

150  
192933

# THE NAVY AND THE Massie-Kahahawai Case

THE POT CALLS THE KETTLE BLACK!



—Cartoon by Bill Moran

A Timely Account of a Dark Page In  
Hawaiian History Worthy of Study.

25 Cents

All cartoons in this pamphlet are by Bill Moran and appeared in the **Hawaii Hochi** at the time of the Massie Case. They are reprinted here by courtesy of **Hawaii Hochi**.

Published by

**HONOLULU RECORD PUBLISHING CO., LTD.**

811 Sheridan Street — Honolulu, T. H.

Copyright Pending



## PREFACE

During the past two decades the Massie-Kahahawai case has been a symbol in Hawaii of a double standard of justice — one standard for the well-connected haole and another standard for the non-white generally.

Nearly every Islander has heard of the case. Memories of the kidnaping and murder of Joseph Kahahawai by three Navy men and a wealthy society matron, who escaped with a token punishment of one hour's detention, served in an anteroom at historic Iolani Palace, will long live in the minds and stir the emotions of local people.

Kahahawai and four companions had been accused of raping Mrs. Thalia Massie, daughter of an heiress and wife of a Navy officer. After the four lynchers left the Islands, the Territorial government engaged the Pinkerton Detective Agency to make a thorough investigation of the case. The Pinkerton report proves conclusively that the youths were framed.

But this report, prepared at the taxpayers' expense, reposes in the Archives, unknown to the general public. Territorial officials did not dare publish it and face the wrath of white racists on the Mainland and in Hawaii.

Island people generally, though they may be uncertain about the details of the Massie case, know that injustice was done in 1932 because white racist feeling was whipped up to fever pitch in the Navy, on the Mainland and in certain Island circles.

The unpunished murder of Kahahawai left a deep impression upon the minds of Islanders. This was brought out sharply a few weeks ago when two Hawaiian boys—James Majors and John Palakiko—faced execution after being convicted of the murder of Mrs. Therese Wilder, elderly widow who belonged to an aristocratic old haole family.

Fifteen minutes before the death trap was to have sprung, Governor Oren E. Long was forced to stay the execution by popular protest which spread like wildfire. In the week that followed, hundreds of petitions passed from hand to hand, calling upon the governor to save the young men's lives by commuting their sentences to life imprisonment. Thousands recalled the farcical "punishment" of Kahahawai's lynchers.

"What about the Kahahawai case?" people asked as they signed the petitions.

Governor Long, bowing to pressure from socially powerful

white elements and the daily press, refused to commute the sentences of Palakiko and Majors. However, less than five hours before the second time set for the execution, their lives were saved for the time being by three attorneys who brought court action to stay the execution while the case is being appealed to the Ninth Circuit Court of Appeals.

It was recalled that some of the very persons who now insisted upon the hanging of the two youths were among those who called loudest for a full pardon for Kahahawai's murderers.

Japanese recalled also, how the **Star-Bulletin**—which now speaks contemptuously of the popular demand for mercy in the Majors-Palakiko case—fell in line with the clamor of upper-class haoles for vengeance in the Fukunaga case of 1928-29. Myles Fukunaga, the editor declared, should go straight to the gallows from "the formality of a trial."

This unbalanced youth had abducted and killed the son of a Hawaiian Trust Company executive at a time when his family, in dire poverty, was being pressed by the company for immediate payment of rent.

That the Massie-Kahahawai case brings back such recollections is no surprise at all. It was a case which stirred the whole nation. It vividly lighted up the racial attitudes of a vast part of the American people. Admiral Yates Sterling, whose fantastic account of the case is quoted so often in these pages, only expressed with complete frankness, the attitude of white racists toward hundreds of millions of non-whites in the world.

Too often we try to shove off race prejudice as something found only among the ignorant and openly brutal section of the populace. But the people who applauded the lynching of innocent Joe Kahahawai included congressmen, editors, admirals and millionaires.

They did not seek to know the facts. They would not even admit the facts when they knew them. Blind class and race prejudice made them believe Mrs. Massie's story and act accordingly, just as white lynchers in the South lap up the stories of irresponsible white women who seek publicity or, like Thalia Massie, repeat words put into their mouths.

The attitude that made possible the frame-up of the five Island youths accused by Mrs. Massie, and the murder of Kahahawai, leads to similar frame-ups every year, particularly in the Southern states, and to a double standard of justice for actual offenders. Only this year, seven Negroes of Martinsville, Virginia, were executed for the alleged rape of a white woman. In Missis-

issippi, Willie McGee was similarly framed and executed. In both these states the law provides that only Negroes, not white men, may receive the death sentence for rape.

Mississippi also makes it a crime to say that a Negro is entitled to social equality with a white man.

A review of the Massie-Kahahawai case and the hysteria which it stirred up on the Mainland will show why a block of U. S. senators, chiefly from the South, have successfully stalled statehood for Hawaii. Our racial pattern in Hawaii, however imperfect it is, is a standing challenge and reproach to the doctrine of white supremacy.

Racial supremacy, the doctrine which led to the tragedy and injustice of the Massie-Kahahawai case, every day brings oppression and tragedies to millions of non-whites in America and in other lands. Thoughtful people recognize that the idea of racial superiority is one of the most evil and dangerous threats to civilized life and that it must be stamped out now, immediately.

Decent white people abhor and fight against the idea of white supremacy, for it denies them the freedom to meet, talk, work, play, marry and live together with non-whites on an equal basis—in short, to live as civilized human beings. As long as racial discrimination is practiced in our land, our boast of democracy remains a bitter mockery not only to 16 million non-white Americans and countless millions of non-Caucasians abroad, but to all white people who take democracy seriously.

The dangerous doctrine of "racial" superiority cannot be confined by skin color and other physical signs of "race." Mouthing the same slogans as racist white Americans, "racially superior" Germans massacred millions of "racially inferior" Jews, Poles and Russians who look exactly like themselves.

If we can begin to bring home the lesson of the evil nature of racism through this account of the Massie-Kahahawai case which Hawaii remembers so well, this pamphlet will have fulfilled its purpose.

October 1, 1951.

## DOWN TO BARE FACTS



Hawaii's self-government was gravely endangered by the hysterical atmosphere created by the Massie-Kahahawai Case. Advocates of the commission form of government among the local vested interests pressed hard for such a type of government that would drastically curtail political expressions and activities of the residents. Not all the big interest elements were for such a change but those that wanted to end self-government in order to maintain their political power were fearful of the growing number of Japanese American voters.

Finally a compromise resulted, with some commissions set up in government rather than to have an out-and-out commission form of government.

The cartoon here shows the Territorial government, with top officials appointed by Washington, handing a hula skirt to the city government of Honolulu. It is trade-marked "Made in Washington," although in this reproduction the words do not show clearly.

## THE NAVY AND THE MASSIE CASE

I

### "The Maintenance of White Prestige"

Early in 1950, the local press carried a story headlined: "Thalia Massie Sued On Assault Charges." Mrs. Thalia Massie Bell of Los Angeles, 40, no occupation, had been arrested for assault and battery upon her pregnant landlady, having (so her landlady claimed) gone berserk after five hours of wine drinking.

This sordid item recalled to islanders the tragedy that shattered the life of high-strung Thalia Massie, brought violent death to a young Hawaiian athlete, inflamed the Navy to a fever of white racialism, aroused the race supremacists in Congress and brought Hawaii to the brink of commission rule.

### "THANK GOD YOU'RE WHITE!"

It began on a September night in 1931. Bored or annoyed or angered, a young woman left a drinking party in Waikiki and wandered down John Ena Road. Less than two hours later, her jaw broken, brutally beaten, hysterical, she stumbled onto the Ala Moana and hailed a passing car.

"Thank God you're white!" she told the occupants. They drove her to her home in Manoa. To her husband, when he returned shortly afterward, she sobbed out a half-coherent story of brutal mass rape.

History had been set in motion. The young woman was the wife of a naval lieutenant and her parents moved in the highest social circles of Washington. To the Navy immediately, and through it in a few weeks to millions of Americans, the attack upon Thalia Fortescue Massie became a symbol of racial conflict.

### ADMIRAL WRITES FOR "TRUE DETECTIVE" MAGAZINE

Commandant of the 14th Naval District, headquarters Pearl Harbor, was Rear Admiral Yates Stirling, Jr., son of Rear Admiral

1

Yates Stirling, Sr., a man bred from his birth in the Navy tradition. If the true voice of the Navy ever spoke, it spoke from the mouth of Rear Admiral Yates Stirling, Jr.

Stirling, author of several volumes on naval science, did not think it beneath his dignity to write an article for *True Detective* magazine. Published in February 1939, it is entitled "Honolulu Horror." This article, expanded and made more personal and sensational in style, became a chapter in Admiral Stirling's autobiography, *Sea Duty*.\*

The admiral's words strongly underline one of the reasons why Hawaii has passed 50 years without attaining statehood—that reason being that the Navy has looked upon Hawaii as a colony of dark-skinned, inferior folk, "haole-haters" and of doubtful loyalty.

Its ships stationed in Far Eastern waters, its eyes upon Japan as a hostile power with which America soon would come to blows, the Navy felt itself a mighty carrier of "the white man's burden" in the Pacific. Its officer class was drawn in great part from the Southern states, and the few Negroes and Filipinos among its enlisted personnel were strictly jim-crowed. Its attitude toward Hawaii's dark-skinned majority was merely an extension in milder form of its attitude toward the Negro.

#### DEMOCRACY ENDANGERS WHITE MAN'S PRESTIGE

"Great Britain's successful relations with these (dark-skinned) races," begins Admiral Stirling's article, "can be directly attributed to a strict adherence to the principle of white supremacy. Under our own democratic form of government, the maintenance of white prestige has become increasingly difficult.

"The effect of what I consider was a deliberate miscarriage of justice"—meaning the failure to convict the five men charged with attacking Mrs. Massie, and the conviction of her husband and mother for killing one of them—"has lessened the prestige of white peoples the world over, wherever they are in contact with the darker-skinned races."\*\*

#### ON A WOMAN'S WORD

What is the truth about the assault? Those who know have every reason for carrying their knowledge with them to the grave. The five youths charged with the crime presented an alibi convincing to any objective-minded person. The Honolulu police bungled their handling of the case. The famous Pinkerton de-

\*"SEA DUTY; The Memoirs of a Fighting Admiral," by Yates Stirling, Rear Admiral, USN (Ret.). New York, G. P. Putnam's Sons; copyright 1939 by Yates Stirling.

Quotations from the book are indicated by a single asterisk (\*); quotations from the article by two asterisks(\*\*).

TECTIVE agency investigated the assault but found no clues whatever to the identity of Mrs. Massie's attackers.

In the last resort, identification of Ben Ahakuelo, Henry Chang, Horace S. Ida, Joseph Kahahawai and David Takai as rapists rested on Mrs. Massie's word and nothing else.

#### WHO WAS THALIA MASSIE?

Thalia Massie's father was Major Granville Roland Fortescue, military aide to President Theodore Roosevelt, distinguished soldier, author of a sort, explorer and clubman. Mrs. Grace Hubbard Bell Fortescue inherited from her father, president of the American Security & Trust Company, a mansion set in vast grounds in Washington, D. C. While not very wealthy, the Fortescues moved socially among people who were.

At the immature age of 16 years, their daughter Thalia married an ensign of 22, Thomas H. Massie. Although the son of a wealthy Kentucky merchant, young Massie ranked socially below the Fortescues. Rumor had it that he was not popular among his fellow officers and was too familiar with enlisted men. After four years of marriage, Mrs. Massie was not very well adjusted to Navy life and to her husband. She seems to have been bored with the Navy social routine of card-playing, dancing and drinking. She wrote poetry. She attended classes at the University of Hawaii. Because of marital difficulties she had herself examined by a psychologist. Though the ordeal of the "Massie Case" brought the young couple together, a few years later they were divorced. Still later she attempted suicide but succeeded only in leaping from a ship's upper deck to the one next below.

A spirited girl, but high-strung and rather unstable, she was hardly the sort of person whose word could be implicitly relied on after the shock of the attack off Ala Moana Road.

#### II

#### "Seize the Brutes"

Rear Admiral Stirling, however, accepted as truth every word of Thalia Massie's account of her rape—even before he heard her story.

The admiral tells of his first reaction when Captain Ward K. Wortman, Lieut. Massie's commanding officer—his hand shaking violently and his face "as white as the coral sand"—informed him of the rape of "Tommie Massie's kid bride by a gang of half-breed hoodlums."

"Wortman," replied the admiral, "our first inclination is to seize the brutes and string them up on trees. But we must give the authorities a chance to carry out the law and not interfere."\*\*

Note this well: By his own admission the admiral did not wait

to learn if the right brutes had been caught; he did not even wait to learn what evidence, if any, there was of a rape. His first inclination was to "seize the brutes and string them up on trees." Only naval discipline led him to restrain his sailors from mob action.

### **THE ARRESTED "HALF-BREEDS"**

It is interesting to see how Wortman offhand described all the men arrested as "half-breeds," a word that fitted perhaps one of them, Chinese-Hawaiian Chang. Two were unmistakable Hawaiians and two were Japanese. But his use of the word was not an accident. To Wortman, they were true "half-breeds." And so also they were to millions of Americans who read of the Massie case.

In the minds of many Americans a picture has been built up of the "half-breed" — a lustful, cowardly, cruel creature, having all the bad qualities of both parents, plus some of his own. Mainland papers during the Massie case habitually referred to the "mixed blood" population of Hawaii. They may have meant people of many national descents, but to the reader "mixed blood" brought to mind the picture of the imaginary "half-breed."

### **THE STORY THALIA MASSIE TOLD**

The story of the attack—that is, the story told by Mrs. Massie on the witness stand nine weeks after the night of Saturday, September 12—can be sketched in a few sentences. Bored with a party in the Ala Wai Inn on Kalakaua Avenue, she wandered alone out of the building and down John Ena Road, past the entrance to the old Waikiki Park dance pavilion located about where Maluhia now stands.

Some 400 yards down John Ena Road, ewa of the Niumalu Hotel, was an area of cottages sometimes used for assignations between servicemen and young women of light virtue. According to Admiral Stirling, police told him that these girls were sometimes hijacked on their way to the cottages "by roving bands of dark-skinned ruffians in motorcars."\* Yet, as testimony of various witnesses at the trial showed, the road was lighted and lined with cars and little shops; the night, though moonless, was clear and starlit.

An open car pulled up near Mrs. Massie. "Two dark-skinned men jumped out and seized her. She struggled and screamed as those two strong brutes dragged her into the auto, in which, according to her statement later, were three more men, all yellow or brown. Pleading brought no merciful respite, only blows . . .

"Those beasts took the delicate girl, bred in a refined and cultured American home, to the bushes off the Ala Moana Drive and

there attacked her in the most shocking manner, all five men participating."\*\*

They then drove off and Mrs. Massie staggered to the road, where a few minutes later, about 12:50 a. m., passing motorists named Bellinger picked her up and took her home. A few minutes later, Lieut. Massie arrived. At 1:48 he reported the attack to the police and search was started for the car.

### **ARREST BY CHANCE**

Meanwhile, about 12:40 a. m., near the intersection of Liliha and King Streets, an open car with three young men—Ahakuelo and Takai had been dropped off near their homes—nearly collided with another driven by a white man. Kahahawai jumped out and approached it, saying: "Get that damn haole out of the car and I'll give him what he's looking for."

The man's Hawaiian wife got out and confronted Kahahawai, who knocked her down. As the youths drove off, the angry couple took down the number of their license plate and reported it to police headquarters. About three o'clock that morning, all five youths were arrested. Their ages were given as 20 to 24 years.

Mrs. Massie, about two and a half hours after the attack, had been driven by police to the emergency hospital, where Dr. David Liu treated her. Thence she was taken to the police station, where the chief of detectives wrote down her statement. She was then taken home and late in the day was removed to The Queen's Hospital.

Among the uncertainties of the case one fact is certain: Mrs. Massie was brutally beaten. She had "two fractures of the jaw, a swollen, bleeding nose, bruises and abrasions all over her body," said the attending physician. A tooth had to be pulled, her jaw was infected and she ran a high temperature for two weeks.

### **HOW GOOD WAS MRS. MASSIE'S MEMORY?**

As obvious suspects, four of the young men arrested were brought before Mrs. Massie for identification late Sunday morning, and all five of them the following Tuesday. Contrary to sound police practice, none but the five suspects were brought before her.

"From her bed of suffering," writes Admiral Sterling, "she unhesitatingly identified two of her assailants: namely, Chang, the Chinaman, and Kahahawai, the Hawaiian, as the two who had first seized her in John Ena Road. Chang, according to Mrs. Massie, began and ended the mass rape."\*\*

"Chang," he adds, "probably was the brains of the gang. The Oriental intellect is far above the Hawaiian."\*\*

On the witness stand nine weeks after the event, Mrs. Massie was certain there were five men in the car into which she had been forced, and she identified all but Takai. Horace Ida she knew by his leather jacket, Ben Ahakuelo by a gold tooth. She remembered the appearance of the car and where each of the five sat in it. She also remembered the number of the car, all but one digit, having taken it down in her mind as the attackers drove away.

For a woman who had just suffered a broken jaw and six separate acts of rape, who was dazed and close to hysteria, she showed truly remarkable presence of mind—even if she did forget within a few minutes to tell the people in Bellinger's car the number so that they could notify the police.

At the emergency hospital, however, Mrs. Massie told Dr. Liu she had been attacked but "she didn't know if it was four, five, or six or seven men." "She said the place was dark and she couldn't recognize them," testified the doctor. Miss Agnes Fawcett, nurse, testified at the trial that Mrs. Massie, crying and very much upset, told her six Hawaiians were the attackers.

**"I WAS CRYING; HYSTERICAL."**

When the police arrived at her husband's call, Thalia Massie testified, "I was crying; hysterical."

"She was nervous; seemed not to be in her right mind. . . . I don't know whether she was thinking clearly or not," declared Officer George Harbottle. "She couldn't give us the number of the car, she said it was dark." For the same reason, she could not identify her attackers except by their voices. Frank Bettencourt, bailiff who accompanied the police, gave practically the same testimony as Harbottle.

At 3:30 that morning, making her statement to chief of detectives John McIntosh, Mrs. Massie spoke of "at least four men"; she had been assaulted "six or seven times."

She said she wouldn't swear to the number of the car, she just caught a fleeting glimpse of it? McIntosh was asked.

"That is correct," he answered.

Officer William Furtado thought he might have discussed Ida's car number over the telephone in Mrs. Massie's hearing, or she might have heard it over the police radio.

When first questioned, Mrs. Massie mentioned the flapping top of her kidnapers' old car. Ida's Ford was new and its top was in excellent condition.

Finally, Dr. John E. Porter, naval surgeon who attended Mrs. Massie, testified that she was under opiates for several days, including the times that the suspects were brought before her.

**"Q. Did she know what she was doing?"**

**"A. For the first four or five days I really don't believe she knew exactly what she was doing."**

### III Rape?

Without doubt Thalia Massie was assaulted. Assaulted and battered. But was she also "assaulted"?

The press, most of the public, Admiral Sterling, the lawyers for the defense as well as the prosecuting attorney, assumed that she had been. Yet one of the most remarkable things about the trial of five men for rape is that no evidence was submitted—we have nothing beyond Mrs. Massie's word—to show that a successful sexual assault was made.

#### **A REMARKABLY GENTLE MASS RAPE**

True, one of Mrs. Massie's thighs was slightly bruised and there was a faint grass stain on her gown. True, Dr. Liu thought it possible that, being a married woman, she could "have had four men and not show any marks." But here the corroborating evidence stops.

Mrs. Massie's garments were in perfect condition, with no blood stains and no rips or tears except on one stocking. The people who picked her up were impressed by the good condition of her gown and wondered, when they read her statement afterward, how four or five men could have assaulted her. Most remarkable of all, neither Mrs. Massie's own clothing nor the underclothing of the five defendants showed marks of sexual discharge.

Had Mrs. Massie and the physicians been relentlessly cross-examined, her story of rape might have come to a sudden end—and along with it the whole "Massie case." It is probable that in view of the Navy's almost hysterical attitude the attorneys for the defense did not dare press cross-examination along this line. Confident that they could prove an alibi for their clients, they had to go along publicly with the general assumption that rape had been committed.†

#### **KNOWN AS A BAD LOT**

The admiral's attitude, however, was simple: Mrs. Massie says these five men are guilty, so they are guilty and there must be no delay in their punishment. "Quick action, in my opinion,

†Beliefs and "theories" on the Ala Moana case fall into the following classes:

- A. Mrs. Massie was raped,
  1. And the right men were picked up
  2. But the right men (or man) were not picked up.
- B. Mrs. Massie was not raped.
  1. An attempt at rape was made by (a) local hoodlums or (b) servicemen.
  2. She was merely beaten up by (a) Lieut. Massie, (b) another Navy officer, (c) somebody or other.

## A COSTLY LESSON



was necessary, with prompt and adequate punishment, if the prestige of the whites in Hawaii was to be preserved.”\*

Stirling and those who shared his way of thinking made much of the bad character of the accused. None of them, in his opinion, were “men who might be given the benefit of a reasonable doubt.”\*

There is no question but that all five were typical young roughs. Ida and Takai were merely “known as bad characters by the police.”\* Kahahawai, the admiral notes, had been tried on a charge of first degree robbery. But he ignores the fact that Kahahawai was allowed to change his plea of not guilty of rob-

bery to a plea of guilty of assault and battery, for which offense he was given 30 days in jail, court costs remitted. Kahahawai's associate in the “robbery” of a quarrelsome drunk was not punished.

Admiral Stirling and the Navy also made much of the fact that Chang and Ahakuelo had been sentenced in 1929 for assault with intent to ravish. They and four others, according to the admiral, had criminally assaulted a Chinese girl.

The facts: This case, pointed out Judge Albert M. Cristy who tried it, was merely one of “disgusting fornication.” The girl was a very willing participant with the six boys in what is vulgarly called a shag party.

Bennie Ahakuelo, out on parole after serving a four months' minimum term for this offense, was granted a full discharge by Governor Lawrence M. Judd so that he could leave the Territory to represent Hawaii in a national amateur boxing championship tourney in New York City. This action soon was to be thrown in Judd's teeth as a typical example of Hawaii's laxness toward sexual crime.

### ATTORNEYS, STRONG AND WEAK

Because of Mrs. Massie's physical condition, the Ala Moana assault case could not be brought to trial before the middle of November. Meanwhile, Admiral Stirling fretted over the question of attorneys. According to him:

“The defendants were represented by the two best criminal lawyers in the Islands (Sen. William H. Heen and William H. Pittman, brother of a U. S. senator) . . . It was learned that the defense lawyers were being paid fees of several thousand dollars, which indicated some powerful influence was supporting the accused men. One of the defense lawyers was a Territorial senator and chairman of the judiciary committee of the Senate, which, to me, placed almost an official stamp upon the effort to acquit the defendants.”\*\*

**The Facts:** One defendant, David Takai, could raise no money. The court appointed Attorney Robert Murakami to defend him for a fee of \$200. Heen and Pittman, defending the other four, received moderate fees and said they took the case only because they were convinced of their clients' innocence. After defendant Joseph Kahahawai was murdered they withdrew from the case, saying the fees were too small.

The prosecution should have been handled by the elected city and county attorney, James F. Gilliland. U. S. Department of Justice officials characterized “Smiling Jimmy” as inept, incompetent and inefficient. Inexperienced and partially deaf, he turned over prosecution of cases to his deputies. The Ala



Moana case he left to young Griffith Wight, whom Stirling describes as "actually shaking in his boots at the enormity of his sudden responsibility."\*

#### NAVY'S PERSECUTION COMPLEX

Says the admiral in his **True Detective** article: "The witnesses for the defense—many, it is firmly believed, perjuring themselves—could have been shaken and their testimony broken down by a clever criminal lawyer. The young, inexperienced and intimidated assistant city and county attorney seemed helpless."\*\*

Actually, from press reports, Wight seems to have made a pretty good showing. How he could be intimidated in the presence of Territorial Attorney General Harry R. Hewitt, who assisted him all through the trial, the admiral does not make clear.

To offset Heen and Pittman, the admiral urged that first-rate lawyers be hired as special prosecutors. "Officials of the Territorial government, from the governor down, were apathetic to my appeal," Stirling says. "No funds," they told him. The Chamber of Commerce, the admiral asserts, made "vain promises" of funds. He was aroused to "maddening disgust."\*

"In my mind and in the minds of the Navy people, there was the belief that all of the dark-skinned peoples, together with the civil authorities, were on the side of the defendants and against the complainant and the Navy, which was, through me, openly urging fair play and justice."\*\*

#### IV

### Justice for a White Person?

The trial of Bennie Ahakuelo and his four companions, charged with committing rape upon the person of Thalia Massie, took three weeks. Alva E. Steadman, the presiding judge, was a model of fairness.

Our national Constitution provides that all trials must be public. Admiral Yates Stirling, to spare Mrs. Massie's feelings, proposed that the Constitution be set aside and this trial held behind closed doors. Judge Steadman did not agree.

"The defendants," says the admiral, "placed their trust in an alibi which had been carefully built up for them."\*\*

#### A STRONG ALIBI

The alibi, briefly stated, was this: The five youths were seen by several persons about Waikiki Park until about 11:55 p. m.—one witness being a haole university student who had ridden to the dance in Ida's car. Another carload of young people, leaving the park about 12:15, was followed by Ida's car up Kalakaua

Avenue. On Beretania near Piikoi Street one of the other party named Robert Vierra swung over onto Ida's car to get a light, and after that the two cars were in sight of each other until they reached Fort Street. At about 12:30, testified S. P. Correa, Jr., the five stopped at his house at 350 N. School Street, scene of a wedding luau, to see if any beer was left. Finding none, Ahakuelo dropped off and the other four drove on to the fateful encounter at King and Liliha. Finally, no later than 1:30, Haruyo Ida, a geisha, arrived home just as her brother drove up.

Mrs. Massie, it will be remembered, was picked up on Ala Moana Road at about 12:50 a. m., after she had wandered about dazed, for some time following the attack.

Assuming that the five had actually kidnapped Mrs. Massie and taken her to the Ala Moana, that they had then either driven to Thomas Square via Ward Street or had returned to Waikiki Park—prosecutor Griffith Wight advanced both theories—little time was left for a trip of from two and a half to six miles and six acts of rape. Thirteen minutes, figured the defense; 26 minutes, according to Wight.

The police disagreed widely in their testimony. They stupidly missed their chance to block off the scene of the assault, the old animal quarantine station off Ala Moana Road, where Mrs. Massie's pocketbook, barette and beads were found, so as to search it carefully for tire marks and footprints. Some of Mrs. Massie's testimony, too, had a doubtful ring. She had, for example, heard a member of the gang called Bull, though none of the accused bore that nickname. She had heard her attackers speak "a foreign language." Ida she could identify only by his leather jacket, which he swore he had not worn that night before his arrest.

#### BOTH SIDES WERE POSITIVE

What influenced many people in Honolulu, if not the jury, was the steadfastness with which all five of the defendants stuck to their stories off the witness stand as well as on it. Surely—people thought—in a loose-talking community like Honolulu some one of the five would let slip a self-incriminating word if they were guilty.

The nearest approach to such a thing was Ida's remark reported by the detective who arrested him: "He was one of those in the car when the Hawaiian woman was hit, but he denied that he was along when the white woman was struck."

Both Takai and Ida were offered immunity if they would turn state's evidence and inform on their companions. Both refused, saying all were innocent.

Chief of Detectives McIntosh, trying to frighten Ida into a confession, told him that beads matching Mrs. Massie's had

been found in his car. "Then it's a frame-up," replied Ida.

On the other hand, some discrepancies appeared in the stories of the three defendants who took the stand, especially as to the route they traveled from Waikiki Park to Fort Street. Up the Kalakaua extension to Beretania, said Takai. Along King to Keeaumoku and then up to Beretania, said Ida. Along King Street all the way, Kahahawai thought, though he added that he was sleepy and groggy and paid little attention.

**The real strength of the prosecution's case lay in Mrs. Massie's detailed account of the kidnapping and mass rape and in the positiveness with which she identified four of the young men and their position in the open car. Declared Wight to the jury:**

"Unless you want to believe that this girl is an unmitigated liar you must accept her immediate identification of two of the defendants. . . . She did not identify Takai. She was telling the truth; if she had not been she would have said she identified all of them."

This plea the defense countered by pointing out Mrs. Massie's drugged condition when she identified the youths, and it strove to prove that the police had suggested the identifications to her.

#### **RUMORS STRIP THALIA MASSIE OF CHARACTER**

While the jury might close their minds to all but the testimony submitted in court, the public could hardly do so.

Complains the admiral: "Before the case came to trial and all during the trial, the most revolting slanders were circulated about Mrs. Massie in Honolulu. There was no shred of character left her . . . It appeared almost that Mrs. Massie was the one on trial and not the five defendants."\*

These rumors, the admiral firmly believed, were deliberately started by the defendants and their friends to discredit Mrs. Massie's testimony. Certainly the stories were vile enough, but anyone who remembers how rumors ran wild after Pearl Harbor will doubt that they were started intentionally.

#### **STIRLING VS. FACTS**

In describing the trial, Admiral Stirling was not the sort of man to let an embarrassing fact stand in the way of a statement agreeable to his prejudices.

**Stirling:** "The Japanese press seemed strongly on the side of the defendants throughout."\* **Proof:** They printed Mrs. Massie's name—which was already on everyone's tongue—while the English dailies referred to her as Mrs. \_\_\_\_\_.

**The Facts:** Files of the *Nippu Jiji* are not at hand. The *Hawaii Hochi*, a more outspoken paper than the *Nippu*, was im-

partial. It did not assume in advance that the five men were guilty. But it did praise Mrs. Massie in the highest terms for her "heroic fortitude."

**Stirling:** "A former supervisor of the city was a leading witness for the defense. This man was involved in a white slave affair at that time . . ."

**The Facts:** James Low, former Hawaii County supervisor, was called as a witness by the defense because he was a passenger in the car of Eugenio Batungbacal, surprise witness for the prosecution. A little before midnight Batungbacal and three companions had seen a woman, apparently drunk, being led by two or three men into a car about 150 feet away on John Ena Road. One or two more men sat in the car. Low's testimony was essentially the same as Batungbacal's.

**Stirling:** "The jury deliberated for ninety-seven hours before announcing that there was no hope of an agreement. From a reliable source, I learned that the vote began and remained to the end, seven for not guilty and five for guilty, the exact proportion of yellow and brown to whites on the jury. The white men stood their ground bravely, and I was informed that more than one voted against his best interest and lost his job because of the vote."\*\*

**The Facts:** Only two white men sat on the hung jury, a Portuguese and a haole. The haole voted to acquit. City directories show that no juror lost his job following the trial.

**Reported three U. S. Department of Justice investigators:** "The jury panel which tried the Ala Moana rape case was thoroughly investigated and found to be fair-minded, of intelligence, honest and utterly lacking in any trace of racial bias . . . Members of the panel indicated the possession of open minds sufficiently that the vote changed materially up until the last few hours."

This statement, in a government document, was available to Admiral Stirling seven years before he wrote his article and his autobiography.

#### **FUKUNAGA CASE RECALLED**

One factor which almost certainly helped keep the jury from bringing in a verdict of guilty was memory of the recent Fukunaga case. Three years before, in 1928, the young son of a prominent businessman named Jamieson had been kidnapped and murdered. Vengeful hysteria swept a part of the haole community. A vigilante committee was organized by men of good social standing.

Mr. Jamieson's former chauffeur, one Kaisan, was arrested on suspicion and under the influence of a "truth drug" adminis-

tered by the police he signed a confession. He was told to imitate the writing of a ransom note and was further identified as the criminal on the evidence of his handwriting, by Professor S. D. Porteus of the University of Hawaii.

**Vigilantes gathered at Pier 15, trying to make up their minds to storm the police station and lynch Kaisan. Fortunately, they didn't.**

**Then the real criminal was discovered, a pitiful youth on the verge of insanity. In the spirit of Admiral Stirling, Riley Allen of the Star-Bulletin tried Fukunaga in his editorial column:**

**"Now the program is well-defined. Fukunaga must go straight to legal, fair and honest trial, and straight from the formality of that trial to the gallows which the law provides."**

#### **STIRLING MOANS: HAWAII "HAD BECOME THE ORIENT"**

When the jury in the Ala Moana case failed to look upon the trial as a formality, Admiral Stirling saw their failure in racial terms:

**"The attack on a white woman by five bestial, dark-skinned citizens of Hawaii—and the woman, the wife of a member of the defense force—could not be punished in a Hawaiian court . . . Hawaii had changed. It had become the Orient . . . Now the question asked by the reputable citizens was: Can justice be obtained for a white person against a yellow or brown one in a criminal case again?"\*\***

Four white persons were soon to answer that question in their own way, and their answer would shake Hawaii to its foundations.



### **The Kahahawai Murder**

Honolulu, on the morning of January 8, 1932, seethed with excitement running close to mass hysteria. From mouth to mouth passed the news, fantastically distorted in the telling.

Policemen, their suspicions aroused by the drawn shades of a car being driven toward Koko Head, had forced it to a halt. At the wheel was Lieut. Thomas Massie. Beside him, proud and stony-faced, her thin lips haughtily compressed, sat his mother-in-law, Mrs. Grace Fortescue. In the back seat was an enlisted man named E. J. Lord. On the floor, wrapped in a wet sheet, lay the naked body of Joe Kahahawai, one of the five defendants in the Ala Moana case, a bullet hole through his chest. His water-soaked clothes were in a bundle beside him.

#### **A FAKE SUMMONS**

The trio was brought to the police station and charged with murder. In Massie's home, half-drunk, sat another enlisted man,

Albert O. Jones, whom the police also arrested and charged. Mrs. Massie and the family's Japanese maid had been sent away for the day.

Earlier that morning, Joe Kahahawai, proceeding to the Judiciary Building to make his daily report to the authorities, had been stopped and decoyed into the car with a fake summons by Massie and Jones. He was taken to the Massie home and shot to death. In an attempt to destroy all evidence, his body was thrown into the bathtub, stripped and washed clean of blood.

**When they were caught, three of the conspirators had been on their way to dispose of the body by throwing it into the sea beyond Koko Head. "If this had been successful, the body would never have been found; it would have been devoured by fish almost at once."\* There is a touch of regret in Admiral Stirling's words.**

But the police were on the alert, for Kahahawai's cousin, who was accompanying him to the Judiciary Building, had been suspicious and had notified an officer soon after Joe entered Massie's car.

#### **CITY IN TURMOIL**

As news spread of the murder and the arrests, several thousand people packed the streets about the police station. They were dispersed by police wearing gas masks and carrying tear gas bombs. The **Advertiser** reported, doubtless with a touch of **Advertiser** sensationalism:

**"Already seething from an island-wide manhunt for Daniel Lyman, escaped murderer . . . the city became fairly hysterical when this new sensation 'broke.' The entire national guard on Oahu was mobilized (by mistake) by sounding the siren on Aloha Tower; radio patrol and other police cars went screaming through the streets and along country roads, the police station assumed a state of siege for fear of mob violence. Territorial, military and municipal authorities hurried into conference and the population was for a time almost in a state of panic."**

Soon, however, people settled down to reading the newspaper accounts and rehearsing in heated conversations the events leading up to the murder.

#### **ADMIRAL "HALF-EXPECTED" LYNCHING**

Kahahawai's death might have been anticipated, might have been prevented. Indeed, Admiral Yates Stirling did anticipate murder—though not at the hands of "mild and self-effacing" Tommie Massie. For once he was in the right when he gave the civil authorities warning that went unheeded.

**When the jury in the Ala Moana assault case failed to find the defendants guilty, Naval personnel frothed at the mouth,**

Tension rapidly rose between sailors and the rougher element of Honolulu. To make things worse, the five defendants were allowed to go about freely on bail, provided they reported once a day to the authorities. Bennie Ahakuelo starred in barefoot football games, and all five frequented beer parlors and dance halls where sailors also went. The Navy interpreted this as insolence, as "laughing openly in the faces of decent people."\*

Wrote Stirling afterward: "Knowing the five attackers were as free as air, I half-expected, in spite of discipline, to hear any day that one or more had been found swinging from trees up Nuana (sic) or at the Pali."\*\*

#### **HORACE IDA'S "YAMATO DAMASHII"**

Five nights after the trial, Horace Ida was kidnapped by a group of Navy men which rumor claimed was led by Massie. They took Ida across the Pali, beat him unconscious and left him.

Says the admiral: "It was to be expected. I was surprised that Ida came off with nothing worse than a severe beating. A confession is said to have been obtained."\*\*

On the contrary, said Ida's family, Horace showed true yamato damashii (Japanese spirit) by allowing himself to be beaten unconscious without confessing to a crime which he had not committed.

Twenty-six suspects from the submarine base were rounded up and brought before Ida, who failed to identify any of them. When Ida appeared, stiff and suffering from his beating, Capt. Ward K. Wortman called him a perjured liar.

For the first time the Hawaii Hochi, most independent of Honolulu's four dailies, began to speak critically of the Navy. The attack on Ida, it pointed out, had all the earmarks of a cold-blooded conspiracy.

Lock up the five accused men, Admiral Stirling (and the Advertiser) urged, before something worse than Ida's beating happens. The civil authorities turned a deaf ear, pointing out that the right to remain free on bail was guaranteed by law.

#### **"FEAR FOR THEIR WOMENFOLK"**

Meanwhile, a hysterical feeling was being built up that white women were unsafe in Honolulu. The Honolulu Times, a sensational weekly sheet with big-business backing, devoted its December 12 issue to "The Shame of Honolulu." Navy officers mailed 3,000 copies to the Mainland. Sensational, distorted accounts of conditions in Hawaii began to appear in Mainland papers.

"Indignation and alarm," the admiral says, were felt by all reputable people of the city—meaning those upper-class haoles whom Navy officers met socially. "The older inhabitants . . . openly began to express fear for their womenfolk."

(Sometimes Stirling writes as if the island haoles were in his corner, sometimes as if they were not.)

"To give a larger feeling of security to the isolated Navy people," he continues, "I established more foot patrols of sailors and assigned Navy radio cars with sailors in districts where many Navy families dwelled. I insisted they be given the same authority as policemen, and could shoot to kill without being tried for murder."\*

Meanwhile he issued a public statement saying: "I find many people in Honolulu—even people of the better class—who feel that the Navy is taking advantage of this situation to attempt a domination of the community. This is the last thing in the world any of us want to see."

An officer and a gentleman is presumed not to talk from both sides of his mouth at once. But Admiral Stirling did.

In a statement addressed to Islanders he expressed his full faith in the local authorities.

In a report to his superiors he declared: "The police situation is intolerable."

#### **PISTOL-PACKING NAVY WIVES**

Navy wives bought pistols to carry in their handbags. "It was not an uncommon sight to see ordinarily timid women proudly display their weapons to each other and challenge each other to pistol matches on the beach." This, to the admiral, was evidence of "a rare sense of humor."

If the police could not furnish protection against rape, warned Admirals Stirling and William V. Pratt, "people must be expected to take measures to protect their women in their own way."\*

One result of "taking measures": A young fisherman at Haleiwa, crossing a corner of a beach lot at night as fishermen have always done, was shot and nearly killed by a nervous Army officer.

The escape of two convicts from Oahu prison and a rape committed by one of them on a white woman in her home on January 2, did nothing to soothe Navy wives' nerves.

Community leaders had offered a substantial reward for evidence leading to the conviction of those guilty of the Ala Moana attack. They had secured experienced attorneys to aid Griffith Wight. All this, Navy people snorted in anger, was a farce. The guilty men already had been apprehended—Mrs. Massie had pointed them out—and what could be expected of a retrial in such a place as Honolulu?

The fuse was ready to light. But it took the aristocratic

Mrs. Fortescue, cream of the cream of American society, to light it.

### **BITTER MRS. FORTESCUE**

From Admiral Stirling to the corner bootblacks, practically no one doubted that it was Mrs. Fortescue, with her outraged pride and her strong will, who drove Lieut. Massie and his two enlisted buddies into the crime that shook Hawaii.

Immediately upon receiving word of the attack, Mrs. Fortescue had come to Honolulu to be with her daughter. (Major Fortescue was at home, ill, throughout the Massie case). She had sat through the trial at which Thalia had recounted her tale of the mass rape.

**"Mrs. Fortescue held her head high, almost regally, while her face was impassive, not showing the awful bitterness in her heart."\***

This bitterness was rooted in class and racial pride, which held Hawaii's dark-skinned people to be "niggers" who must not be allowed to lay hands with impunity upon her kind. It was Mrs. Fortescue who pointed out to Massie and Jones the man they should kidnap. The man she indicated for abduction and murder was not Chang, "the brains of the gang," the man who her daughter claimed had begun and ended the rape—it was the biggest, burliest and darkest of the five youths, the one who most nearly fitted the Southern idea of a "nigger rapist."

## **VI**

### **The Navy Looks At Justice**

What was the reaction of the U. S. Navy's representative in Hawaii to the killing of Joe Kahahawai?

Admiral Stirling heard the news while he was on his way to see Governor Judd about speeding the retrial of the five accused rapists. He found Judd "ghastly white and shaking with emotion."

**"That's the result of encouraging a disregard of our law," Judd blared at the admiral.**

The admiral believes he smiled. **"I've been expecting something of the sort. You would insist upon letting these criminals loose instead of keeping them locked up for their own security."\***

Then he said he had come to see about the retrial of the remaining four men.

**"MY HEART WENT OUT . . ."**

"They (Massie and his associates) have killed one of my people," Judd exclaimed (or the admiral says he did). "I'll bring these murderers to trial immediately. I'm not interested in the Ala Moana case."

**Stirling turned and left. "From now on there could be no friendship between the governor and me."\***

He went to the district attorney's office, where Mrs. Fortescue, Massie and Lord were being questioned. Lord wore handcuffs. Stirling was enraged.

**"Take off those irons!" the uniformed admiral demanded. It was done without hesitation.**

Then, wrote Stirling: "I stood for a moment at Mrs. Fortescue's side and put an arm around her. My heart went out to this brave mother. Mine was a gesture of sympathy. I had daughters of my own. She understood, and I saw a tear travel down her pallid cheek; then she looked up and smiled, and I read in her strong face that she was undefeated and would fight for justice to the end."\*

If Yates Stirling hadn't been an admiral, he could have written soap opera.

### **JUDGE BENDS TO ADMIRAL'S WISHES**

Going next to Judge Albert M. Cristy, the admiral "demanded that the four accused people be given over to the custody of the Navy, insisting they were in danger of mob violence, for I had no confidence in the police to protect them."\*

Judge Cristy turned over the four in custody of Captain Ward K. Wortman, Massie's superior.

Now, writes Stirling, he would have to do some fast working and thinking if the four people were not to be confined in "a disgusting and revolting Hawaiian prison."\*

**"The Navy naturally was concerned. A sentence which would send these people to a Hawaiian prison where they would live at hard labor with Orientals and other dark-skinned criminals, was horrible even to contemplate. It must not happen."\*\***

Had Mrs. Fortescue not been involved, the three sailors undoubtedly would have been turned over to the Navy for court-martial—and acquittal. But with her in the picture, the case must go to the civil courts.

### **GRAND JURY RELUCTANT TO INDICT**

At first Admiral Stirling was hopeful that the grand jury would balk at indicting the killers.

"The grand jury, composed of many of the white race, showed reluctance to bring in a true bill. Their first report on the charge of first degree murder was twelve to nine for no true bill."\*\*

Among the twelve jurors who wanted to drop the case was Frederick D. Lowrey, one of the five police commissioners newly appointed to reform Honolulu's law enforcement.

Judge Cristy, a deeply religious man, was outraged that the jury should wish to whitewash an obvious crime. He charged the jury to take second degree murder into consideration. With some reluctance, the jury returned an indictment. Senator Kenneth McKellar of Tennessee called for Judge Cristy's impeachment.

Montgomery Winn, later to be well known as an anti-union lawyer, was representing the four defendants. He told Admiral Stirling and the world generally what had gone on in the grand jury session, which was sworn to secrecy. When Winn would not reveal how he had found out, Judge Cristy found him in contempt of court.

Naval officers and members of Congress demanded a change of venue to a Mainland court. "We know it would be unsafe to turn Lieut. Massie over to a native jury," said Rep. Virgil Chapman of Kentucky. "There is not a jury in the United States that would have failed to convict the native that was killed."

The General Assembly of Massie's native state went further. It resolved that "every arm of the government" be called into use to insure immediate release of the four defendants, and that President Hoover "declare martial law in Honolulu until such time as Hawaii can be made safe for women . . ."

Needless to say, a change of venue or release of the four defendants was impossible under the law.

#### **DARROW TAKES CASE FOR \$25,000**

Feeling that "Island lawyers would be afraid to act freely for fear of losing their clients,"\* the Navy set about getting the best legal talent from the Mainland.

Mrs. Fortescue aimed at the very top. Through friends she secured the services of Clarence Darrow.

Darrow is still remembered with respect for his brilliance as a criminal lawyer, with gratitude for his defense of the oppressed, especially in the field of labor. Now, old and poor, perhaps not understanding fully the issues in the Massie case, he accepted a fee of \$25,000 and brought a noble career to an anti-climax by representing four racist lynchers.

A battery of able attorneys was picked to assist Darrow. Sailors were assessed for a \$7,000 fund to defend the enlisted men, Lord and Jones.

A trial jury was drawn, six haoles and six of other descents. Admiral Stirling could not imagine the jury voting except on racial lines, the white men for not guilty and the Hawaiians and Orientals for guilty. In his eyes: "They considered Kahawai was a martyr who must be avenged."\*

Again to quote the race-conscious admiral: "All Hawaii

now waited for the trial. It was the most sensational event that had ever happened in the Islands. Four white people were on trial for the murder of a Hawaiian. It hardly seemed possible."\*\*

#### **VII**

### **"Natives Lying In Wait"**

Scarcely had news of Kahawai's killing been flashed to the Mainland before there broke over Hawaii a storm of hysterical abuse. Rear Admiral Stirling and his fellows had prepared the minds of the right people. American racial feeling did the rest.

Special dispatch from New York to the **Hawaii Hocht:**

"The city is aghast at the terrible picture of conditions in Hawaii presented by sensational articles. Screaming headlines point to the existence of intense racial hatred and warn of the danger arising from the presence of a mixed population roused to a frenzy against the handful of whites living in the city of Honolulu."

Some typical headlines:

**HAWAII CRATER OF RACIAL HATE.**

**MANY WHITE WOMEN ATTACKED IN HAWAII.**

**RACIAL VOTE SAVED FIVE ATTACKERS.**

**CALL FOR WHITE RULE MADE IN EDITORIAL.**

**BAYONETS RULE HAWAII AS RACES BOIL IN KILLING.**

Six whole pages of the **New York Daily News** were devoted to the **MELTING POT PERIL!** in which lust-mad natives and insolent Orientals indulged in an orgy of criminal violence.

RACE WAR was predicted. "Nights of terror are conjured up, while women cower in their homes in mortal fear of wholesale ravishment." Thus the New York dispatch sums up Hawaii as painted by the press.

#### **HEARST PAPERS USE "YELLOW PERIL" LINE**

Twenty Hearst papers editorialized:

"The situation in Hawaii is deplorable. It is an unsafe place for white women. Outside the cities and small towns, the roads go through jungles and in these remote places, bands of dangerous natives lie in wait for white women driving by. Forty cases of such outrages have occurred and nobody has been punished.

"... The whole island should be put under martial law and perpetrators of outrages against white women should be promptly tried by court-martial and executed."

The Hawaii situation, declared one of the Hearst papers, was the result of a Jap plot to create an anti-American attitude toward the whites.

So screamed the yellow press. What of the reputable papers?

### FEELING RAN HIGH — AND STUPID

The New York Evening Post demanded that Governor Judd be removed and the Army's commanding general made Administrator for Hawaii.

The ultra-respectable New York Times blamed Hawaii's mongrel racial mixture for the (imaginary) outbreak of rioting.

Navy officers, reported the Times, held beach boys responsible for Hawaii's "crime wave." "Mostly they are half-castes, the offspring of the natives from intermarriage with Chinese, Japanese and other Oriental peoples, according to the navy officers. Their district corresponds generally to the old Barbary Coast," a section of San Francisco known the world over for its brutal vice.

In Congress, feeling ran just as high—and as stupid—as outside. Judge Steadman, upon the jury's request in the Ala Moana case, had told it the meaning of "reasonable doubt" and such like technical terms. The House committee on naval affairs called the judge's routine explanations "thinly veiled instructions to acquit."

Senator Kenneth McKellar (later Governor Stainback's Great and Good Friend) declared himself "shocked and astounded" by reports from Hawaii. He called for a senatorial investigation of every angle of the Hawaiian situation.

One of the intelligence services rushed into print a report that it had made four and a half years before. The report revealed that there were prostitutes in Honolulu and criticized Governor W. R. Farrington for pushing statehood.

President Hoover called a special meeting of the cabinet to consider the Hawaiian crisis.

### ADMIRALS SOUND OFF

And the admirals?

Admiral George Pettingill said Hawaii was unsafe for the wives of Navy officers.

Admiral William V. Pratt, Chief of Naval Operations, the day after Kahahawai's lynching, gave it his approval by declaring: "American men will not stand for the violation of their women under any circumstances. For this reason they have taken the matter into their own hands repeatedly when they have felt that the law has failed to do justice."

"To be perfectly fair in the matter," Admiral Pratt told a senatorial committee, "I do not think it is entirely the fault of the Hawaiian boys out there . . . You can not allow too great in-

timacy or laxity, let me say, of relationships between (white) women and (colored) men without something growing up. The Hawaiian is a different sort of bird from the average American . . . I have been fearful of something of the sort for a year or two."

### \$8,000,000 BOYCOTT

Admiral Stirling, while fuming over the failure to provide a special prosecutor for the Ala Moana attack case, had explained the Islanders' attitude in economic terms. "Better far, they seemed to think, that the white man's justice be outraged than the tourists be frightened away!"\*\*

Now, when the Navy Department thought of cancelling its annual maneuvers off Hawaii, Stirling had his revenge. Hold the maneuvers, advised the admiral, but don't grant the sailors shore leave at Honolulu. His advice was followed.

"In consequence," gloated Stirling, "the business interests there lost amounts variously estimated up to eight million dollars."\* "A sad blow, but one richly deserved."\*\*

The Army, which kept a level head throughout all this excitement, granted leaves as usual.

Several months after the Massie case was ended, Admiral Stirling ended his tour of duty in Hawaii and was transferred to New York. One would suppose that a man who boasted of cutting off five to eight million dollars in trade from Honolulu merchants would be given the works by Honolulu editors. But no.

This is what the Honolulu Advertiser said of him, in an editorial which the admiral modestly quotes in full in his autobiography:

" . . . One could do not less than admire his fairness, honesty of purpose and willingness to hear both sides of any question . . .

"This community regrets the departure of Admiral Stirling and will remember him as an officer—and citizen—who typified all that was best and admirable in an officer of the United States Navy and in an American."

**"HILAHILA OLE KEIA POE HAOLE!"**

While Congressmen and admirals raged over Hawaiian justice, prominent Americans in private life demonstrated their aloha for Mrs. Fortescue. She received hundreds of telegrams and letters complimenting her on the murder, and the deck of the ship where she was held was banked high with flowers wired her by admirers.

"I would have done the same thing in your place and so would any other good mother," wrote Mrs. Eva Stotesbury to Mrs. Fortescue. The Stotesburys, Morgan partners, are among America's ruling "sixty families."

Meanwhile, Joseph Kahahawai was buried. More than 2,000 Hawaiians, most of them of lowly station in life, passed before his bier at the funeral parlor. His father rose to speak:

"During the time from my son's arrest until his death, he and I talked about the charges against him often, and he always maintained he was innocent.

"He took an oath in front of me saying: 'Daddy, I swear before God that I never did anything wrong.'"

Then David Kama, brother of a policeman who had been killed some years before while trying to arrest a sailor, spoke in an impassioned voice.

"Poor Kahahawai, these haoles murdered you in cold blood. They did the same thing to my poor brother. These haoles shoot and kill us Hawaiians. We don't shoot any haoles, but they treat us like this. But never mind! The truth will come out! You are not wrong. If you were, they would not catch these murderers. That is the reason they were caught. Thank God they were caught. Poor boy, God will keep you—we will do the rest."

From the lips of the Hawaiians came a groan: "Hilahila ole keia poe haole!"—"Shame on these haoles."

## VIII

### Reform by Compulsion

Spurred on by pressure from every side, Governor Judd called the legislature into special session (January 18-June 3, 1932). Never has a Territorial legislature met under greater pressure. For, in the Rev. Galen Weaver's expressive words: "Hawaii's dirty linen was hung out on the clotheslines of the world."

Everywhere the talk—and it was no idle talk, either—was that Congress would wipe out or drastically limit Hawaii's self-government. Would Congress put Hawaii under commission government? If so, would the commission be military, civil or mixed? Would Congress remove the three-year residence qualification for officials and put Hawaii's government in the hands of Mainland carpetbaggers? Could Hawaii ride out the storm? Just how much reform in local government would be necessary to appease race-minded Congressmen?

#### "TRAITORS TO HAWAII"

Not only Mainlanders wanted to end Hawaii's self-government. A good many influential Islanders, fearful of the growing body of Japanese-American voters, were willing to get rid of elections altogether. Two weeks before Kahahawai was shot the Advertiser was pointing out that already, important local in-



terests "are listening in a more interested way to advocates of the commission plan."

A majority of local notables, however, did not want commission government. They were concerned with running up lightning rods against Congressional wrath. "Anyone in the Territory of Hawaii who gets up and says we ought to go to commission form



of government here," flared out Senator Charles A. Rice, "is a traitor to Hawaii."

Legislators not only had to keep a wary eye upon Congress, they had also to spare a glance at Honolulu's embattled ladies. Women who enjoyed high social position and had plenty of time on their hands in 1932, got the same emotional kick out of crusading against sex crime that their successors during the 1949 long-shore strike got out of marching under anti-communist slogans in the Broom Brigade.

"Anyone who would laugh about such a thing," exclaimed a matron to a reporter who smiled at some emotional outburst among the women, "would himself commit rape!"

#### "A LOT OF DAMN FOOLS!"

Literally before Kahahawai was in his grave, a Honolulu Citizens' Organization for Good Government had been whipped together by Mrs. Harry Kluegel and Mrs. Henry Damon. It called a mass meeting at the Young Hotel roof garden which was attended by nearly 1,000 people. Much steam was let off there on the hoodlum menace, laxity of the police and similar topics. John F. G. Stokes, well known for his devouring fear of Hawaii's Japanese, called for five to ten years under military commission government so rigid that people would learn to obey the laws.

No one saw the unconscious humor in such a remark, coming right after three Navy men had committed a murder.

Before the Territorial senate appeared a committee from the League of Women Voters—Mesdames S. A. Baldwin, George P. Cooke, Henry Damon, Walter E. Wall and A. N. Campbell—demanding that death be made the only penalty for rape. Clarence Darrow, commenting a few weeks later on this proposal, said from a lifetime's experience as a criminal lawyer:

"A legislature which would pass a law making the crime of rape carry the death penalty is composed of a lot of damn fools. It incites a man to murder."

By rejecting this measure by a tie vote, the Senate barely escaped falling into the category of damn fools. It did, however, make death one of the possible penalties for rape.

The legislature also turned down the Women Voters' demand that whipping be made the penalty for minor sex offenses.

#### THE LEGISLATURE TAKES ACTION

Practically under orders from Congress, the legislature changed the law on evidence in rape cases. Hawaiian law at the time of the Ala Moana trial required that other evidence must support the word of the complaining witness. Thanks to the Massie case, a woman's unsupported word can now be admitted as evidence.

"Just another crazy law," commented Clarence Darrow.

With considerable reluctance and grumbling, the legislators enacted still other changes in the laws, some of them quite important. Teeth were put in the law against loitering. Some changes were made in the selection of juries and the challenging of jurors. Two successive hung juries no longer were allowed to equal an acquittal. The court was given leave to comment to the jury on the evidence and the credibility of witnesses. Oahu Prison, then run like something out of a Li'l Abner comic strip, was taken out of the hands of the high sheriff.

Jimmy Gilliland was eliminated by making the public prosecutor for the city and county appointive by the mayor and accountable to the attorney general. "Smiling Jimmy" promptly announced that he might run for mayor.

But all these reforms, or at least changes, came after the one that aroused most interest, reorganization of Honolulu's police force.

## IX

### Honolulu Police: 1931 Model

The Navy and everyone else had reason to grumble at the ineffectiveness and low morale of Honolulu police in 1931. The elected sheriff, an easygoing soul named Pat Gleason, was more interested in luaus than in efficiency. Why worry over petty graft and a few sex crimes by policemen? Between the "St. Louis alumni" police ring headed by Gleason and County Attorney Gilliland and the hoodlum element there was more than a little feeling of comradeship. As for catching criminals—an Oregon sheriff put it this way:

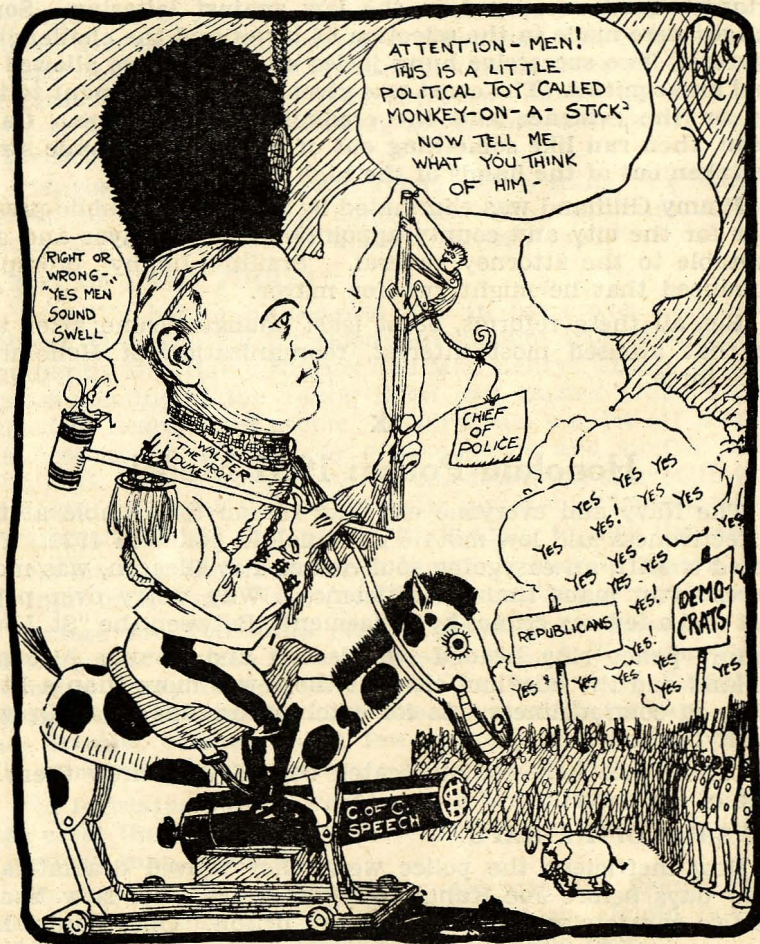
"The police here couldn't catch cold if you threw them in a tub of ice water!"

#### THE SAGA OF KAIKAPU

How inefficient the police were, they proved dramatically a few days before Joe Kahahawai was killed. On New Year's Eve two convicts walked out of Oahu prison. One, Daniel Lyman, remained at liberty for a month and was only captured when he got drunk and walked into someone's house. The other, a hulking brute called Lui Kaikapu, was caught on January 2 after breaking into a house and committing rape. The whole police force was on special alert, yet, to quote the Advertiser:

"He drove around the business district at all hours of the day and night, cruised through residential areas, took jaunts to Wai-kiki and out into the country, searched garages for cars better than the one he was at the moment using, changing as often as he thought he could better his vehicle, strolled into a restaurant

## ALL SAME KAMEHAMEHA



and had a leisurely meal, got a shave in a barber shop and read with interest what the newspapers had to say about his crime; drove boldly into a service station and had his car washed and the tank filled with gasoline."

Deciding he needed a gun, Lui heaved a rock through a hardware store window. Just then a policeman came by. Lui explained that he was a carpenter called to repair the broken window. The policeman walked on.

Meanwhile, another policeman shot and killed a Filipino sea-

man who ran when ordered to stop—a little fellow in no way resembling Kaikapu or Lyman.

## KAHAHAWAI MURDER BRINGS POLICE REFORM

Such being the police department, it is no wonder that while some officers were trying to bulldoze Ida and Takai into confessing that they had helped rape Mrs. Massie, others were going with their stories not to the prosecuting attorney, but to defense lawyer William Heen. Nor that reports had a way of disappearing from officers' desks.

Nor is it surprising that the chief of detectives drove suspect Ida's own car about the scene of the crime looking for Ida's tire marks! Nor that Officer Samuel Lau told Officer Claud Benton the next day that "it was a waste of time to take photographs (of the tire marks), as he had talked to Ida and believed him not guilty."

Such sloppiness now must come to an end. Congress in Washington, businessmen in Honolulu, both under pressure from the Navy, were cracking the whip over the legislature.

Admiral Stirling claims the credit for forcing a reorganization of Honolulu's police system. In a sense he is right, for the man who put across the police commission was a civilian enjoying intimate ties with the Navy League—Walter F. Dillingham, supported as usual by the Advertiser.

## DILLINGHAM LAYS DOWN THE LAW

Publisher Lorrin P. Thurston of the Advertiser, called a meeting of the Chamber of Commerce directors. Dillingham addressed them:

"I do not care what woman signs a statement that Honolulu is a safe place for women. We cannot accept it as being sound . . . I will submit to any kind of government rather than let conditions remain as they are today."

"You businessmen represented by the chamber," he told them, "pay 90 per cent of the taxes, and the time has come for you to demand 90 per cent voice in the control of the government. If you cannot force the legislature and the governor to accept your program for reorganizing the police department, you must be prepared to go to Washington and obtain commission rule for Hawaii." (Hearty applause from the directors.)

Mr. Dillingham made his speech on January 12. On January 22, Governor Judd signed the bill setting up a police commission and appointed as commissioners five prominent businessmen. These men six days later appointed as acting chief of police, Charles F. Weeber, Mr. Dillingham's secretary.

Under the commission, Honolulu's police system was thoroughly reorganized. Shedding its small-town, easy ways, it be-

came efficient. William A. Gabrielson was imported from California to be permanent chief of police. Under him, the police learned to spy upon and beat up labor organizers and to make a highly organized, efficiently run big business out of the downtown brothels. "Dong-dong" gave place to businesslike graft.

## X

### "The So-Called Dominant White Race"

Hawaii was not left to clean house unguided. Within a week of Kahahawai's murder the Justice Department, at the request of the U. S. Senate, sent an assistant attorney general to investigate law enforcement in Hawaii. He was Seth W. Richardson, recently the man in charge of the government's loyalty program for its employes.

Richardson, with the aid of a staff of lawyers and FBI men, made a thorough investigation of everything concerned with law enforcement. Over 400 citizens of more or less prominence and 300 men on the jury list were interviewed. The Richardson report, appearing April 4, on the eve of the Massie trial, cleared the air somewhat.

#### ADMIRALS HAD SHOT OFF THEIR MOUTHS

Richardson found the prosecutor's office weak, the police force undisciplined and stupid, Oahu prison a mess, the haole ruling class easygoing and shortsighted—but he found no organized crime, no criminal gangs, no race hatred, no sympathy for rape. He found the courts able and fair, the jury system as good as on the Mainland. His report let the air out of the wild charges made by the admirals and blown up by the sensation-loving press.

**Admiral Stirling:** ". . . the almost universal lack of sentiment against the enormity of the crime of rape."\*

**Mr. Richardson:** ". . . I do not think it is just to claim that the Hawaiian people generally have any unusual tendency toward the commission of such crimes." Island juries convicted in 82 per cent of all sex trials.

**Admiral Pratt:** ". . . you let them (white tourist women) take too many familiarities with the boys on the beach, something is going to happen—and it did."

**Mr. Richardson:** ". . . we saw nothing in the tourist and beach conditions which excited our critical interest."

**Admiral Stirling:** ". . . 40 cases of criminal assault . . . in the first eleven months of the year." (This charge, from an official report by Stirling, had been screamed by every yellow journal in America).

**Mr. Richardson:** "The hospital records do not indicate any such condition. In fact, it was conceded by Captain Pfeiffer of the Navy police, that such report . . . could not be substantiated." Actually, only 7 cases of sexual violence were reported to the emergency hospital in 1931.

**Admiral Stirling:** "Racial feelings are very strong."

**Mr. Richardson:** "Racial intolerance is at a minimum, and serious racial resentment seemed infrequent."

Richardson pointed to the reforms that had already been made by the special session. Even he, however, bowed to the sentiment of the hour in recommending a Territorial police force. Also, he recommended that the office of county attorney be abolished and all prosecutions be handled by the attorney general, who should be appointed by the President.

Neither these suggestions nor any of the bills already before Congress to change the Hawaiian government were ever made law.

#### STIRLING FOR COMMISSION RULE

Out of the report's 315 pages, two pages aroused more comment locally than all the rest—and very heated comment it was among the Japanese. These pages contained the text of a statement made to Richardson by Admiral Stirling. On the most outspoken racial grounds, he called for commission government immediately.

". . . Racial feelings are strong amongst all Oriental races, and there can be little doubt but that the so-called dominant white race is cordially disliked by practically all of these races. No very great provocation would be required to cause these sparks of dislike to be fanned into active race hatred in time of war.

"What is also disturbing is the intermixture of races that has been going on in the Hawaiian Islands for many years. Scientists have stated that these intermixtures tend to produce types of a lower moral and mental caliber than the pure-blooded types of each race, and this intermixture is increasing to an extent that will tend to make each new generation of mixed bloods, with the continual introduction of a greater proportion of Oriental blood, contain a majority of individuals of lower intellect and of increasing degeneracy . . .

"Present governmental control should be by men primarily of the Caucasian race . . . by men who are not too deeply imbued with the peculiar atmosphere of the islands . . . Actual control of the laws, their inception, promulgation and enforcement, should be by the national government.

"Should the logic of the situation decide for a government of limited suffrage with a considerable measure of control by the national government, the constitution of such controlling gov-

ernment, while predominantly civilian, should include an officer of the United States Army and an officer of the United States Navy . . .

"The present moment seems opportune to bring about such changes as logic and necessity seem to indicate; for any considerable delay in providing for the Hawaiian Islands the form of government best suited to their vital military value and importance may tend to increase the difficulties to be encountered in such change . . ."

## XI

### "Everybody Knows I Love You"

From all over America reporters came to cover the Massie-Fortescue trial, which became one of the 10 top news stories of 1932. The Territory had at last engaged as special prosecutors, first-rate lawyers, worthy to cross swords with Clarence Darrow—John C. Kelley and Barry Ulrich.

Courtroom seats were at a premium. By 5:30 p. m., those who wanted seats for the next day's trial brought blankets, thermos bottles and playing cards and settled down to an all-night vigil, holding their places in the line. But when court opened, it was seen that many of the all-night waiters had disappeared and the front seats were occupied by such women as Mrs. Walter F. Dillingham. Houseboys held some seats for their mistresses; the unemployed earned from \$5 to \$10 by holding others.

It was these women whose seats were held by proxy who showed most sympathy for the Massies and the Navy point of view.

To show under what strain Lieut. Massie had labored, the defense had Mrs. Massie repeat her story of the assault. Cross-examining her, Prosecutor Kelley asked her to identify a paper which she had prepared for a psychologist on her marital difficulties.

#### APPLAUSE FROM THE FRONT ROW

Mrs. Massie blazed forth: "I refuse to answer. This is a private matter between a patient and a physician (it wasn't) and you have no right to bring it into open court like this!"

Dramatically, she tore the paper to shreds.

"Thank you, Mrs. Massie," flared back Kelley. "You at least appear in your true colors at last."

"What right has he to say I don't love you?" sobbed Thalia Massie to her husband. "Everybody knows I love you!"

The women in the front seats applauded.

#### WHO FIRED THE FATAL SHOT

The defense sought to prove that Lieut. Massie had kidnapped

Kahahawai, intending to force a confession from him; nothing more. Then, when the Hawaiian blurted out, "Yes, we done it," everything went black before him and in a fit of temporary insanity he fired the fatal shot. Very few believed Massie was telling the truth.

Writes Admiral Stirling: ". . . I have always believed that Mrs. Fortescue, and not Lieut. Massie, held the revolver that killed Kahahawai . . . I am told that to one woman in Hawaii, she had said, in bidding her goodbye: 'I want you to believe that I, her mother, killed Kahahawai.'\*\*"

This act, the man who "typified all that was best and admirable in an officer and an American" approved most heartily.

"The confessed ravisher of her baby standing arrogantly before her. Would our world blame a mother if she had failed to resist the temptation to deal out a deserved punishment which the courts had been impotent to give? . . . Did Mrs. Fortescue seize the revolver and kill Kahahawai? I have always hoped so."\*

#### "MYSTERIES OF THE ORIENT" IN THEIR EYES

Clarence Darrow, the skilled old criminal lawyer, dropped the "insanity" hogwash when he pleaded with the jury to acquit the four defendants; to let time heal the wounds brought to the community by this case. (All this with an eye cocked to Mainland sentiment and the threat of commission rule.) Yet, if we can trust Stirling's account, Darrow—the man who had fought courageously for justice for the Negro, the man who said when he left Hawaii: "There is no racial problem whatever in Honolulu"—betrayed a deep-lying prejudice.

"I could see that the greater part of the jury had closed their minds to any thought except conviction," Stirling reports him as saying. "I felt as though I was talking to a wall when I looked into those dark faces. The deep mysteries of the Orient were in their eyes. My words and ideas were not recording."\*

The "deep mysteries of the Orient" looked out of four Chinese, six part-Hawaiian, two Portuguese and 12 haole eyes!

This was the jury which Admiral Stirling called "a forum of the Orient and not of America"—though he was sure that the six white men on it would fight to the end "for white men's justice."\*

Prosecutor John Kelley played on Hawaii's need to stand up for its self-government. "Are you going to give Lieut. Massie leave to walk out? They'll make him an admiral! They'll make him chief of staff! He and Admiral Pratt are of the same mind! They believe in lynch law!"

"As long as the American flag flies on that staff," he told the jury, "without an admiral's pennant over it, you must regard

the Constitution and the law . . . I say with Smedley Butler, "To hell with the admirals!"

Such language shocked the Honolulu *Advertiser*, as "insulting the officers of the Navy—our Navy." "The Navy and its personnel have been particularly under fire without reason," added editor Ray Coll.

**"NOT A DAMNED WORD!"**

The jury was out for 49 hours, "divided in proportion to the whites and darks,"\* says Stirling, who classed the Portuguese juror with the darks. An *Advertiser* story, however, gave one part-Hawaiian and the six haoles for acquittal.

When it was announced that the jury had agreed, Admiral Stirling "tore uptown in my car, jubilantly sure that if the jury had agreed, it could not be other than an acquittal."\* He was stunned to hear that the agreement was on a verdict of manslaughter, with a plea for clemency.

"Any comment?" he was asked.

"Not a damned word! What I might say would not pass the censor."\*

## XII

### "We Have Taught the Dark-Skinned Races"

Waving aside the plea for clemency, Judge Charles S. Davis sentenced the defendants to 10 years at hard labor. They were placed in custody of the sheriff and taken to Iolani Palace. There, after one hour's wait, Governor Judd commuted their sentences. They were free, but still branded as criminals.

This action Judd took under pressure from Delegate Victor S. K. Houston, who knew that if the four went to prison, Congressmen would clamor for commission rule. ". . . A large sentiment here, demanding a change in the fundamental form of the Hawaiian government, made it necessary to meet pressure urging freedom of the Kahahawai slaying defendants," explained Houston. "I was animated by a desire to preserve Hawaii's self-government, which I felt was threatened."

Houston's advice in this case led to his defeat the next fall, when Democrat Lincoln L. McCandless was sent to Congress. But bills to change the Territorial government died in committee.

### NO ONE WAS PLEASED

Admiral Stirling complained bitterly that Judd double-crossed the jury, having led it to expect a complete pardon for the four killers if it convicted them. The *Advertiser*, lining up with the Navy, said that in view of a request by Houston and over 100 Congressmen for a full pardon, Governor Judd was "evasive and ungenerous" in merely commuting the sentences.

Angry friends of the Massies telephoned threats to the governor.

Japanese, on the other hand, recalled bitterly that the governor had sent Myles Fukunaga to the gallows a few years before, although a thousand mothers had petitioned to have that pathetic lad's death sentence changed to life imprisonment. Exclaimed the Hochi:

**"Instead of tempering mercy to fit the ends of justice, it has been tempered to suit the social register of the Mainland!"**

### HAOLES PETITION FOR PARDON

"An infinitely fine gesture," Major Fortescue called Governor Judd's commutation of the sentence of his wife and the other three lynchers. It did not appear so to the Citizens' Organization for Good Government.

On May 4, the same day that sentence was commuted, some 150 persons, nearly all haoles, met at the Organization's call in Emma Square to plan a petition campaign. Twenty policemen stood guard over them. Mrs. Harold Dillingham and several others volunteered to circulate petitions for "an immediate, unconditional pardon," restoring the civil rights of the four convicts.

"Our request for this action," the petitions ran, "is based upon the past exemplary conducts (sic) of these Americans and the tragic circumstances responsible for the position in which they are now placed."

The petition drive brought in less than 2,000 signatures. More than half of those were haoles, mainly women of the comfortable classes.\* Hawaiian names, except for a few Mutual Telephone Co. employes, are conspicuously absent. Business executives who signed included Atherton Richards and Walter and Harold Dillingham.

Governor Judd accepted the petitions, but he granted no unconditional pardon. What Mainland pressure forced him to do, he would do, but not a bit more.

### NAVY THUMBS NOSE AT HAWAIIAN COURTS

Massie, Lord and Jones were immediately reassigned to active duty by the Secretary of the Navy.

Admiral Stirling: "The question has been asked why the Navy allows Lieut. Massie, convicted of a felony and not pardoned, to remain in the service. The only answer that can be given is that the naval authorities tacitly have refused to consider legal either the trial or the conviction."\*\*

Plans were continued to bring the four remaining Ala Moana

\*Ironically, one of the signers of the Massie petition was Mrs. Geneva R. Long. Nineteen years later, her husband, Oren E. Long, as governor of Hawaii, was to

defendants again to trial. Attorneys of the highest standing, Eugene H. Beebe and Harold T. Kay, had been assigned to help John Kelley prepare the case. But the Navy, feeling that the four men would be acquitted and Mrs. Massie crucified by a third appearance on the witness stand—perhaps fearing that her story would be punched full of holes this time—pressed her to leave Hawaii.

### **FARCE ON THE MALOLO**

"Darrow's clear mind," writes Stirling, "perceived that in this Oriental land of ours, a retrial of the Ala Moana case would be only a farce."\*

The Massie family was kept at Pearl Harbor until the SS Malolo was ready to sail; then the admiral sent them in a minesweeper alongside the liner. Reason alleged: "There was a possibility of injury, if not worse, threatened by the hoodlum element."\*\*

Knowing that a subpoena was to be served on Mrs. Massie as complaining witness, Captain Ward K. Wortman, USN, forcibly held back the process server until Mrs. Massie could scamper down a corridor. Ship's personnel then led the deputy a merry chase up and down the liner "looking for" Mrs. Massie until the whistle blew, when he tossed the subpoena into the Massie stateroom.

So, with no dignity for the Navy, the Ala Moana case was ended. Lacking the complaining witness, the charges against the four young men were nolle prossed.

### **TWO SETS OF LAWS IN HAWAII**

How shall we sum up the Massie case?

Admiral Stirling was of two minds, which contradict each other:

1. "The result of the miscarriage of justice in Hawaii has lessened the prestige of white peoples the world over, wherever they are in contact with the darker-skinned people."\*

2. The trials—and the murder—were a good thing. "We have taught the dark-skinned races how far the white man will go to protect his women."\*\*

But Princess Kawanakoa summed up what was probably the feeling of most Islanders:

"Are we to infer from the governor's act that there are two sets of laws in Hawaii—one for the favored few and another for the people in general?"

refuse to commute the death sentences of two underprivileged Hawaiian youths, guilty of the unpremeditated killing of an elderly woman belonging to the haole aristocracy. Petitions containing nearly 20,000 names gathered in an unorgan-

### **THE SUPPRESSED PINKERTON REPORT**

The Territorial government, soon after the end of the Massie trial, asked Pinkerton's National Detective Agency to investigate the Ala Moana assault. For almost a century, Pinkerton's has been known the world over, not only for its vicious anti-labor activities but also for its highly competent investigation of crimes.

J. C. Fraser, the agency's California division manager, with the aid of two operatives, devoted two months and a half (June 15 to August 31, 1932) to investigation of the Ala Moana case. His report, made the following October, is a masterly analysis of the facts available. Pinkerton's reached the following conclusions:

- Griffith Wight, a successful and experienced criminal prosecutor, conducted the prosecution of the five suspects ably, but "failed for want of corroboration of essential parts of Mrs. Massie's story."
- The five young men presented a reasonable and unshakeable alibi. In view of the evidence as to their movements between 11:30 p. m. and 12:37 a. m. that fateful Saturday night, "there was not opportunity for the accused to commit the kidnapping and the rape of Mrs. Massie at the time alleged by her, or at other times within the period."
- Mrs. Massie's statements made immediately after the attack upon her differed essentially from those she made on the witness stand. The conclusion is inescapable that she "identified" Ida's car and four of the five men, and "remembered" the car number, as the result of suggestion.
- There was no conclusive proof that Mrs. Massie was in fact, raped by anyone.
- It was unlikely that the person or persons who attacked Mrs. Massie would ever be found.

In short, wrote the agency vice president: "An analysis . . . makes it impossible to escape the conviction that the kidnapping and assault was not caused by the accused, with the attendant circumstances alleged by Mrs. Massie."

The hysteria of the Navy, of Congress, and of part of Hawaii's haole population had been built on a frame-up. Lieut. Massie and Mrs. Fortescue had committed a brutal murder to avenge an imaginary crime. Joe Kahahawai had gone to his death an innocent man.

Governor Judd was anxious to have the Pinkerton report completed. One would expect him to be equally eager to have it made public. But its contents evidently were too explosive.

The report has never been published. Unknown to the general public, it reposes in the Archives.

ized last-minute campaign weighed less with Governor Long than pressure exerted by a relatively few influential persons.