Kingdom of Hawai'i never had an ambassador assigned to its government, nor did the Republic of Hawai'i. In recent years Foreign Service officers with the personal rank of ambassador were posted to Hawai'i in the office of POLAD (Political Advisor to CINCPAC), but the post did not carry the rank of ambassador.

On page 158 Mr. Harris refers to Minister McCook as an ambassador, putting the title in lower case. This is acceptable in the generic sense of an ambassador being an envoy and is particularly understandable in view of the possible confusion over diplomatic ministers and religious ministers. On page 169, Mr. Harris again refers to McCook as "no longer ambassador to the Hawaiian Islands," which again is permissible, but in the next paragraph when he refers to "Ambassador James McBride" he has overstepped the leeway which can be allowed a historian. Dr. McBride was also a minister resident, never an ambassador. If Mr. Harris will refer to Ralph Kuykendall's *Hawaiian Kingdom*, which he cites, he will notice that McBride is correctly identified there as Minister McBride. Let's not promote McCook and McBride at this late date.

Submitted by Rhoda E. A. Hackler

