

ADJUTANT - GENERAL OF TERRITORY NOT IN NATIONAL GUARD

July 21
Acting Judge Advocate Hawaiian
Department Says War Office
Decision Settles Point

NEW DEFENSE MEASURE LEAVES STATUS ALONE

Brigadier-General Johnson Ac- cepts Interpretation of Ruling and Explains Position

Capt. James A. Gallogly, acting judge advocate of the Hawaiian Department, after looking into the question of the effect of the decision of the judge advocate-general of the army, as printed in The Advertiser yesterday morning, finds that Brig.-Gen. Samuel I. Johnson, as adjutant-general of the Territory, is not a member of the national guard, but a territorial official, pure and simple, without standing in the federal organization, such as the guard becomes under the new National Defense Act.

Captain Gallogly declares that in his opinion the provision, mentioned in section 66 of the act, providing that adjutant-general of territories and the District of Columbia shall be appointed by the President, and shall be bona fide residents of the territories in which they are so appointed, does not in any sense of the word change the general intent of the act, which is to keep the office of adjutant-general separate and distinct from the national guard, and as a state, district or territorial office only.

No Exception Is Made

In an interview given yesterday afternoon, to a reporter of The Advertiser, Captain Gallogly corrected the impression that had gone abroad that the act made special exception in the case of the adjutant-general of the Territory of Hawaii.

"The whole mass of laws affecting the national guard and the army as a whole," said the acting judge advocate, "has been to indicate that the national law givers have felt that the office of the adjutant-general is separate and distinct from the national guard. As the judge advocate general of the army says in the opinion which The Advertiser printed this morning, the essential feature of the national guard is that it is an organization for the defense of the nation. The office of the adjutant-general with its well recognized and well understood duties, does not fall within this scope.

"In fact, as has been pointed out in many previous opinions, the adjutant-general of a State, Territory or District is really in the position of 'an organizer of victory.' His duties are such that there is no place for him in the field. The make up of the army does not include him.

One Rank Not Included

"The new National Defense Act takes full cognizance of this fact, and realizing that to take him from the service of the State at the time of crisis would be a mistake, it also realizes that there is no obligation upon the national government to pay him.

"This does not apply to the position of assistant to the adjutant-general here. It may make clearer the attitude of the government when I say that under the law he is a member of the national guard and entitled to draw his pay as a major, \$250 a year, or one half the pay of a captain in active command of a company, for he would have to go to the front should the guard here be called upon to do so. In other words the government pays the guardsmen as a sort of insurance that it will have an efficient body of men ready for service should the need arise.

"This, I take it, is the fundamental theory under which the defense act is based, and as the adjutant-general of this Territory would not be called upon to go to the front, being needed more as an organizer than as a commander or fighter, his pay is left to the territorial government."

General Johnson Shows Status

When Adjutant-General Johnson was told of Captain Gallogly's opinion, he said:

"Doubtless Captain Gallogly is right. Certainly I do not wish to dispute legal or technical knowledge, but so far as I am personally concerned I hold a commission as brigadier-general in the territorial militia. Incidentally, I am

Japanese Blood Soon May Enter National Guard

American Youths of Nipponese Parentage, Fearing To Join, Urged To Show Patriotism

About a dozen American citizens of Japanese parentage are planning to join the Hawaii national guard, according to statements in the local Japanese press, and some interesting comments upon their plan are published in the papers. It is stated that they hesitated to make known their intentions for fear that they would be attacked by the local Japanese community, but their plan leaked out yesterday, and was, it is stated, warmly commended by the Japanese colony.

"It is no more than imaginary fear," said an editorial in the Hawaii Hochi last night, "that makes a dozen or more Japanese hesitate to join the National Guard of Hawaii, merely thinking that if they do so they will be opposed by the Japanese community here.

No Reason For Opposition

"There is no reason for the Japanese community to oppose the noble desire of these Japanese-American citizens to join a patriotic body of the United States. A patriotic subject cannot serve two countries, and so even the Japanese government has allowed foreign-born Japanese to select their nationality, to avoid double citizenship.

"Some boys, we are told, are perplexed, and fearing that if they swear they will fight against Japan, should the two countries become hostile, the Japanese community would, perhaps attack them. This perplexity seems to be natural for youth, but there is no need at all to fear about such a thing, for we can surely say that the peace of the two countries will never be broken.

Not only that, but if the American citizens of Japanese parentage join the patriotic bodies of America, the friendly relations of the two governments will become closer than ever.

Japanese Favor Movement

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"Doubtless Captain Gallogly is right. Certainly I do not wish to dispute legal or technical knowledge, but so far as I am personally concerned I hold a commission as brigadier-general in the territorial militia. Incidentally, I am also chief of the Governor's staff, so that I have two offices under the Territory—chief of staff and brigadier-general of the national guard. Under the President I hold, or shall hold, the position of adjutant-general. As adjutant-general I have no authority over the guard—I am what might be called the Governor's mouthpiece or, if you prefer it, the Governor's clerk. As brigadier-general of the guard I am in command of the guard under Governor Pinkham."

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"Even the Japanese government, or the mother country, has no reason to oppose the noble plan of these local Japanese youths, and we Japanese are broad-minded enough to congratulate them on their desire to join the National Guard of Hawaii. We have no doubt that Mr. Moroi, Japanese consul-general, will also congratulate them upon their plan. We therefore heartily advise them to apply to Brigadier-General Johnson for permission to join the national guard."