

Application and Abolition: Race and Capital Punishment in Territorial Hawai‘i
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Preface

This study resulted from an initial interest of mine in the racial significance and meaning of the gross overrepresentation of Filipino young men among those executed in territorial Hawai‘i. I learned that Filipinos constituted a majority of those hanged in the territory from a 1953 *Social Process in Hawai‘i* article by Bernhard Hormann, which I read perhaps in the late 1990s, and decided that I would look further into this issue when I had the opportunity. I researched and wrote about the twenty-four Filipinos who were executed in my 2008 book, *Ethnicity and Inequality in Hawai‘i*, and argued that they were “demonized to death.” By this term I meant that Filipino young men were overly represented among those hanged because of the racist stereotypes and representations of them as prone to violence and crime and as emotionally volatile, including “running amok.”

I continued my research interest in race and capital punishment in my 2019 book, *Raced to Death in 1920s Hawai‘i: Injustice and Revenge in the Fukunaga Case*, about the accelerated death sentence given to Myles Fukunaga, a very likely legally insane Japanese American teenager, for killing a Haole boy, Gill Jamieson, in 1928. I argued that Fukunaga was raced or rushed to his murder conviction and death penalty because he was Japanese and had killed Gill during the height of the anti-Japanese movement led by Haoles.

After completing the manuscript for *Raced to Death* in summer 2018, I decided to return to my research on the significance of race in the other executions and in homicide cases that did not result in hanging, which I completed a year later in 2019. But my interest in the relation between race and capital punishment is primarily concerned with race, particularly how, as the dominant organizing principle of social relations during the territorial period, it resulted in very different frequencies of executions among racial and ethnic groups.

I devoted about thirty percent of the pages of this study to the Majors-Palakiko case primarily because, as far as I have been able to determine, Hormann’s article, “The Significance of the Wilder or Majors-Palakiko Case,” is the only academic work published about it. James Majors and John Palakiko were two young Native Hawaiians, who were sentenced to be hanged for the rape and murder of a prominent Haole woman, Therese Wilder, in 1948. Another reason for my research and writing about the case is because I consider it a highly significant example of racial injustice during the territorial era, and it contributed to the abolition of capital punishment in Hawai‘i in 1957. As such, it should be given wider recognition for its historical importance.

The research for this study was conducted primarily through archival work at the Archives Collection and Microfilm Collection at Hamilton Library of the University of Hawai‘i at Mānoa. Both collections provided me access to newspaper articles on executions and homicides and on the legislative process toward ending capital punishment in Hawai‘i. I also accessed newspaper articles online through *Chronicling America*, which has copies of newspapers published in Hawai‘i until 1912. In addition, I was able to find references to relevant newspaper articles published in the *Honolulu Star-Bulletin* and *Honolulu Advertiser* through another online newspaper index available at <https://staradvertiser.newspapers.com>. I

thank Jodie Mattos, librarian at the Hawaiian Collection at Hamilton Library, for informing me about this resource. Except for the Fukunaga case, I did not review legal documents concerning any of the murder and homicide cases, such as trial transcripts, legal motions and court decisions, for my research because it would have involved an incredible amount of time, given the number of cases discussed in my study.

At the Archives Collection at Hamilton Library, I express my great appreciation to archivist Sherman Seki for providing me with daily access to the folders on the Majors-Palakiko case and other relevant topics in the Romanzo Adams Social Research Laboratory newspaper clipping files.

An article based on this study, “Racing the Death Sentence in Territorial Hawai‘i,” will be published in 2020 in a special issue of the *Social Process in Hawai‘i* journal, co-edited by John P. Rosa and Lori Pierce. Another paper, “The Lasting Significance of the Majors-Palakiko Case,” has been submitted to the *Hawaiian Journal of History* for consideration for publication.

I presented a paper based on my study at the Institute of American and Canadian Studies at Sophia University in Tokyo in April 2019. I extend my sincere gratitude to Prof. Mariko Iijima for inviting me to give my lecture and for arranging it.

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In June 1957, as Sylvestre Adoca sat on death row at Oahu Prison, he probably was hopeful that his life might be spared after hearing that a bill, which would abolish capital punishment in Hawai‘i, had been approved by the territorial legislature. Two years earlier, Adoca slashed to death his two teenaged stepdaughters with a bolo knife and was convicted of first degree murder and sentenced to be hanged (“Life Terms Set” 1957: 1). As a Filipino American, the probability of him being executed was very high because they constituted a majority of those who had suffered the death penalty in the territory, including the last person in 1944. The other convicted murderer awaiting execution was Joseph Kaimi Josiah, a thirty-year-old Native Hawaiian truck driver, who pistol-whipped to death the office manager of the trucking company they both worked for during a payroll robbery in 1953 (“Jury Weighs Josiah” 1954). Very much unlike Filipino Americans, only one Native Hawaiian had been hanged since Hawai‘i officially became a U.S. territory in 1900,ⁱ although Kanaka composed most of those executed under the kingdom and the Republic of Hawai‘i. The latter existed between the overthrow of the Hawaiian monarchy in 1893 by American Haole settlers and U.S. annexation of the islands in 1898.

This study is concerned with analyzing the close relation between race and capital punishment in Hawai‘i when it was a territory between 1900 and 1957, the year the death sentence was abolished. It discusses how race, as the dominant organizing principle of social relations in the territory, resulted in only one Native Hawaiian and one Haole being sent to the gallows, despite many others from both groups committing homicide. Race also accounted for

Filipinos and Koreans being greatly overrepresented among those executed in comparison to their respective proportions of the population. In short, applying the death penalty was a highly racialized practice during the territorial period, as were many other social activities, relations and groups. I argue that race was deployed by the dominant Haoles against most non-Haole minorities to have their members accused of homicide to be charged with and convicted of first degree murder, which carried an automatic death sentence, especially prior to World War II. In contrast, Haoles were able to prevent not only individuals from their racial group suspected of killing someone from being indicted or convicted of first degree murder but also Kanaka.

Dispensing the death penalty during the territorial era fully demonstrates how race “has served as a fundamental organizing principle of injustice” (Omi and Winant 2014: 263). Also discussed is how race, again as the foremost principle of social organization, was a paramount factor in the abolition of capital punishment in Hawai‘i in 1957. This historic event occurred just three years after the Democrats, whose elected officials and supporters were predominantly non-Haole, gained control of both houses of the territorial legislature for the first time from the Haole-led Republicans.

To be clear at the outset, my study is more concerned with how race operated as the dominant principle of social relations in territorial Hawai‘i rather than with capital punishment. Hence, I do not discuss issues, such as changes in the legal definition of first degree murder, that resulted in particular crimes being punishable by execution. From a racial perspective, application of the death penalty was just one of numerous racialized social practices by which Haoles enforced racial inequality and oppression against non-Haoles, as they also did in employment, education, government, and other institutional arenas. In this way, the paramount

racial boundary between Haoles and non-Haoles was maintained. I begin with a short summary of the relation between race and the death sentence before 1900.

Pre-Territorial Executions

According to a table compiled by “novelist and historian” Joseph Theroux (1991: 156), during the period of the Hawaiian kingdom until 1893, twenty-nine persons were executed, all for murder, and most of them Kanaka. The first thirteen are described as “probably Hawaiian” and were sent to their death between 1826 and 1841.ⁱⁱ Of the remaining sixteen, half are identified as Native Hawaiian, five are Chinese, while three are of unknown race and name. Having begun immigrating to Hawai‘i as overwhelmingly male plantation laborers in 1852, the first Chinese executions were in 1869, while the next three did not occur until twenty years later, all of them promptly reported the next day in the *Pacific Commercial Advertiser*. Newspaper accounts of hangings, particularly on the front page, were a common practice later during the territorial era, including information on the race of those put to death.

Under the short-lived Republic of Hawai‘i, which was led by the Haoles behind the overthrow of the kingdom, four men were hanged—two Native Hawaiians and two Japanese, who began arriving to work on the plantations in 1885 (Theroux 1991: 157). One of the Kanaka was executed in 1897, the other the next year, and it would be almost forty years before another Native Hawaiian, who would be the last, was sent to the gallows. Thus in the pre-territorial period, of the thirty-three executions, Kanaka (70 percent) were by far the largest group which, to some extent, is due to their being the most numerous group in Hawai‘i until 1899. Chinese (15 percent) and Japanese (6 percent) were much less represented among those suffering the death penalty which, again at least partially, can be attributed to their relatively small population during most of the period concerned. But after the turn of the century with the arrival of new

immigrant groups, such as Filipinos, and the tremendous upsurge in the Japanese population, the racial hanging situation changed dramatically.

Territorial Hangings

After it became a U.S. territory, the population of Hawai‘i became much more racially diverse, as a result of continuing plantation labor migration, and was reflected among those sent to their death. Forty-two persons, all male, were executed in territorial Hawai‘i, all for first degree murder and all by hanging. They included Filipinos (24), Japanese (7), Koreans (6), Puerto Ricans (3), Native Hawaiians (1), and Haoles (1) (Theroux 1991: 157-158). Kanaka hence dropped from being the most executed group to one of the least after 1900 and were replaced in their former position by Filipinos, none of whom were hanged before that year because they were not present in Hawai‘i. At the turn of the century, Japanese emerged as the largest group in the territory at 40 percent due to ongoing labor migration and would hold that rank until shortly after statehood in 1959. Koreans and Puerto Ricans began arriving in the early 1900s as recruited plantation labor but only for about two years in both cases, which kept their predominantly male populations low. Haoles were a small group throughout the nineteenth century, less than 7 percent in 1896 (Lind 1980: 34), although they wielded considerable political and economic power, even before the overthrow, and only began to expand in number starting in the 1920s to further U.S. military occupation of Hawai‘i. But once they ousted the Hawaiian queen, Haoles held the greatest political power, which they would use to keep individual members of their racial group from being hanged.ⁱⁱⁱ

Haoles: Power and Privilege to Avoid Death

Only one Haole was executed during the territorial era, an illiterate Irish laborer from Dublin, Frank Johnson, for brutally murdering the three-year-old son, Simeon Wharton, of a

prominent kama‘aina family in 1906. Johnson revealed on the day of his hanging that his real name was John O’Connell and that he had taken his name after the cargo ship he deserted upon its arrival in Honolulu about ten years earlier (“A Murder Expiated” 1906: 8). Johnson was believed to be mentally ill with an abnormal liking for children (Theroux 1991: 151). On January 3, 1906 in Waialua, O‘ahu, he kidnapped and killed the Wharton boy, dismembered his arms and legs and decapitated his body with a knife in what the press described as the “work of a human pervert.” After the corpse was found, some “native boys” in Waialua said they believed a Japanese person committed the savage murder and mutilation because they did not think a “haole would have mangled a body like that,” an indication perhaps of how killings were racialized (“Not a Haole’s” 1906: 8).

Johnson had been a boarder at the Wharton home in Waialua for a couple of months before the murder after the elder Wharton offered him a place to stay and a job as a “teamster” at Waialua Plantation (“Looks Very Black” 1906: 8). He confessed to the heinous killing two days afterward and related that he had been drinking continuously since New Year’s Day and, when he saw the little boy, was “seized by an impulse to kill the child” (“Johnson Confesses” 1906: 1). Johnson was hanged in May 1906 because Haoles were not about to expend any effort to save a mentally disturbed, sexually deviant “miserable specimen of humanity,” who had savagely murdered one of their own in what the newspapers called “the most awful deed in the criminal annals of Oahu.”

In marked contrast, a homicide that shows how Haoles accused of killing someone could escape the gallows occurred at Pu‘unene plantation mill on Maui in 1905. A thirty-three-year-old White engineer from Chatham, England, Alfred Douse, was charged with manslaughter rather than murder after he set on fire a Japanese mill laborer, T. Yamagata (“Douse on His”

1906: 8). But before his trial in Honolulu, a coroner's jury on Maui surprisingly ruled that the cause of Yamagata's death was kidney disease, despite finding upon examination of his body that his face and both arms were badly burned ("Consul Saito Wants" 1905: 1). At Douse's trial, the Maui medical doctor who conducted the autopsy of Yamagata's body admitted that he did not use a microscope to examine tissue specimens from Yamagata's kidney but nonetheless concluded that the deceased had nephritis, a kidney ailment, which caused his death. This outrageous verdict of the coroner's jury led the consul general of Japan, Miki Saito, to request that Yamagata's body be exhumed, after which his heart and kidneys were sent to Honolulu for further examination with a microscope by the territorial Board of Health. Responding to this potential dispute in international relations, acting governor Alatau (Jack) Atkinson ordered the attorney general to investigate the case and explained that he wanted "to see that equal and exact justice is done" (quoted in 1). If not for the intervention of the Japanese consul general, legal proceedings surrounding Yamagata's killing might have ended with the coroner's jury verdict, but "equal justice" still was not forthcoming. Perhaps because of the Maui coroner jury's ruling, Douse's trial was moved to Honolulu.

Based on Japanese witnesses to the incident, the prosecution charged that Douse told Yamagata to fetch kerosene oil but, when he returned with gasoline, an enraged Douse struck him on the back of his neck, knocking him down, and kicked him ("Douse on His" 1906: 8). Douse then threw the gasoline on Yamagata and set his clothes on fire with a match, which led to his death three days later. While an argument might be made that deliberation was not evident in the killing, malice aforethought and premeditation certainly were when Douse struck Yamagata and kicked him before dousing him with the gasoline and burning him to death. However, as a prime example of how Haoles who had committed homicide often were not charged with first

degree murder, Douse was indicted for manslaughter and acquitted. Testifying in court in his defense, Douse maintained that he was “demonstrating to the Jap” the flammable nature of gasoline and set him on fire by accident, despite also admitting that he hit and kicked him just before that (“Douse is Free” 1906: 1). While his admission on the witness stand to striking and kicking Yamagata would seem that he was at least guilty of assault and battery, the judge’s instructions to the jury, as requested by the defense, precluded such conviction (“Douse Jury First” 1906: 1). The judge told the jurors that, if they believed “there was no legal connection between any blow or kick that may have been previously administered and the death of the deceased, ...under the indictment in this case, you cannot find the defendant guilty of assault and battery.” As a result of those highly questionable instructions, which had originated with his Haole attorneys, from the Haole judge to the predominantly Haole jury, Douse walked out of court a free man.^{iv} During the trial, the judge also ruled that the jury could not consider negligence on Douse’s part as a factor in finding him guilty, which addressed the issue of his claim that he accidentally set Yamagata on fire.

Twelve years later in 1918, a well-known Haole athlete, David Buick, was similarly able to avoid being charged with first degree murder after shooting to death a Japanese taxi driver, W. S. Ito (Theroux 1991: 159-160). After Ito drove him to Red Hill outside of Honolulu, Buick pulled out a gun and robbed the cab driver of one dollar. When Ito ran away, Buick shot him in the back, but he was able to identify Buick as his assailant before dying. Despite evidence of premeditation, Buick was charged with and convicted of second degree murder, hence avoiding the death penalty, and was sentenced to a term of twenty to thirty years in prison (“Buick Starts Long” 1923: 1). As a prominent athlete, he was said to have had close connections with influential Haoles and, after being sentenced to prison, was allowed to leave temporarily and

work in Honolulu (“A Desperate Expedient” 1928: 2). Buick was later pardoned by the governor after serving less than three years of his sentence and then left for the continental United States. Being a Haole with local ties, unlike Johnson, enabled Buick and other Haoles to avoid being charged with first degree murder and thus to escape execution.^v

Without doubt, the most infamous example of Haoles being able to evade the death penalty because of their race concerned the four convicted killers of Native Hawaiian Joe Kahahawai in 1932 in Honolulu.^{vi} In a sensational case which was highly publicized across the nation, Navy lieutenant Tommie Massie, his mother-in-law Grace Fortescue, and two sailors, Edward Lord and Deacon Jones, kidnapped and shot Kahahawai to death because they falsely believed that he and four non-Haole friends of his had raped Massie’s twenty-year-old wife Thalia. The four conspirators were caught red-handed by the police while attempting to dispose of Kahahawai’s lifeless body in the ocean after killing him in Fortescue’s rented cottage in Mānoa. Nonetheless, the grand jury, consisting mostly of Haoles, initially voted not to indict them on any charges but, at the repeated urging of the presiding judge, eventually returned indictments for manslaughter for all four, despite considerable evidence of deliberation, premeditation, and malice aforethought, which were the primary requirements for first degree murder.

Despite being defended by Clarence Darrow, the foremost criminal defense attorney in America, the accused were all convicted of manslaughter and several days later received the maximum sentence of ten years at hard labor at Oahu Prison. However, the previous evening, an agreement was struck among the convicted killers, their attorney Darrow, the prosecuting attorney, the judge, and Governor Lawrence Judd, all Haoles, in which the governor commuted their sentences to one hour in custody of the county sheriff. Following the guilty verdict, Judd

came immediately under intense pressure from members of Congress, the news media in the continental United States, and powerful Haoles in the territory, including leaders of the Republican Party, the Navy, and the Big Five companies which dominated the economy, to pardon or at least reduce the sentences of the convicted four, and he caved in. After spending the required hour signing the papers for their release and happily posing for photographs in Judd's office, all four convicted killers and Thalia Massie left Hawai'i within a week, having literally gotten away with murder. With the accused Haoles being charged with a much lesser crime than first degree murder for killing a non-Haole, the Massie-Kahahawai case glaringly demonstrates why and how only one Haole was hanged in the islands, in spite of their committing murder like individuals from other races.

The significance of race in the criminal justice system in the territory is evident in a statement issued by Honolulu police chief W. A. Gabrielson the following year (1933). He declared, "There is absolutely no truth in the statement made in congress that the Honolulu police force has divided into racial groups and will not arrest violators of their own races" ("No Race Units" 1933). The chief added that "it is the policy of the detective division to assign to cases in which any particular race is involved a man of that race, and time and again Filipino detectives have gathered evidence which has resulted in long jail terms for Filipino defendants. The same is true of officers of other racial extraction. In any number of these cases, the officers could, if they desired, color their reports in such a manner that the defendants would be discharged, but this has never occurred since I became chief." The statement in Congress that Gabrielson referenced was recently asserted by Senator Millard Tydings. Perhaps Tydings made his remark as a result of divisions within the police department between Haoles and non-Haoles,

particularly Native Hawaiians, that may have emerged following commutation of the ten-year sentences of the four convicted killers of Joe Kahahawai the previous year.

Another way that Haoles (and others), who had killed someone, could escape the death penalty is by killing themselves. In 1949, the police quickly closed a murder-suicide case in which A. S. Cleghorn Robertson, a forty-eight-year-old former Honolulu supervisor, shot and killed Ruth Gay Fernandez, aged forty-four, and then turned the gun on himself (“Killing-Suicide Case” 1949). According to the police report, the likely contributing cause of the homicide was Robertson’s “frustrated love” for Fernandez, described as an attractive red-haired divorcee, who had been married to carnival and circus impresario E. K. Fernandez Jr. This case and others show that, while only one Haole was hanged for murder during the territorial era, they were committing homicide like members of other racial groups.

Native Hawaiians: Spared by Haoles

Like Haoles, only one Kanaka was executed during the territorial period, and race was a factor in their, like the former group, escaping the death penalty. The sole exception was Solomon Mahoe, who was hanged in 1937 for shooting to death three persons two years earlier in Wahiawa, O‘ahu (“Mahoe Hangs” 1937: 1-2). His unfortunate victims were Robert Imamuri, a Japanese American man; Yoshiro Yamashiro, a Japanese American school girl, and Francisco Gumahad, a Filipino fisherman. The latter two persons were inadvertently shot by Mahoe in an exchange of gunfire with the police. Perhaps one of the reasons why no effort was made to save his life by Native Hawaiians or any sympathetic others was because Mahoe was an unrepentant killer, never once expressing any remorse for his crime. As the chaplain at Oahu Prison, Father Valentin, related, in his seven visits to offer spiritual counsel, Mahoe did not utter a single word to him and remained silent “just like a stone wall.” When the priest went to see him, Mahoe

would usually sit on his canvas bunk, roll a cigarette and have a smoke, willfully ignoring Valentin's questions if he was sorry for what he did, particularly killing two innocent bystanders. Such a depraved, multiple killer was unlikely to generate much support or sympathy to save him from the gallows.

But Mahoe was hardly the only Kanaka who committed homicide while Hawai'i was a territory. The other killers were able to escape the hangman's noose for various reasons, especially the political alliance between Native Hawaiians and Haoles that was established shortly after the first territorial elections in 1900 (Fuchs 1961: 160). As the largest group by far of American citizens and voters following annexation, Kanaka won almost three-fourths of the seats in the new territorial legislature with all of them belonging to the Home Rule Party (Haas 1998: 162). Represented and supported primarily by Native Hawaiians and brazenly anti-Haole, the party wanted to restore Queen Lili'uokalani back to her throne. They elected one of their own, Robert W. Wilcox, as Hawaii's first nonvoting delegate to Congress. He had led a rebellion in 1895 against the Republic of Hawai'i, and so Haoles were adamantly opposed to him. After only one term in Washington, DC, Wilcox lost his re-election bid in 1902 to Prince Jonah Kuhio Kalaniana'ole, who was encouraged to run and supported by Haole Republicans as a key feature of the political alliance they established with Kanaka. The dominant Haoles also provided the latter with patronage jobs in the new territorial and county governments, such as police officers, fire fighters and clerical workers, in return for their votes for Haole Republican candidates and for Native Hawaiians to seek office as Republicans rather than as Home Rulers. As part of their political compact with Kanaka, Haoles in power occasionally intervened on behalf of Native Hawaiians who had committed homicide so they would not be hanged. This

tactic was a strategic means to maintain Kanaka support for Haole Republican candidates and may explain why Mahoe was the only one executed during the territorial period.

In an unpublished study, “Capital Punishment in Hawaii: An Ethnic Perspective,” researcher Lawrence K. Koseki (1978: 42) concludes that it “raises some serious questions—perhaps even reinforcing the notion—that racial discrimination played a significant part in the application of the death penalty in Hawaii. One cannot escape the fact that when 46 out of 47 executions in Hawaii’s history were nonwhites..., the element of discrimination becomes a prime suspect.”^{vii} While I fully agree with Koseki’s overall conclusion regarding the significance of race in dispensing the death sentence, as a structural principle race operated differentially against non-Haole groups. For the latter groups during the territorial era, the greatest difference among those hanged was between Native Hawaiians (one, the same as Haoles) and Filipinos (twenty-four), which begs an explanation of why this was the case since both groups are non-Haole and subject to Haole domination and discrimination. The political alliance between Kanaka and Haoles provides such an explanation, at least partially.

A Native Hawaiian convicted of first degree murder, who may have benefited from Haole Republican political consideration of condemned Kanaka, was Kaliko Kaawaloa (“Kaawaloa Convicted” 1906: 8). In 1906, he received the mandatory death penalty for having killed Virginia Moeluhi, also Hawaiian, who was either his wife or mistress, by banging her head on the floor of a tenement house in Kaka‘ako (“Murderer Sentenced” 1906: 8). His attorney, Avon A. Crook, filed a motion for a new trial (“Avon A. Crook” 1906: 8), but Kaawaloa had his death sentence commuted to life in prison, which was later reduced to twenty years.

George Kaleikini is another Native Hawaiian who was sentenced to be hanged in 1909,

after being convicted of murdering his wife Emily the previous year in Kalihi, Honolulu, but had his sentence reduced to life imprisonment by Governor Walter Frear (“Frear Commutes Death” 1909: 1). Basing his decision at least partially on the testimony of Kaleikini’s father about his son’s irresponsible behavior since early childhood, Frear decided that he was “not of sound mind” when he killed his wife (“Death Sentence of” 1909: 1). At his trial, his attorney William Achi, who was of Hawaiian and Chinese ancestry, argued that Kaleikini was insane because he suffered from “hereditary epileptic mania” and hence was not responsible for killing his wife (“Murder, Holds Kaleikini” 1909: 6).^{viii} At one point during the trial, Kaleikini suddenly sprang from his chair and ran toward the courtroom door screaming wildly and was forced to the floor by several court officials to subdue him (“Scene Caused” 1909: 6). The prosecution contended that Kaleikini’s fit was faked and was done to convince the jury he had hereditary epilepsy (“Call Attack Sham” 1909: 6).

The last Native Hawaiian sentenced to death for first degree murder was the aforementioned Joseph K. Josiah, who was saved from the gallows when the death penalty was eliminated in 1957. Three years earlier, he was convicted of two counts of murder for killing Earl T. Fujita, a thirty-five-year-old Purple Heart World War II veteran, by beating him to death with a handgun after it failed to discharge when Josiah tried to shoot him during a payroll robbery in 1953 in Moanalua (Turner 1954: A1). As co-workers at the Y. Higa Trucking company, Josiah and Fujita knew each other well and, in his confession to the police, Josiah admitted that he killed Fujita because the payroll manager would be able to identify him and his younger brother, who also was charged with first degree murder for the killing but tried separately. Josiah also revealed that his motive for the robbery was he was in debt by \$2,600 and was hoping that his former wife would return to him if he could settle what he owed (Hirozawa

1953). As he told a *Honolulu Star-Bulletin* reporter, “My wife and I got divorced and bills began piling up. I feel like I’m surrounded with last notices, payment overdue bills and fifth notices. Enough to drive a man crazy. My family [with seven children] got divided” (quoted in Hirozawa 1953). Josiah continued that he begged his wife to return and promised that he would pay off his debts before she rejoined him but did not tell her that he was planning to rob his employer.

Asked by the *Star-Bulletin* reporter if he had planned to kill Fujita before committing the robbery, Josiah responded, “No, we didn’t plan to kill him. We were going to tie him up good, then go to work. If we tied him good, it would have held until after work. Then it would have been his word against ours” (quoted in Hirozawa 1953). However, in his statement to the police, Josiah admitted that he first tried to shoot Fujita but his gun jammed, so he “hit him a couple of times. Just how many times [he did not] know” (quoted in Zalburg 1954a). In his confession, which was read to the jury at his trial, Josiah said he felt sorry for Fujita, whom he described as a friend and “good guy,” who had loaned him money and once had his car serviced at company expense, but those favors did not stop him from brutally killing his victim. Thus, one of the two counts of murder of which Josiah was convicted was murder committed with extreme atrocity and cruelty. Fortunately for him, his conviction came in November 1954, the same month the Democrats gained control of the territorial legislature and shortly began the process of abolishing capital punishment.

Puerto Ricans: Fastest to Death

Three Puerto Ricans were hanged for murder between annexation and statehood. The first was Jose Miranda, a twenty-four-year-old recent immigrant, who was very quickly convicted and executed on October 26, 1904 for stabbing to death a well-known Haole banker, Samuel “Eddie” Damon of Bishop and Co. (“Miranda Hanged” 1904: 1, 5). Just a month earlier

on September 27 in Moanalua, Miranda and two other Puerto Ricans were stopped by Damon in the early evening for taking a lantern that had been placed along a road where repairs were being made for him. Riding in a buggy with a “Chinese carriage boy,” Damon was on his way to his nearby home when he encountered the three individuals, who he initially thought were Kanaka, and so asked them in Hawaiian to return the lantern. Miranda, who was carrying the lantern, replied that it was none of Damon’s “damned business” and, when he approached him, Miranda pulled out a knife and fatally stabbed Damon in the stomach. Described by the press as “all dissolute Porto Rican thieves and vagrants,” Miranda and his two companions were arrested later that night near downtown Honolulu.

Miranda had arrived in Hawai‘i four years earlier as a plantation labor recruit, when Puerto Rican labor migration began in 1900, and had been released ten days ago from prison after serving a two-year sentence (“Miranda’s Defense” 1904: 5). Like Myles Fukunaga (see below), who I have argued was rushed to his death sentence because he was a non-Haole who had killed a Haole from a prominent family, the same held true for Miranda, who was also raced to death. The day after the killing, he was indicted by the grand jury for first degree murder. The court had difficulty finding attorneys willing to defend Miranda, but two were appointed on September 29, and four days later jury selection began on October 3 and was completed the next day. So the trial commenced the following day with witness testimony and was over the next day. That same day, the jury was given the case and, because “the feeling of horror and justice was prompt,” it returned a guilty verdict after brief deliberations. On October 11, Miranda was given the death penalty, just two weeks after killing Damon. With his attorneys unwilling to appeal his conviction, he was hanged less than a month after committing his crime, the fastest such execution during the territorial period.

The two other Puerto Ricans who were sent to the gallows were Lorenzo Colon in 1906 and Cleofe Ruiz in 1923. Colon was convicted of stabbing his wife to death with a knife in Na‘alehu, Hawai‘i island in 1905 (“The Penalty” 1906: 8). Ruiz was found guilty of shooting to death a police officer, James Keonaona, who had captured him in Ewa, O‘ahu (“Ruiz Walks” 1923: 1). He had been on the run for fourteen months after escaping from prison where he was serving a sentence of twenty years to life for killing a fellow Puerto Rican on Maui several years earlier. Unlike Haoles and Native Hawaiians, one reason for the limited number of executed Puerto Ricans was their small population in Hawai‘i, which numbered only about 5,600 in 1920 (Lind 1980: 34). However, Koreans were another group which totaled less than that figure in 1920 and had immigrated about the same time as Puerto Ricans but had twice as many of their members hanged for murder (see below).

Besides the accelerated pace of Miranda’s trial and execution, other racial aspects of it include that Puerto Ricans were probably the most despised group in Hawai‘i in the early 1900s before the arrival of Filipinos beginning in 1906, and Miranda had murdered a Haole of high social standing. Two years before Miranda was hanged, the press highlighted the involvement of Puerto Ricans in crime in announcing the completion of a report on arrests and convictions by the Honolulu Police Department for the fiscal year ending June 30, 1902 (“Police Work” 1902: 1). The newspaper related, “The High Sheriff is of the opinion that the Porto [*sic*] Ricans are the most troublesome criminal class” the police have to deal with and that the number of arrests of “people of this race” is more than one-sixth of those who had immigrated to Hawai‘i, which had just begun in 1900. The paper included a table on the arrests of Puerto Ricans during the previous seventeen months that indicated 580 of them, overwhelmingly male, had been arrested, primarily for vagrancy (199). They could have been former plantation laborers, who had left

their employment after finding working in the cane fields not to their liking. One can see in these newspaper accounts the origins of racist stereotypes about Puerto Ricans being prone to crime and violence, which contributed to hostile attitudes toward them. Nonetheless, the police report indicated that Japanese, Native Hawaiians and Chinese in that order, which were the three largest groups in the islands, accounted for about 73 percent of the arrests during the previous fiscal year. They were arrested primarily for the male-dominated crimes of drunkenness and gambling; however, their criminal behavior was not highlighted by the press to the same extent as that of Puerto Ricans.

Koreans: Saved by Haoles (For Some Reason)

Like Puerto Ricans, Koreans immigrated to Hawai‘i as plantation laborers in the early 1900s for only about two years, in their case between 1903 and 1905, and had a small population of less than 5,000 in 1920 (Lind 1980: 34). Nonetheless, six of them, all young males, were hanged for murder before that year, and hence they were considerably overrepresented among those executed in the territory. Three of them—Yong Bak Kang, Miung Ok Shim and Miung Sook Wo—mounted the gallows on a single day, May 23, 1906, for brutally torturing and killing another Korean with clubs (“Snapped Life Cords” 1906: 2). They were plantation laborers on the Hamakua coast on Hawai‘i island and had accused their victim of stealing their money and passports in December 1905. Two other Koreans convicted of the same murder and given the death penalty had their sentences commuted to fifteen years in prison by Republican governor George Carter just before the three others were hanged (“Three Koreans Hang” 1906: 2). Another Korean was convicted of second degree murder in the same incident in the same two-day trial and was sentenced to twenty-five years in prison.

Very surprisingly from a racial perspective, the two Koreans who were given the death penalty but spared the hangman's noose owed their lives to the intervention of the Honolulu Social Science Club. Perhaps more of a social club of elite Haoles than a science club, its members included Lorrin A. Thurston, publisher of the *Pacific Commercial Advertiser*, who had led the overthrow of the Hawaiian monarchy. An *Advertiser* editorial, "Hounding the Koreans" (1906: 4), published two days before the execution of the three Koreans, declared that "someone is feeding out false and malicious statements against the condemned Koreans, for the manifest purpose of manufacturing a prejudice against them....The Social Science Club deserves the thanks of this community for having rescued it from the shame and ignominy of having, in ignorance, taken the lives of men who have not been proved guilty [the two Koreans who had their sentences reduced]." One might ask why there were no *Advertiser* editorials comparably titled and criticizing "hounding" the Puerto Ricans, Japanese or Filipinos, who were similarly convicted of first degree murder under questionable circumstances.

But the more significant question is why the Social Science Club, whose members were influential Haoles, including missionary descendants like Thurston, would intercede on behalf of Korean plantation laborers found guilty of first degree murder. A special committee of the club carefully analyzed the evidence concerning each of the six defendants in the case, including confessions by them and the trial testimony, and presented its detailed and lengthy report to the club members just four days before the scheduled hanging ("Would Save Two" 1906: 1).^{ix} The club unanimously adopted the committee report, including its recommendations that one of the convicted Koreans have his sentence commuted, since the evidence indicated he was guilty only of assault, and that another be given a full pardon because the evidence did not show him to be

guilty of any crime. However, the club supported the conviction for first degree murder of the three others, who were those executed.

Remarking somewhat unnecessarily that it is “unusual for an investigation of this kind to be made by an organization of this character,” the committee report gave seven reasons for its recommendations (“Would Save Two” 1906: 4). They included that “the defendants were poor and ignorant, recently having arrived in the country” with no means to hire attorneys, and that only one person had spoken on their behalf, who was a Haole Methodist minister, Rev. John Wadman, whose religious work brought him into contact with Koreans.^x The club members hence decided that it was their duty “to make a non-partisan, unprejudiced investigation, with the sole object of ascertaining the facts and being certain that no injustice was being done.” So they asked Governor Carter to grant a reprieve for the convicted persons while they conducted their investigation, which he did for two weeks, and he also allowed them full access to the police, prosecution and court records of the case. After receiving the club report and recommendations, the acting governor Jack Atkinson agreed with the latter and saved the two Koreans from joining the three others on the gallows, although he did not grant a full pardon to one of them as suggested. One cannot help but think that if the highly influential Honolulu Social Science Club had chosen to intervene in the many other cases of racial injustice in Hawai‘i to be “certain that no injustice was being done,” the number of executed and imprisoned persons of color would have been much less.

But not all Haoles were in agreement that at least a few of the Koreans should not be hanged (“Think Koreans Should” 1906: 1). “Unanimous opinion” was reported among some plantation managers then in Honolulu that all five Koreans should be executed. They did not seem concerned that sending the Koreans to their death might stop others from coming to work

on the plantations. W. G. Walker, manager of the O‘okala plantation on Hawai‘i island, remarked, “The Koreans are not worth a great deal as laborers anyway, and if the hanging of them does stop them coming here, Hawaii will be better off without them....They are a very tricky race and are more bother than they are worth. I say hang them” (quoted in 1). Perhaps Walker was not especially concerned with the loss of Korean plantation recruits because Japan had already ended their labor migration to Hawai‘i the year before. Another manager, C. B. Wells, of Wailuku Sugar Co. on Maui, opined, “They should have been lynched long ago, and for my part I will be glad to see them hang. Not that I am bloodthirsty, but I believe that the law should be upheld. If it is not, then soon the Orientals will predominate” (quoted in 5). Wells seemed to think that Koreans would join forces with Japanese, perhaps in plantation strikes, but that was highly unlikely while Japan occupied their homeland.^{xi} Perhaps one should be cautious in emphasizing the significance of the split in opinion among the dominant Haoles about this one incident involving Korean murderers and their Korean victim. For the most part, Haole leaders were in agreement on critical issues directly affecting their political and economic interests in Hawai‘i, such as maintaining oligarchical control over the territory. They demonstrated this fundamental unity in countering plantation strikes by Japanese and Filipino workers through the coordinated strategies and financial resources of the Hawaiian Sugar Planters’ Association (HSPA).

The intercession by the Honolulu Social Science Club clearly shows the power that elite Haoles had to influence the decisions of key government officials, but why did they intervene on behalf of five Korean plantation laborers convicted of murdering another Korean? One can understand why they sought to prevent Haoles or Native Hawaiians from being hanged because of the strategic political benefits for their group. The club members were undoubtedly less

motivated by an overriding concern for justice, as they claimed, since Haole elites had hardly demonstrated such before and after the overthrow of the monarchy, than with maintaining their economic and political power in Hawai‘i. In the first decade of the 1900s, Haole leaders became especially concerned with the growing political and economic threat posed by the expanding Japanese population, the largest group by far at 40 percent in the territory and on the plantations. With the end of contract labor in 1900 when Hawai‘i became a territory, Japanese plantation laborers began organizing larger strikes involving 1,000 to 2,000 workers, such as at Waialua (1905) and Waipahu (1906) on O‘ahu and at Lahaina, Maui (1905) (Okamura 2014: 32). Given Japan’s control of their homeland, Korean plantation workers were not about to join those labor struggles in support of Japanese strikers and continued working. In keeping with the divide and control policy of the planters, the elite Haole effort to save Koreans from being executed may have been intended as a demonstration of their support for them so that they would not join the ongoing Japanese strikes. Indeed, Koreans organized themselves into strikebreaker associations and offered their services to the HSPA during the 1909 and 1920 Japanese multiplantation strikes, although Koreans were vastly outnumbered by Japanese strikers.

Three other Koreans were hanged in 1909, 1915 and 1917. The first case involved a murder over a woman, which also was a significant factor in Japanese and Filipino killings when there were far more men than women in all three groups. Among Koreans in 1910, the sex ratio of men to women of marriageable age (twenty to forty-nine-years-old) was a whopping thirteen to one (Palmer 2007: 99). Thus, Yi Hai Dam was executed in 1909 for murdering the new lover of his former mistress, both of them also Korean, in Kona, Hawai‘i earlier in the year (“Girl and Gallows” 1909: 8). Dam and his former partner, a young woman named See Pak, were living in Ewa, O‘ahu when she left him for Yee Gee Pai, taking \$100 of Dam’s money when they fled to

Kona. Dam followed them and, finding them in the room where they were staying, slashed Pai's throat; he said he would have killed Pak too but fled when she began screaming.

The last Korean hanged was Yo-Keuk Yee, who was "the most notorious and feared Korean criminal" and was convicted of shooting to death a Japanese storekeeper in Honolulu during a robbery in 1915 (Palmer 2007: 101). On the last day of his life, he was visited by Dr. Syngman Rhee, principal of the Korean Girls Seminary in Honolulu, who was held at the same prison with Yee in Seoul in 1901 ("Bandit Found Acquaintance" 1917: 2). Rhee told the *Star-Bulletin*, "Keuk was but a boy then, about fifteen or sixteen years old....I recognized him as soon as I saw him at the [Oahu] prison." As for Rhee, he was imprisoned for seven years because of his opposition to the Korean government. He had been asked to visit Yee to encourage him to confess to the murder he was convicted of, but Yee continued to maintain his innocence. After praying with Rhee in his prison cell just before being led to the scaffold, Yee implored him, "Do all you can for the young Korean men in Hawaii. Teach them not to be like me nor to follow me in my footsteps." As it turned out, no Koreans did follow him to the gallows.

Japanese: Raced to Death

Japanese were second in number to Filipinos among those executed in territorial Hawai'i. Seven Japanese, all men, were put to death, but they were not overly represented because Japanese were the largest group in the territory since its inception to World War II at about 40 percent of the population. Several of those who were hanged for murder had killed Japanese women they knew, especially prior to the arrival of picture brides starting in 1912, which brought more balance to the sex ratio and less conflict over women. Before 1900, the two Japanese men who were executed on the same day in 1898 were both convicted of first degree murder for killing Japanese women in separate incidents on Maui. Yoshida (his first name was

not indicated in the press) was found guilty of stabbing to death a Japanese woman named Oyasu, with whom he was in love, because she would not leave her husband for him (“Both Die” 1898: 5). Tsunikichi Sagata was convicted of killing his wife and baby with a knife after she fled with their child to escape being “sold” to another man for \$75, which Sagata had accepted (5).

In another murder case involving a woman who had been exchanged for money, Okamoto, a *luna* or overseer on the Kohala ditch on Hawai‘i island, was hanged in 1906 for killing his former domestic partner, Miyo, by stabbing her in the back and cutting her throat (“Murderers Will Be” 1906: 8). Two months before the murder in August 1905, he had “bought” the woman for \$60 but, after he beat her for coming home late one night, she had him arrested for assault and battery (“Much Crime” 1905: 5). After posting \$15 bail, Okamoto asked Miyo to drop the charge but, when she refused, he attacked her with a butcher knife, nearly cutting her head off in the process. The Japanese reverend who provided spiritual solace to Okamoto before he mounted the scaffold revealed the contents of a written statement the doomed man made. Okamoto wrote that he and Miyo had not been legally married and that she was a “bad woman,” who had about a dozen lovers. He claimed to have killed her because, if he had not done so, two other Japanese men swore they would, so it was better that just one man be executed (“Murderers Will Be” 1906: 8). Unfortunately, we do not have Miyo’s version of their relationship, but the reference to her having numerous lovers may be an indication that she was a prostitute because women “sold” by their husbands often ended up in prostitution. Another first-degree murder case involving a Japanese woman, who had been “purchased” by her killer, occurred in 1906 in Pahoa, Hawai‘i (“Past Week’s Events” 1906: 8). Tawamoto (also referred to as Kanamoto in the press) confessed to the police that he had obtained his Japanese wife from

her husband six months before and that he killed her because she wanted to return to him; however, for some reason he was not executed for his crime.

In yet another tragic case of spousal murder, in 1910 twenty-four-year-old Kanagawa (first name not given in the newspapers) was hanged for killing his wife, a “pretty little Japanese girl,” by slashing her throat at the servants’ quarters of the residence of a Judge Lindsay in the College Hills Tract in Mānoa (“Quick Justice” 1910: 1). Kanagawa then cut his own throat and jugular vein in a suicide attempt before being stopped by Judge Lindsay and members of his family. The year before this killing, Jozo Higashi, aged twenty-five, was executed for the murder of a Japanese woman “some time ago” (“Hanging Today” 1909: 5).

Another man, Senkichi Ichioka, aged sixty, was hanged for the brutal murder of a thirteen-year-old Japanese girl at Makaweli, Kaua‘i in 1921 (“Girl’s Slayer” 1921). At his trial, it was revealed that Ichioka held a deep grudge against the girl’s mother and sought revenge against her by killing her young daughter. After drinking heavily the night before, Ichioka knocked the girl down while she was walking to school with her friends and stabbed her through the heart with such force that his knife broke into three pieces after piercing through her body and striking the pavement below. Despite the first-degree murder conviction, the Kaua‘i county prosecuting attorney recommended executive clemency for Ichioka because he was drunk when he did the killing. However, the governor, Charles J. McCarthy, despite being a co-founder of the Democratic Party of Hawai‘i in 1900, was openly anti-Japanese. He ordered an investigation of the case and concluded that Ichioka got drunk in order to fortify himself for committing the murder and so denied the request to spare his life.

The Japanese hanging that most clearly brings out the huge role that race played in applying the death penalty in Hawai‘i is that of Myles Fukunaga.^{xii} A nineteen-year-old nisei, or

second-generation Japanese American, he was convicted of viciously murdering a ten-year-old Haole boy, Gill Jamieson, in 1928. Fukunaga was a very bright but very unhappy and lonely young man, who worked long days at Queen's Hospital and gave all except \$5 of his \$40 monthly earnings to his parents to help them support their large and impoverished family with seven children. At the opposite end of the class and race spectrum, Gill attended the exclusive Punahou Academy, lived with his parents in affluent Mānoa in Honolulu, and his father was a vice-president of the Hawaiian Trust Company. What brought Myles and Gill together so tragically is that Hawaiian Trust managed the leasing of the cottage the Fukunaga family was renting in downtown Honolulu. After a rent collector threatened his family with eviction for not paying \$20 in overdue monthly rent, Myles sought revenge against the company by kidnapping and killing Gill. He also told the police after he was arrested that one of his motives in committing his crime was he wanted to die, having failed in two previous suicide attempts.

As I argue in my book on the Fukunaga case (2019), he was “raced to death” according to two different but related meanings of the term “race.” First, Fukunaga was quickly convicted because he was in the language of that time of the “Japanese race,” and Haoles considered Japanese Americans as constituting the greatest political, economic and cultural threat to their continued supremacy in the territory. Second, Fukunaga was raced or rushed to his death penalty less than three weeks after bludgeoning and strangling Gill to death because Haoles wanted immediate revenge for the killing of one of their own. The speed with which Fukunaga was hastily put on trial toward his death sentence is most evident from the abbreviated ninety-minute examination he was given by three court-appointed psychiatrists instead of it being conducted over a ten-day period as was required by Hawai'i law. Such a lengthy evaluation, which was the practice and not just the law in the territory, would have considerably delayed the start of his trial

and his anticipated execution. The exam was thought necessary because, after Gill was kidnapped, the Honolulu press contended that the yet unknown person responsible was a “religious lunatic with a garbled brain” due to the references to Christianity in the ransom letter Fukunaga sent to the Jamiesons. So the judge ordered that he be given a mental evaluation, but the three psychiatrists found him legally sane, meaning that he could differentiate between right and wrong when he killed Gill, after their short exam. Given their great desire for Fukunaga’s hanging, Haoles were not about to wait ten days for his trial to begin or to provide him a full examination that might show he was legally insane and hence not guilty of killing Gill.

But a month after Fukunaga’s short trial and death sentence, a University of Hawai‘i professor, Lockwood Myrick Jr. (1928), issued a lengthy report, “An Open Letter to Governor Wallace R. Farrington on Fukunaga’s Insanity.” He wrote his report after following the trial, reading Fukunaga’s ransom letter and other writings by him, and interviewing persons involved in the case. Myrick argued that Fukunaga was legally insane because he was compelled by a force he could not withstand—his desire for revenge against the Hawaiian Trust Co.—which resulted from the contentious encounter with their rent collector. Before Fukunaga’s trial, Myrick was told by the attorney general of Hawai‘i that he could interview Myles after the trial was over, but that permission was rescinded after the *Hawaii Hochi* Japanese newspaper raised the issue of Fukunaga’s insanity soon after he was given the death penalty.

Another obvious indication of the rush to convict and execute Fukunaga is the nineteen-minute defense provided by his two court-appointed attorneys at the start of the second day of the two-day trial. They also called no witnesses on his behalf, except to recall the city medical examiner, who had testified the previous day for the prosecution. Possible witnesses for Fukunaga included his parents, former co-workers, and former teachers, who had been

interviewed by the press and uniformly remarked that they found it unbelievable that the quiet, mild mannered and responsible person they knew could have committed such a violent murder, which was totally inconsistent with his personal character.

As for Fukunaga being found guilty because he was of the “Japanese race,” he committed his crime during the decade of the 1920s when the anti-Japanese movement led by Haoles reached its peak prior to World War II, spurred on by the 1920 sugar strike. This protracted labor struggle was led by Japanese plantation workers, cost the planters \$12 million in losses, and directly challenged Haole settler domination of the territory by crippling its major industry. While he was legally entitled to be tried as an individual without consideration of race, Fukunaga could not escape being prosecuted and convicted as Japanese and, as such, belonging to the group that Haoles believed to constitute the most serious challenge to their oligarchical rule of the islands. Thus, Fukunaga’s accelerated conviction and death sentence were directed to the larger Japanese community that was being warned not to contest the racial hierarchy, not so much by killing young Haole boys, which was unprecedented until Fukunaga’s crime, but by organizing multiplantation strikes.

Addressing the issue if Fukunaga’s psychiatric examination was much too brief, the *Hawaii Hochi* newspaper interviewed Dr. Harry Arnold, president of the local medical association, about a week after Fukunaga was sentenced. Arnold noted the recent case of a Japanese man, whose sanity was questioned after he killed his wife, also Japanese. He said the court ordered the man to be observed for several weeks and appointed three psychiatrists, himself included, to evaluate him. They conducted observations together daily for three to four hours over several days until they were certain he was legally insane. As a result of their report to the court, the man was not put on trial for murder and was sent to a mental institution. Arnold

offered that this same procedure of a lengthy evaluation should have been followed with Fukunaga and remarked that it was perhaps appropriate. This differential treatment of Fukunaga by the criminal justice system, including his swift trial, led the *Hochi* to argue that a dual system of racial justice prevailed in Hawai‘i—“one for the murderers of Orientals and another for the murderer of a white person.”

While Fukunaga was quickly tried, convicted and sentenced to die, legal appeals of his conviction, organized by the *Hawaii Hochi* and its publisher, Fred Makino, went eventually to the U.S. Supreme Court. His new attorneys, paid for by the Japanese American community through contributions, argued for a new trial for him because he had not been given a fair trial and a complete psychiatric examination, but their appeals were all unsuccessful. However, they did delay his hanging for more than a year until November 1929, and Fukunaga was the last of the seven Japanese put to death for murder in the territory.

But Fukunaga was not the last Japanese to commit homicide before statehood; others after him were able to avoid being executed by also committing suicide. In 1932, fifty-year-old Y. Yamada shot his daughter to death with a .45 caliber pistol, attempted to kill her husband but wounded him, and then turned the gun upon himself at their home in Liliha, Honolulu (“Japanese Slays Daughter” 1932). In a letter found on his body, Yamada maintained that his daughter and son-in-law had mistreated him, the latter on numerous occasions, and that he had been opposed to his son-in-law marrying her. Besides suicide, Japanese and others who had killed someone were not hanged if they were convicted of second degree murder or manslaughter.

Filipinos: Demonized to Death

Filipinos were by far the most executed group in territorial Hawai‘i, and race and racism were huge factors in their having that undesired distinction.^{xiii} The twenty-four Filipino men

who suffered the death penalty were a decided majority of the forty-two hanged and, as such, they were grossly overrepresented because Filipinos were at most one-sixth of Hawaii's population (1930) before statehood. But since they began arriving in significant numbers in the 1910s, the first Filipino execution did not occur until 1911; from that year till 1944 Filipinos constituted an incredible 78 percent of those hanged. Half of the Filipino executions were in the 1910s, and they were three-fourths of those sent to the gallows during that decade (sixteen).

Already with only the second, third and fourth executions of Filipinos, all on the same day in 1913, for murdering a Chinese couple, the high sheriff of Honolulu, William Henry, maintained that their hangings would serve to deter Filipinos from committing further murders. He remarked, "It is a most regrettable fact that we are compelled to take such stringent measures in order to keep down crime—especially murders....My firm belief is that the hanging is not to seek revenge but for the good effect that it will have in minimizing crime in the future. I am confident that today's executions will go a long way towards holding back the Filipinos from such blood-thirsty deeds in the future" (quoted in "Filipinos Expiate Murders" 1913: 8). Unfortunately, during the next three decades, Filipinos would continue to commit homicide, although not necessarily murder, and the territory would continue to convict them of first degree murder and hang them.

Elsewhere, I have argued that the reason for their excessive execution was that Filipino young men were racially demonized, that is, represented and stereotyped as especially dangerous, violent, and emotionally volatile, by the press and non-Filipinos in general (Okamura 2008: 160). Consequently, juries were quite willing if not eager to convict Filipino defendants of first degree murder, as evident in their very quick decisions, which might take just several minutes of supposed deliberation. Another reason for the high number of Filipinos who were

hanged is that before they went on trial, prosecutors generally charged those who had killed someone with first degree murder rather than lesser charges that did not carry the death penalty, such as second degree murder or manslaughter. They also did not seriously consider that the accused Filipino might have been legally insane when the killing occurred, as in cases of “running amok” (see below).

As for the racial background of the victims of executed Filipino murderers, the largest number were also Filipino, including two men and eight females. Among the latter, three were very young, including a girl (age not given) killed while on her way to school, a twelve-year-old, and a fourteen-year-old killed by her father (“Slayer of Daughter” 1941). The non-Filipino victims included two Japanese women and three Japanese men, a Chinese couple, a German wife and her sister, and a Navy sailor of unknown race (Okamura 2008: 161). Thus, Filipinos were not overly executed because they murdered high status Haoles.

The press in Hawai‘i contributed greatly to the racist demonization of Filipino men by emphasizing they were “Filipino” in the front-page headlines and articles reporting their hangings starting with the very first in 1911 (“Filipino Hanged” 1911: 1). A typical front-page article in 1914 in the *Honolulu Star-Bulletin*, “Filipino Pays Penalty for Brutal Murder,” was replicated eighteen years later in another article proclaiming “Filipino Youth is Hanged for Girl’s Murder” (1932) in the same newspaper. In this way, being Filipino was connected seemingly causally with being a convicted and executed murderer. This practice of specifying the race of those hanged for murder was generally not the case for other racial groups, at least in the headlines and titles of newspaper articles, and did not end for Filipinos until the late 1930s. The press also resorted to exaggerating the violence of murders committed by Filipinos, such as the “most atrocious crime in the history of the territory.” Variations of this theme regularly appeared

in the papers over the decades—“the most atrocious in the annals of the police department”—as though Filipinos had a monopoly on brutal murders in Hawai‘i.

Racist demonization of Filipino men by the newspapers is also evident in their providing explicit gory details of how the victims were killed, as in the following description of a young Chinese couple, who were murdered in their general goods store in Kalihi (“Filipinos Expiate Murders” 1913: 8): “Each body was frightfully mutilated, the throats being cut, and the bodies literally covered with wounds, believed to have been inflicted with a blunt instrument. The breasts and shoulders of the young woman, who was barely 20 years of age, were cut and gashed as though with a rough knife blade.” As evident, press accounts of the murders by Filipinos emphasized how they frequently used knives, particularly cane knives, which were readily available to them as plantation laborers, in committing their killings. This journalistic practice contributed to the eventually widespread “poke knife” stereotype of Filipino men by the 1920s. However, as noted above, Japanese men also often killed their victims with knives because guns were not easily obtainable.

Furthermore, the print media racially demonized Filipino convicted murderers by highlighting their seeming emotional volatility and hence potential danger to others besides their intended victims. “Jealous rage” was frequently cited in the newspapers as the precipitating factor in murders by Filipino men, particularly in crimes of passion. Thus, Narcissus Reyes was described as having attacked his German wife, her mother and her sister with a homemade knife “during a fit of jealousy” after his wife left him, which left her and her sister dead (“Reyes Guilty” 1927: 1). Another front-page article reported the hanging of thirty-two-year-old Vicente Kacal, the “brown-eyed Filipino murderer,” for having “hacked Mrs. Dagayanon to death with a cane knife in a fit of jealous rage” (“Vicente Kacal” 1929: 1). Jealousy was emphasized by the

press as contributing to homicidal violence by Filipino men because of the far greater number of them than Filipino women in Hawai‘i. This considerable sex imbalance resulted in great disappointment for a man when his wife left him or a woman spurned his advances, as in frequent cases of unrequited love.

Jealousy and high emotionality were causally related to violence among Filipinos by University of Hawai‘i psychologists Stanley Porteus and Marjorie Babcock (1926: 65) in *Temperament and Race*. Their book purports to be a study of differences in character and personality among six racial and ethnic groups in Hawai‘i, notably not including Whites perhaps because they were assumed to represent the racial and psychological norm. Porteus and Babcock argued that “crimes of violence usually due to jealousy are relatively frequent among extroverts,” which they regarded Filipinos to be. They continued that the “Filipino crime wave” could be explained primarily by their “explosive extrovert temperament”: “Under the stress of violent anger or a sense of grave injustice he shows no tendency to reflect, so that the act of revenge often is altogether out of proportion to the offense and sometimes in cases of ‘running amuck’ the punishment falls on the innocent as well as the guilty” (66). In Hawai‘i, running amok was especially associated with Filipinos because it was reported as occurring in the Philippines, although such indiscriminate homicidal behavior with a weapon is hardly found only among Filipinos. Nonetheless, going amok served as a simplistic explanation for some of the murders committed by them in the territory; however, it was not considered a sufficient reason to question if a Filipino suspected of murder might be legally insane and therefore not guilty of the crime.

Thus in 1935, Heriberto Pahonang of Kunia Camp, Wahiawa was shot and killed by the police, who sought “to stop him from running amok” with a knife in a downtown Honolulu law office (“Officers Kill Filipino” 1935). Pahonang had gone to the office for legal assistance in

recovering \$100 he had invested in an employment agency and became “frenziedly impatient” when told he would have to wait. He suddenly drew a knife and “apparently went mad,” threatening the office staff and throwing books and papers about the room, before the police were called from the main station across the street and killed him. In another case in 1948, a twenty-seven-year-old Filipino carpenter, whose name was not initially released, was described to have “ran amok” with a knife and killed a twelve-year-old boy and wounded eight other persons in Hell’s Half Acre, a tenement district in downtown Honolulu (“Victim of Stabbing” 1948). Before going “berserk,” the assailant was having a conversation with two friends in their neighborhood when it quickly developed into an argument, and he suddenly drew a long knife and stabbed one of them. He then went down the street and slashed others before coming upon a group of children playing outside their home and stabbed his young victim to death and cut his two sisters. The killer was subdued by a passing police officer, whom he also tried to slash, and taken to the mental ward of Queen’s Hospital where doctors diagnosed him as suffering from a psychosis. It is significant that this incident occurred in 1948, by which time Filipinos suspected of running amok were more likely to be considered as suffering from a mental breakdown.

Unlike in the Fukunaga case, to my knowledge, little or no effort was made by the Filipino community to have any of their convicted murderers be given a new trial or to have their death sentence commuted to life imprisonment. This difference can be explained by the far lesser financial and social resources among Filipinos compared to Japanese, who had been present in Hawai‘i a quarter of a century longer than the former. Fully half of Filipino executions occurred in the 1910s, their first decade of significant labor migration to the territory during which they lacked the funds and leadership to organize legal appeals and protests against the hanging of Filipino convicted murderers. The first Filipino lawyer in Hawai‘i was Pablo

Manlapit who, like William Achi, passed the territorial bar exam in 1919 without having a law or college degree. But Manlapit became a labor leader, rather than a legal advocate, of Filipino plantation workers in the 1920s, organizing labor unions and leading multiplantation strikes in 1920 and 1924, which resulted in him being sent to prison (Okamura 2019: 32). Filipinos also lacked a community leader like Fred Makino, who could use a newspaper with a large circulation to advocate for justice for them. As fewer Filipinos were executed in the two decades before World War II, the community was focused on labor organizing with another major sugar strike in 1937 and smaller pineapple and dock strikes in the late 1930s.

The last hanging of a Filipino, which was the last execution in Hawai‘i, was of thirty-two-year-old plantation worker Adriano Domingo in 1944 (“Domingo Dies” 1944). He was convicted of first degree murder in the stabbing death with a pair of six-inch scissors of Helen Sakamoto, a Japanese American aged twenty-one, the previous year at Moloa‘a, Kaua‘i. Testimony at Domingo’s trial indicated that he had accosted her in a cane field as she was walking home from her job as a secretary for the director of the Office of Civil Defense on Kaua‘i. The police charged that Domingo had attempted to “criminally attack” his victim before stabbing her in the heart. Violent crimes such as this contributed to the fear and stereotyping of Filipino men as sexually threatening among Japanese and other ethnic groups, especially women.

After the last execution, it appears that prosecutors, juries, and Haole judges and governors were far less inclined to convict Filipinos of first degree murder, which resulted in none of them being hanged. Police records indicated that between 1937 and 1947 the murder rate in Honolulu declined considerably from 7.3 per 100,000 persons to 4.4 per 100,000, despite (or perhaps because of) the population almost doubling from 147,000 to 269,000 during that period due to the military buildup (Whitten 1948). The number of murders did not vary much

from year to year, averaging less than fifteen per year over that ten-year span, including a low of eight in 1940 and a high of eighteen in 1944. Thus, the lesser number of executions since shortly before the war was not necessarily the result of fewer murders being committed but was due to a significant change in the attitudes and actions of government authorities and Hawaii's people toward capital punishment after World War II. Hence in 1949, Bonifacio Mamuad, a forty-one-year-old Waialua plantation laborer, who was initially charged with first degree murder, was allowed to plead guilty to second degree murder, an option that was less available to Filipinos previously ("Laborer Sentenced" 1949: 9). He killed an eighteen-year-old Filipino high school student almost a year earlier by stabbing her eighty-six times with a seven-inch pair of scissors. In his confession, Mamuad told police that he planned to kill her after she told him she did not want anything to do with him when he sought her friendship, another tragic example of unrequited love. Prior to the end of the war, such a vicious murder would have resulted in death for Filipinos, as evident in many comparable cases, most recently that of Adriano Domingo.

Similarly in 1953, yard worker Antonio Alponete, aged fifty-one, was convicted by a jury of second degree murder, despite being prosecuted for first degree murder, for shooting to death without provocation three Filipino men at a baptismal party in Waikane, O'ahu the previous year ("Sentence Set" 1953). He hence was sentenced to life in prison with the possibility of parole.^{xiv} The day before the killings, Alponete was being driven home by Teodoro Lagapa in his "jalopy" and, when Lagapa's step-daughter walked by, Alponete "made a pass" at her, which upset Lagapa, and they quarreled about it along the way home ("Defendant Unemotional" 1953). Alponete testified in his defense that the next day he drank some wine and took a .45 calibre Army pistol with him when he went uninvited to Lagapa's house where a baptismal celebration was being held. He had earlier told the police that he went to the party with the intention of

killing Lagapa because he was angry after Lagapa rejected Alponde's request to marry his step-daughter ("Yardman on Trial" 1952). He asked Mrs. Lagapa where her husband was and, after quarreling with her, walked up to Pio Quindala, aged sixty-five, and slapped him ("Defendant Unemotional" 1953). Leoncio Sagman, the twenty-seven-year-old boyfriend of Lagapa's step-daughter, approached Alponde and asked in a friendly manner, "Whatsa matter, papa?" Alponde responded by shouting "No more, no more!" and took his gun out and fired, killing Sagman, Quindala, and Felipe Dias, aged fifty-five, who appeared to be an innocent victim of Alponde's wrath. In his court testimony, Alponde maintained through an interpreter of his Visayan language that he "was drunk..., didn't know what [he] was doing...[and] don't remember taking the weapon with [him]" ("Alponde Guilty" 1953). He claimed that he did not intend to harm anyone when he took the gun with him to Lagapa's home, and the jury apparently believed him, rather than the witnesses who testified against him, after an hour and forty-five minutes of deliberation. The jury may have decided that the required elements for first degree murder of premeditation and deliberation were absent in Alponde's killing of his three victims. This multiple killing was yet another tragic incident that resulted from the spurned desires of a Filipino man for a possible wife, four decades after such murders first began occurring. However, unlike in the past, the jury was willing to consider that the perpetrator was not guilty of first degree murder and so was not hanged.

After the war, Filipinos also escaped the gallows by the governor commuting their death penalty to life in prison with or without the possibility of parole. In December 1947, Democratic governor Ingram Stainback reduced the death sentences of two convicted murderers, Juan Carpio, aged forty-five, and Manuel Adiate, who had killed his wife ("Death Decree Commuted" 1947: 1). Carpio was convicted of stabbing to death twenty-four-year-old Ellen Lau Troudt, a

taxi dancer and mother of three children, four years earlier because, in an all too familiar story, she had refused his romantic advances. Stainback made his announcement in keeping with a Christmas tradition of territorial governors in Hawai‘i, which began in the 1910s, of granting paroles, pardons, and commutations for prisoners just before the holiday.

Similarly in 1953, Governor Oren E. Long, also a Democrat, spared the life of Liberado Joaquin, a fifty-two-year-old theatre attendant, who had been convicted of first degree murder for stabbing to death his thirty-year-old Haole “sweetheart,” taxi dancer Sally Anderson in 1947 (“Minimum Terms Set” 1953). In yet another sad case of unreturned love, Joaquin pursued Anderson for a year and a half, during which he spent his entire life savings of more than \$8,000 on her for a new car, jewelry, clothing, and even an appendectomy. At his trial, he testified that he stabbed her (sixteen times according to the autopsy) while in a rage after she told him their relationship was over and she was not going to marry him, despite having promised she would (“Joaquin Case Nears” 1948). Between sobs in his breaking voice, the diminutive Joaquin continued that Anderson “slapped [his] face and called [him] names. Then [he] stabbed until [he] don’t know what happened. [He] went crazy!” However, a few days before he killed her, he wrote a suicide note to his brother, stating “This is the only way I can make her even,” which the prosecutor argued was an indication of his intent to kill Anderson and then himself after Joaquin learned she was still married (“Joaquin Held Guilty” 1948). After killing her, he did attempt suicide by taking an overdose of sleeping pills.

Governor Long was reported to have decided to commute Joaquin’s death sentence based on the strong recommendation from Judge Carrick Buck, who presided over the trial, and on an investigation by the attorney general of a request for executive clemency for Joaquin (“Long Commutes Death” 1953). In her letter urging commutation, the judge remarked that in her

almost eighteen years on the bench, she had rarely disagreed with a jury verdict, but she felt “very strongly that in this case the verdict of murder in the first degree was not a truly just verdict.” She elaborated that, while the evidence supported a first degree murder conviction, the “passion” aroused in Joaquin by Anderson’s actions “makes the case more to my mind a murder in the second degree.” In the past, such emotions, including jealous rage, were frequently used against Filipinos in seeking their conviction for first degree murder as evidence of “malice aforethought” as their primary motivation for killing someone.

Between 1912 and 1958, nine Filipinos had their lives saved by commutation of their death penalty by the territorial governor, and they thus constituted a majority of the sixteen persons (all male), who were convicted of first degree murder, sentenced to death but had their sentence commuted (Koseki 1978: 2, 21).^{xv} The first such Filipinos were Isidoro Alario and Amador Abeta, who had their sentences reduced in 1918 after being convicted as accomplices in a first degree murder the previous year (“Commutation of Sentence” 1926: 1). Two other spared Filipinos were the aforementioned Liberado Joaquin and Sylvestre Adoca, who was on death row when capital punishment was abolished in 1957. The other Filipinos who had their death sentences commuted very likely were found guilty after World War II when governors were far more willing to grant executive clemency to Filipino convicted murderers.

As noted above, another way to avoid the death penalty was by committing suicide after killing someone. In 1953, Jose Pasciyo, a thirty-seven-year-old sugar mill worker at Hanapepe, Kaua‘i, did just that in a “love triangle murder-suicide (“Six Children Orphaned” 1953). After finding his twenty-six-year-old wife at the Riverside Rooming House with another Filipino plantation worker, Pasciyo shot him to death with a rifle, then shot his wife in the head before

turning the gun on himself. After arguing with Pasciyo, his wife had recently moved to the apartment, but their deaths left their six children orphaned.^{xvi}

In a highly publicized and controversial murder case in 1952, Jose Aloag also escaped hanging, despite being prosecuted for first degree murder for killing five members of a Japanese American family he worked for as a farmhand (“Life Terms Are” 1954). However, the jury found him guilty of murder in the second degree. In what was the worst mass murder in Hawai‘i history, Aloag, aged forty-eight, used a ten-inch bayonet to stab to death thirty-eight-year-old Richard Sumida, his thirty-year-old wife and three of their children aged nine, seven and four at their farm in Maunaloa Valley, O‘ahu. Described as “one of the most ruthless cases of wanton butchery,” the victim’s bodies bore eighty-three stab and slash wounds, including twenty-eight on the father and fourteen on the four-year-old daughter, and three of the deceased were stabbed in the heart (“No Decision” 1954). The only survivor of the early morning carnage was the Sumidas’ oldest son, aged eleven, who fled their home upon hearing the screams of his family and ran to a neighbor’s house.

Based on a mental examination by a psychiatrist, Aloag’s defense attorney argued that he was legally insane and suffered from auditory hallucinations, including the voice of Mrs. Sumida teasing him that he was too ugly to attract a woman (“Aloag Killed” 1954: 6). But when arrested, Aloag told the police that he killed the Sumida family because the previous evening Richard Sumida had paid a \$20 car repair bill for him, and he suspected it was a way that his employer was going to keep him in “bondage” by making deductions from his wages for paying the bill (“Slayer of Five” 1952: 1). Aloag related that he spent the evening drinking in a downtown Honolulu bar, brooding about the bill payment, and killed the Sumidas shortly after returning to the farm after midnight. Perhaps because of this evidence of premeditation, which

was a requirement for first degree murder, and the number of victims and the vicious manner in which they were killed, the jury verdict was sharply criticized. As one government official remarked, “If you can’t get a first degree conviction in the Aloag case, you can’t get it in any case” (quoted in Zalburg 1954b).

In reaching what appears to have been an unpopular decision, the jurors possibly were swayed by the brutality of the attack on the Sumidas and therefore did not believe that deliberation, also required for murder in the first degree, was involved. Less than a month later, after interviewing government officials and lawyers, *Advertiser* reporter Sanford Zalburg (1954b) wrote that their opinion was, “It’s no use having a capital punishment statute in Hawaii because it is almost impossible to carry it out.” He noted that their view was strengthened as a result of recent developments—the second degree murder verdict in the Aloag case and the commutation of the death sentences of James Majors and John Palakiko (see below) earlier that month by Governor Samuel Wilder King for the 1948 rape and murder of Therese Wilder (no relation). As noted above, two other persons convicted of first degree murder had their lives spared by Governor Ingram Stainback in 1947. Besides Hawai‘i, only Vermont and the District of Columbia had a mandatory death penalty for conviction of first degree murder, while in forty-two states the judge could impose the death sentence for a first degree murder conviction if she believed it was warranted.

In his article, Zalburg (1954b) included “typical comments” from government officials and attorneys regarding capital punishment, which may have portended its impending end three years later: “I believe it is impossible, or nearly so, to get a first degree conviction these days and for the man to be hanged” [official]; “I’m deadly opposed to capital punishment. You prove nothing by it” [criminal defense lawyer]. The jury verdict of second degree murder in the Aloag

case may have indirectly contributed to the abolition of the death penalty three years later but so did the Wilder case. But before turning to that pivotal case, I briefly discuss another murder case in 1952, which also did not result in execution of the guilty party.

Samoans: Racist Stereotyping

A homicide case that was ongoing at the same time as the Aloag and Wilder cases concerned two Samoan brothers, Reid Leota, aged twenty-one, and Alema Leota, twenty-three, who were charged with first degree murder for beating to death thirty-nine-year-old Charles L. Nelson in 1952 (“First Degree Assessed” 1952). From the Mormon community in La‘ie, the Hawai‘i-born Leotas were charged with murder committed with extreme atrocity and cruelty for striking Nelson, an African American naval shipyard worker, on the head with cue sticks, beating him with their fists, and kicking and stomping him to death. Reid Leota was accused of jumping on Nelson’s chest as he lay unconscious in the street outside a downtown Honolulu pool hall at Smith and Pauahi streets after 1 a.m. An autopsy determined that Nelson died from a ruptured heart that was caused by Leota jumping on his chest several times. According to the police, the victim and two friends were playing pool when the Leota brothers entered the establishment, and one of them started a fight with Nelson’s friend, Robert Clay, who left to call the police. When he returned, Clay and other witnesses said they saw the two accused men beating Nelson in the street, and the Leotas were shortly arrested on North Beretania Street. According to the autopsy report by the city pathologist, Nelson, who had lived in Hawai‘i for the past ten years, suffered numerous broken ribs, a depressed fracture of his skull, contusion of both lungs, and rupture of the primary blood vessel carrying blood to his heart from the lower portion of his body (“Leota Brothers Held” 1952). But the grand jury decided there was insufficient evidence to indict Alema Leota for first degree murder, so he was charged with assault and

battery with a dangerous weapon for striking Nelson on the head with a cue stick (“Leota Pleads Guilty” 1952).

The following year, Alema Leota was convicted on a federal charge of selling eight marijuana cigarettes and sentenced to five years in prison (“Judge Scores Leota” 1953). In sentencing Leota, described by the press as a “tall, heavy set youth” with “ham-like fists,” Judge J. Frank McLaughlin told him, “You are one of the most vicious criminals I have ever had before me.” At the sentencing hearing, probation officer James K. Mattoon informed the court of a previous assault in which the Leota brothers were involved at a tavern in Punalu‘u in August 1951, five months before they beat Nelson to death. Mattoon related that, after being told to stop using obscenities, the Leotas assaulted one of the co-owners of the tavern, breaking his jaw, and did the same to one of the patrons who tried to assist him, while the other co-owner had “his face smashed almost beyond recognition.”

The Nelson murder case was of such great concern to the African American community in the continental United States that the National Association for the Advancement of Colored People (NAACP) planned to send representatives from two established Black newspapers—the Chicago Defender and the Pittsburgh Courier—to cover the trial (“Leota Brothers Held” 1952). For African Americans, the vicious beating death of Nelson was an all too familiar occurrence, although many of them may have been surprised that it happened in Hawai‘i, America’s fabled racial paradise even at that time.

However, no trial of Reid Leota was held because he plead guilty to second degree murder and was sentenced to twenty years in prison (“Leota Gets 20” 1952). At the same time, he also plead guilty to other charges pending against him, including escape from the city and county jail, while being held for his murder trial, and auto theft and two counts of assault and

battery, committed while on the lam. Leota received concurrent sentences for those crimes together with his twenty-year sentence. Before sending him to prison, presiding judge Carrick Buck, who the next year would recommend to Governor Long that he commute the death sentence of Liberado Joaquin, pronounced from the bench that the evidence in the case indicated that Nelson suffered a “death resulting from combat” and that his killing “wasn’t done in cold blood” (“Reid Leota” 1952). Nelson may have been engaged in combat to save his life as he was being assaulted by the Leotas. Furthermore, while Buck might argue that Leota did not kill Nelson in “cold blood,” he was charged with murder committed with extreme atrocity and cruelty, which was evident in Nelson’s death being caused by Leota jumping on his chest and rupturing a blood vessel as Nelson lay unconscious in the street. Buck added, “I feel this boy has been made a tool of a serious criminal element—that he did the bidding as a ‘strong arm’ for other older criminals,” although she did not identify them or mention if she was referring to his older brother Alema (“Leota Gets 20” 1952).^{xvii} The press coverage of the Leotas’ case contributed to the stereotyping of Samoan men as prone to violence and crime, even though the Samoan population in Hawai‘i was quite small at that time. As in the case of Jose Aloag, Reid Leota being saved from the gallows may have been an indication of the eventual end of capital punishment in Hawai‘i, which arguably began with a murder case that started several years before those two others.

Majors-Palakiko or Wilder Case

The significance of race, particularly racial injustice, is especially evident in the highly publicized case of two young Native Hawaiian men, who received the death sentence for murdering and raping a sixty-eight-year-old prominent Haole woman, Therese Wilder, in 1948. On March 10, James Majors, aged twenty, and John Palakiko, nineteen, escaped from an Oahu

Prison work gang in Chinatown and caught a city bus to the end of the line in Nu‘uanu Valley where they spent the night (“Palakiko, Majors Case” 1948: 2). They were both serving sentences for burglary—Palakiko, a military prisoner transferred from an army stockade, for ten years and Majors for four years. Majors had a long record of arrests and escapes since he was ten years old when he was placed in a Salvation Army facility for juvenile delinquents in 1937; two years later he was sent to the Waiale‘e Training School for boys (“Pair Convicted” 1951).^{xviii} Palakiko’s parents divorced when he was young, and at age seventeen he was sentenced to three years’ probation for breaking into a home and stealing three rings (Johnson 1951). He joined the Army soon after in 1946 and that same year was convicted with three other youths of robbing some sailors of their wallets and watches, for which he received fifty cents as his share and a ten-year sentence in the Schofield Barracks stockade. Palakiko was later transferred to Oahu Prison after an unsuccessful escape attempt. The victim, Therese Wilder, was originally from California and in 1917 married William Chauncey (“Chan”) Wilder, whose father started the Wilder Steamship Co. that later merged with the Inter-Island Steam Navigation Co. (“Mrs. Wilder Murder” 1948). Her husband, who died in 1926 at age sixty, was connected to his father’s company for many years and was later a tax assessor in the territorial income tax division.

The next evening after their escape, Majors and Palakiko came across the large home of Wilder, who lived alone on her two-acre estate, on the upper Pali Road and broke in to get some food (“Palakiko, Majors Case” 1948: 2). After she accosted them in her house, Palakiko told the police he said to her, “Lady, we don’t want to hurt you,” and grabbed her arms. But when Wilder tried to run away, they beat her, breaking her jaw, then bound and gagged her, and her decomposing body was found four-and-a-half days later by her yard worker. Palakiko was arrested the next day after he and Majors tried to steal a car, but Majors was not caught until

March 20 and immediately tried to kill himself by swallowing some iodine. After performing an autopsy on Wilder's body, the Honolulu city and county coroner, Dr. Alvin Majoska, wrote in his report that she died from suffocation probably as a result of a towel being tied around her mouth and nose ("Murder Caused" 1948).

Majors and Palakiko were soon both charged with second degree murder and first degree burglary. According to the acting city prosecutor, John Desha, who was Native Hawaiian, based on the available evidence, including separate "confessions" by the accused, those were the "best charges" they could be indicted for, and the case was considered closed on March 25 because of their admissions of guilt ("Majors, Palakiko Charged" 1948: 1, 10). Desha added that every first degree murder case in the territory had evidence of premeditation, and no such evidence was apparent in Wilder's homicide, although he said the prosecutor's office would continue to determine if a first degree murder charge based on rape or extreme cruelty or atrocity could be made. Desha elaborated that the three requirements for murder in the first degree were missing in the case: deliberate malice aforethought; murder committed during the act of committing a crime punishable by death; and extreme atrocity or cruelty ("Officials Confer" 1948: 1). He provided examples of the latter, such as torture or, as in a recent murder, the victim (Sally Anderson) had been stabbed and slashed sixteen times ("Charges in Wilder" 1948: 1). Desha continued there was no evidence that Wilder had been raped or that it had been attempted and asserted that, based on the available evidence, the territorial grand jury might not return an indictment for first degree murder.

Desha would shortly be removed as acting prosecutor due to the insistence of Alva Steadman, president of Cooke Trust Co., and attorney Charles Hite, who both complained to Mayor Johnny Wilson about how Desha was handling the case. Steadman managed Wilder's

financial affairs for Cooke Trust, while Hite was a close friend and neighbor of hers. His wife was the first person contacted by Wilder's housekeeper after her body was found. Wilson soon replaced Desha by appointing Hite as the permanent public prosecutor, and a few weeks later Hite had the grand jury indict Majors and Palakiko on first degree murder charges and later rape charges (Johnson 1951). At a territorial Supreme Court hearing in 1951, Desha testified that Steadman and Hite brought "pressure" on him to bring first degree murder charges against Majors and Palakiko by each calling him several times at his home ("Former Prosecutor Asserts" 1951). His testimony was confirmed at the hearing by his wife, who said she answered a telephone call from Hite and called Desha to speak with him. At the same hearing, Hite denied calling Desha to discuss the charges against Majors and Palakiko, so clearly one of them was lying and had committed perjury ("Hite Denies Calling" 1951).

Desha also related at the hearing that, after Majors and Palakiko were captured, "The public clamor was for immediate indictment for first degree murder and an immediate trial....I could feel that the community was all stirred up about this thing. A lot of people were practically crying for the old days of the West when they just strung up a horse thief" (quoted in "Former Prosecutor Asserts" 1951). He responded to a question from Justice Ingram Stainback at the hearing if he thought it was possible for Majors and Palakiko to get a fair trial: "My experience has been when a victim is either of an old kama'aina family or is related by marriage to them or is a member of the Cousins society [organization of descendants of the first missionaries to Hawai'i] or is somebody high in the social strata, there is always a hullabaloo. She [Wilder] was connected with one of the oldest kama'aina families," through marriage ("Fair' Trial Denied" 1951). For that reason, Desha stated he thought Majors and Palakiko did not get a fair trial.

Indictments and Trial

Following the intervention of Hite and Steadman, Majors and Palakiko were each shortly indicted on three counts of murder: murder committed while committing the crime of rape; murder committed while attempting to commit rape; and murder committed with extreme atrocity and cruelty (Lambeth 1948: 1). They were the first such indictments in the history of the territory. Each of those crimes carried a mandatory death sentence, but none of them required premeditation, which Desha maintained was not evident in the case. In short, when Majors and Palakiko tied a towel around Wilder's mouth and nose, they did not intend to kill her.

Indicative of the racial significance of the Wilder killing, the day after her body was discovered, the directors of the Haole-led Honolulu Chamber of Commerce approved the offering of a reward of \$1,500 for information resulting in the arrest and conviction of Wilder's slayer ("Wilder Case Reward" 1948).^{xix} At the chamber meeting, Steadman, who was appointed by the chamber president Lorrin P. Thurston as chair of a committee "to probe every phase of Honolulu's worsening crime situation," related that the killing of Wilder "agitated me more than any other occurrence since the Fukunaga kidnapping." Steadman was the judge in the 1928 murder trial of Myles Fukunaga for kidnapping and killing Gill Jamieson. He declared that the Wilder murder was "the top crime here in the last 25 years and is now an emergency which involves neither rich nor poor, white nor black," although rich Haoles like himself and the victim were very likely more concerned about the killing than non-Haoles were. Revealing his foremost desire, and probably that of many Haoles, that the killer of Wilder be charged with first degree murder and executed, Steadman argued, "The one important thing is that we catch this criminal and hang him for murder."

Majors and Palakiko went on trial for first degree murder in June 1948. The primary evidence against them included four confessions by them—one by Palakiko and three by Majors, in the second of which he admitted raping Wilder (“Detectives Deny Force” 1948: 1, 6). The first two of the statements by Majors were unsigned, and police detectives admitted at the trial that he was not shown those transcribed statements. Despite the objections of their court-appointed defense attorneys— T. S. Goo, George Kobayashi and Bert Kobayashi (no relation to each other)—all four confessions were read into evidence by the prosecuting attorney, Allan Hawkins, at the trial. According to the statement by Palakiko, after beating Wilder unconscious with their fists, they tied her up in her bedroom, and he went to the kitchen to get some food. When he returned, he told the police that Majors was raping her and, when Palakiko told him they should leave, Majors replied, “You go.” Palakiko said he then went to the stream and waited about ten minutes for Majors to join him (Kim 1988: 89). While in Majors’s unsigned second statement he admitted raping Wilder, he denied doing so in his first and third statements. The admission into evidence of the confessions of Majors and Palakiko would be the primary basis of subsequent appeals of their convictions.

After a six-day trial with Judge Carrick Buck presiding, Majors and Palakiko were each convicted of three counts of first degree murder after the jury deliberated for four-and-a-half hours. While the jurors found Majors guilty of first degree murder on their first ballot, it took them seven votes before they came to a unanimous verdict regarding Palakiko (“Jury Dooms Pair” 1948: 1), perhaps because no evidence was introduced that he had committed or attempted to commit rape. In an interview forty years later, one of the jurors, Floyd Hustace, recalled, “We knew they were guilty. But I was for some kind of leniency. I didn’t really think it was a cut and dried situation, like premeditated murder....She suffocated. They didn’t expect her to die.

Maybe it would have been different if it had been someone else. Wilder was a big name” (quoted in Kim 1988: 148). It was a big name because she was related to a wealthy Haole family, but that should not have been a reason for their conviction. After Judge Buck denied a motion for a new trial, she sentenced Majors and Palakiko to be hanged the next month.

Legal and Community Appeals

During the following three years until 1951, the attorneys for Majors and Palakiko appealed their convictions unsuccessfully to the territorial Supreme Court and the U.S. Ninth Circuit Court of Appeals in San Francisco. In May 1950, the Hawai‘i Supreme Court upheld the lower court verdict and denied them a new trial. The court responded to the defense argument that the confessions of the two men were admitted improperly as evidence by contending they were “voluntarily made without the slightest indication of force, threat, duress or promise of reward or immunity and are therefore clearly admissible” (“9th Circuit Court” 1950). The reason that the territorial Supreme Court did not hear Majors’s and Palakiko’s appeal for almost two years after their convictions in June 1948 was the long delay by President Harry S. Truman to fill a vacancy in the three-member Supreme Court created by the death of Justice Albert Cristy. The appeal to the Ninth Circuit Court of Appeals was similarly unsuccessful with the court ruling in August 1951 that “none of the confessions were obtained by ‘lawless means’ and there was no ‘fundamental unfairness’ in using them against Majors and Palakiko” (“Death Penalty is” 1951).

So on September 6, 1951, Governor Oren E. Long announced that he was invoking the death penalty against Majors and Palakiko, and their execution was scheduled for one week later at 8 a.m. (Casey 1951). But as Long later told the press, during that week he came under “terrific pressure” from both those in favor of the hanging and those who were opposed, and he

decided to stay their execution for a week, just fifteen minutes before they would have been hanged. During that week, Long received numerous appeals, including a deluge of telephone calls and telegrams, to save Majors and Palakiko from the gallows by commuting their sentences to life imprisonment. Nonetheless, the day before issuing his second reprieve, Long claimed that “no organized drive” had developed for him to reduce their sentences and that he had received only one letter and a few telephone calls (“Few Persons Urge” 1951).

Obviously indicative of an organized campaign, Antonio Rania, president of ILWU Local 142, announced that the union would be sending petitions with 10,000 signatures to Governor Long, which requested that he commute the death sentences to life in prison (“Mission Board Disclaims” 1951). Two days before the scheduled hanging, Willie Crozier, a Native Hawaiian described by the press as a “left wing Democrat,” and Helen Kanahele, also a member of the Democratic O‘ahu County Committee, urged the governor to grant commutation on an ILWU radio news commentary program hosted by Bob McElrath. Labor lawyer Harriet Bouslog, another member of the committee, who would later become the lead attorney for Majors and Palakiko, presented the governor with a petition asking for commutation with almost 3,700 signatures, in addition to an earlier one signed by more than 600 persons.^{xx} She had initiated the petition campaign to request Long to reduce the death penalties of the condemned men. In addition, Bouslog, whose law firm, Bouslog and Symonds, represented the ILWU, wrote a letter to the *Star-Bulletin* in which she argued that “the air of hysteria stirred up by the press, at the time of their [Majors and Palakiko] trial, made a fair trial impossible” (Bouslog 1951). She also urged everyone who felt the same as her to contact Long to reduce Majors’s and Palakiko’s death sentence to life behind bars. Furthermore, Bouslog read a message sent to President Truman requesting commutation on McElrath’s ILWU radio program, which had been written by

Kanahele (“Action Starts Appeals” 1951). It stated in part, “Thousands of citizens of Hawaii from all walks of life have signed petitions. In one short week, over 15,000 persons have pleaded with Governor Long in the interest of justice and humanity to commute these sentences. The people of Hawaii believe Governor Long’s refusal to commute to life imprisonment is rank injustice....You are the last resort of the people. Please do not fail the people of Hawaii.” In addition, Bouslog sent a cable to the American Civil Liberties Union in New York urging them to ask Truman to issue a stay of execution or to reduce the death sentences.

Also contributing to the commutation campaign, twenty-one Christian ministers sent a letter to Long that requested him to reduce the death penalties to life in prison (“21 Oahu Ministers” 1951). They cited their “firm conviction that capital punishment is contrary to Christian principles” and their obligation “to influence the people of our community to abolish the penalty of capital punishment.” While the ministers represented several Protestant denominations, they included Native Hawaiians, Japanese Americans, Korean Americans, and Whites, reflecting the multiracial scope of the commutation campaign. The organized movement by the same groups—the ILWU, the Democratic Party, Native Hawaiians and other minorities, and Christian clergy—would eventually result in elimination of the death sentence in Hawai‘i in 1957. Long also received letters and radiogram messages from members of the Wilder family in Honolulu that expressed their opposition to a stay of execution granted by him the previous week (“21 Oahu Ministers” 1951). One message read, “Men as merciless as Palakiko and Majors deserve no mercy.”

Time was again quickly running out for Majors and Palakiko. On September 19, 1951, the night before their scheduled execution the next morning, their new attorney, Harriet Bouslog, filed a petition for a writ of habeas corpus in federal court in Honolulu (Casey 1951). In a

packed courtroom “electric with suspense,” Judge J. Frank McLaughlin quickly denied the petition because, as he told her, Bouslog had not exhausted all of the legal remedies for her clients in the territorial courts. So she called Associate Justice Louis LeBaron of the Hawai‘i Supreme Court, who agreed to hear the petition in a session that lasted from midnight to 3:30 the next morning. But he also dismissed the petition, ruling that Majors and Palakiko had received a fair trial; however, he stayed their execution for ninety days until the full Supreme Court could hear the case, which it did later in the year. The warden at Oahu Prison was notified at 3:40 a.m. by phone to cancel the hanging scheduled for 8 a.m. that morning and shortly informed Majors and Palakiko they had received another very late reprieve.

Supreme Court Hearing Revelations

At the territorial Supreme Court hearing on the petition for a writ of habeas corpus in November and December 1951, both Majors and Palakiko took the stand in their defense, unlike at their trial, although the hearing was not to determine their guilt or innocence of first degree murder. They were seeking to have their convictions reduced to second degree murder or to be granted a new trial. Majors testified that, while he remembered signing his third statement to the police on March 24, 1948, he was not certain if he had made two earlier statements to them while he was in Queen’s Hospital, as a result of drinking iodine in a suicide attempt after being captured three days earlier (“Majors Tells His” 1951). He stated that, while he was in the hospital, most of the time he “felt dopey and drowsy” because of a sedative (phenobarbital) given him as a painkiller by the hospital staff; nonetheless, he said police detective Vernal Stevens “seemed to be there all the time” and questioned him at his bedside. According to Majors, Stevens, who was Native Hawaiian, told him, “I might as well tell everything because I was going to die anyway. Another time he said when I got out of the hospital he would take me

to the room. I knew he meant the room they always take you for bust you up.” Bouslog later challenged the admissibility of Majors’s confessions because of such threats of violence and misrepresentations made to him. Majors added that he did not know he had made statements to the police while in the hospital until they were introduced at his trial and also denied he raped Wilder. In addition, referring to the Fifth Amendment, he asserted that he did not know he had a right not to provide evidence against himself, but he did know “they bust you up and make you testify against yourself” (“Move Made” 1951: 1).

At the same Supreme Court hearing, Palakiko testified that he was beaten by detective Stevens on March 20, 1948 at the police station (“Palakiko on Stand” 1951: 1). He said Stevens came into the room where he was being held and asked, “‘You a tough guy, Palakiko?’ [He] said no. [Stevens] let loose a short left hook. [Palakiko] ducked and ran into [Stevens’s] right hand.” Palakiko continued that Stevens then punched him in the stomach, spun him around by his shirt and “kept hitting [him] in the guts. He said he was going to hit [him] again and then [Palakiko] said ‘all right I’ll talk.’” Until that point, Palakiko had denied going to Nu‘uanu after escaping from the prison work gang. He also stated that before Stevens beat him, another police detective, Jack King, punched him four times in the stomach

Supporting her son’s contention that he was assaulted by the police, Palakiko’s mother, Alice Nahoi, testified at the Supreme Court hearing that when she saw him at the cell block on March 22, two days after the assault, he was “all beaten up” (“Condemned Pair” 1951). She described her son’s face as “swollen and all black and blue” and said he could hardly open his eyes. Affirming her testimony was that of her daughter and Palakiko’s sister, Mary Palakiko Krusynski, who testified that Palakiko had cuts and bruises on his face that day and that he told her and her mother that Vernal Stevens had beat him so they could “get [him] to confess.” In

addition, an Oahu Prison guard, Joseph Gonsalves, stated at the Supreme Court hearing that Palakiko “didn’t look so good” after being held in police custody for about eight hours on March 20 (“‘Didn’t Look Good’” 1951). Gonsalves testified that at 4:30 p.m. that day he escorted Palakiko from an Oahu Prison cell and that his prisoner was wearing a white shirt and had no cuts or bruises on the face before being taken to the police station for questioning. But his appearance had changed for the worse when he next saw him at 12:30 the next morning at the police station being dragged along by two detectives with his head down and no shirt. At the hearing, Palakiko said someone took his shirt from him after he used it to wipe blood from his face; Bouslog contended that the police took Palakiko’s shirt because it had blood stains from his beating by Stevens.

At Majors’s and Palakiko’s murder trial in 1948, Stevens denied that he had punched Palakiko in the “quiz room” at the detective bureau and testified that he never struck or threatened Majors (“Murder Trial Heading” 1948: 6). Stevens also denied saying to Majors, “come clean and it would go easy.” However, Frances Hughes, an acquaintance of Stevens, informed Bouslog that he told her in August 1951 that Palakiko had declined to talk until the detective struck him “a couple of times” (“Majors Tells His” 1951). However, the Supreme Court would not allow Hughes to testify because her testimony would be hearsay evidence since Stevens was no longer living in Hawai‘i. He was reported by his sister Napua Stevens Poire to be living in Oakland, California since September 1951, and both the prosecution and defense had attempted unsuccessfully to serve him with a subpoena to testify.

Another major issue raised by Bouslog at the territorial Supreme Court hearing was whether Therese Wilder was raped. According to an autopsy report by the city and county coroner, Dr. Alvin Majoska, “there was no positive evidence of sexual attack” (“Testimony

Phase” 1951). The report was introduced as evidence at the hearing by the defense; however, it was not submitted as evidence by the prosecution at the murder trial. At that time, Majoska attributed the lack of evidence of rape as possibly due to the advanced state of decomposition of Wilder’s body. Also at the hearing, the city prosecutor, Allen Hawkins, testified about the contents of a missing FBI report of a chemical analysis of Wilder’s slip, which he said was “negative” for evidence of sexual assault (“Hawkins to Be” 1951). He had been the assistant prosecutor at the murder trial, and at that time told the court he could not find the FBI report in his office but knew of its contents. However, the court would not allow the defense to question Hawkins about the report, but at the hearing he was allowed to testify after arguments by Bouslog, including that the disappearance of the report was “suspicious.”

After the month-long Supreme Court hearing, in her two-hour closing argument Bouslog declared, “Poverty and ignorance become the tools to make it easy for public officials to rob those of their constitutional rights, who do not know they have them. Society will have the blood of these men on their hands if these procedures are sanctioned” (“Stay of Execution” 1951). She pronounced that detective Vernal Stevens’s testimony at the trial of Majors and Palakiko constituted perjury and that he had obtained the latter’s confession by beating him. Bouslog also maintained that the men were denied effective assistance of counsel at their trial, that the public feeling against them made a fair trial impossible, that the murder with extreme cruelty and atrocity section of the law was unconstitutional, and that the jury’s overall verdict of “guilty as charged” on all three counts was invalid because each count was different. Rather than address the latter issue, the deputy attorney general, Michiro Watanabe, argued that the question whether the confessions were involuntary was beyond the scope of habeas corpus proceedings. The territorial Supreme Court agreed with the prosecution’s arguments and denied

the petition. Dismissing it as a “devious and many-sided attack,” the court did not concur with the defendants’ contention that they were forced to confess to the murder—Palakiko after being beaten by Stevens and Majors out of fear of similar police brutality—and critically addressed each of the defense’s principal arguments (“TH Supreme Court” 1951: 8). The justices concluded, “On review of the entire record of hearing and trial, this court further finds that there was no force, violence, duress, threats, misrepresentations or promises made to obtain the confessions of either Palakiko or Majors.” Bouslog and her colleagues then took their case to the U.S. Ninth Circuit Court of Appeals.

Further Legal and Community Appeals

Although it was filed the previous year, Majors’s and Palakiko’s appeal to the Ninth Circuit Court was not heard until October 1953. The appeal needed to concern constitutional issues to be within the court’s jurisdiction. So Bouslog argued that the “alleged” confessions by them were extracted by police coercion, that they were denied effective legal counsel at their trial, and that evidence of benefit to them was suppressed by the prosecution, particularly the FBI report that indicated Wilder had not been raped (“Wilder Killers’ Attorney” 1953). Territorial attorney general Edward Sylva countered that the validity of the confessions had been fully litigated in court, and therefore Majors and Palakiko were not entitled to a new trial. The delay in hearing the appeal resulted from Bouslog being one of the attorneys in the six-month trial in 1953 of the “Hawaii Seven” for violating the Smith Act as alleged members of the Communist Party of Hawai‘i. This postponement and the previous delay in hearing Majors’s and Palakiko’s habeas corpus petition to the territorial Supreme Court may have contributed to their death sentences being commuted in 1954 because they provided the time for the campaign to save their lives to be organized and gain supporters.

After their appeal to the Ninth Circuit Court failed, the attorneys for Majors and Palakiko requested that the U.S. Supreme Court review their case, but it declined in April 1954 (“Condemned Men Take” 1954). In their petition to the Supreme Court, they repeated their earlier arguments and contended that the convictions of Majors and Palakiko were obtained solely through involuntary confessions by them; that an “atmosphere of hysteria” prevailed in Hawai‘i at the time of the trial, which denied the defendants due process of law; that the defendants were brought to trial “hastily” without permitting the initial defense attorneys sufficient time to prepare; and that the portion of the indictment which refers to murder committed with “extreme cruelty and atrocity” is unconstitutional because it is vague (“Metzger Will Aid” 1954).

As for community appeals, following the territorial Supreme Court ruling in December 1951, Native Hawaiians began to organize a grassroots campaign to save Majors and Palakiko from the gallows. The Palakiko and Majors Defense Committee, whose acting secretary was Helen Kanahele, was started in January 1952 to raise funds for their appeal to the U.S. Ninth Circuit Court of Appeals—\$2,250 to pay a court reporter to type up the record of court testimony—for which ads were placed in the local newspapers (“Majors-Palakiko Fund” 1952). Kanahele also was chair of the Hawaiian Homesteaders Improvement Club, which adopted a resolution in May 1952 and sent it to Governor Long, that requested commutation of the death sentences of Palakiko, Majors and Liberado Joaquin and abolition of capital punishment in Hawai‘i (“Hawaiian Club Asks” 1952). Following the U.S. Supreme Court decision not to hear the case, Kanahele announced that petitions to the governor, which requested that the two men be spared the death penalty, had been signed by thousands of their supporters and would be

circulated in Hawaiian homestead communities including Nanakuli, Waimanalo and Papakolea (“Attorney Bouslog Says” 1954: 1).

In a letter to the *Star-Bulletin* in February 1954 (“Dr. Reinecke’s Comment on the Majors-Palakiko Case”), labor historian John Reinecke highlighted the stark difference between the sentences given to the murderers of Joe Kahahawai and to Majors and Palakiko. He was responding to statements to a U.S. Senate committee by Ingram Stainback, who was an associate justice of the territorial Supreme Court during its habeas corpus hearing for Majors and Palakiko, that were printed in the newspaper.^{xxi} Commenting on a pamphlet on the Massie-Kahahawai case written by Reinecke and published in 1951, Stainback remarked to the Senators, “I do not know whether you have ever seen the old pamphlet they got out in the Massey [*sic*] case showing that this was purely a matter of race prejudice that these people [Majors and Palakiko] were convicted.”^{xxii} Stainback claimed that the pamphlet was distributed by the “Communist people down there [Hawai‘i]” in order “to raise race prejudice and attempt to bring into disrepute the courts of the Territory.”

In his letter to the *Star-Bulletin*, Reinecke countered that his “pamphlet does NOT say that Majors and Palakiko were convicted because of race prejudice [emphasis in original]” but, in its preface, he emphasized that “thousands of people...had spontaneously compared the treatment of the murderers of Kahahawai (10 years sentence for manslaughter, commuted to one hour) with that of the sentences of the murderers of Mrs. Wilder (death sentence for first degree murder, not commuted). The preface further points to the Massie-Kahahawai case as a striking example of the evil nature of race prejudice.” Reinecke was thus implying that racism was the principal factor that accounted for the huge difference in the sentences received by Kahahawai’s four Haole killers and those given to Majors and Palakiko, whose death sentences were

ultimately commuted but to nothing like one hour. Further comparing the two cases, Reinecke (1951), who was a contemporary observer, wrote in his preface, “The unpunished murder of Kahahawai left a deep impression upon the minds of Islanders. This was brought out sharply a few weeks ago when [the] two Hawaiian boys...faced execution.” After Governor Long first stayed their hanging on September 13, 1951, Reinecke related that in the following week, “hundreds of petitions passed from hand to hand, calling upon the governor to save the young men’s lives....‘What about the Kahahawai case?’ people asked as they signed the petitions.” As I argue below, people still remembered what happened to Kahahawai almost twenty years later because he was lynched and became a martyr to racial injustice. In contrast, Majors and Palakiko and their case have faded from collective memory and Hawai‘i history because their lives were spared.

Another contemporary witness who compared the Massie-Kahahawai and Majors-Palakiko cases was community activist Ah Quon McElrath. Commenting first on the latter case, she observed, “There was a recognition that something was wrong in the treatment of poor people, [which] was the death penalty for killing a White woman. If you were to contrast that with the Massie[-Kahahawai] case, which was the killing of a poor Hawaiian man by White people, and whose sole punishment was sitting in the governor’s office for one hour,...then you can understand why the Majors-Palakiko case is so important” (quoted in *Harriet Bouslog* 2004). The case is very important because it constitutes continuation of what I have called the trajectory of racial injustice in Hawai‘i (Okamura 2019), evident from the imprisonment of Japanese and Filipino plantation labor leaders based on perjured testimony in the 1920s, to the execution of Myles Fukunaga despite his likely legal insanity, to the freeing of the convicted murderers of Joe

Kahahawai, and to the convictions and death sentences given to Majors and Palakiko based on their forced confessions.

Commutation by King

In August 1954, after legal appeals on behalf of Majors and Palakiko had been exhausted, Republican governor Samuel Wilder King commuted their death sentences to life in prison with the possibility of parole (“Death Sentence Stayed” 1954: 1). King, who was Hapa Haole or of White and Hawaiian ancestry, had earlier granted the condemned men three stays of execution in the previous three months, the last reprieve for two weeks until August 15, in order to review their case (“2 Week Stay” 1954: 1). By saving Majors and Palakiko from the gallows, King was continuing Republican initiatives to prevent Native Hawaiians from being executed as a way to maintain their support for Haole Republican candidates. Such Republican efforts for the benefit of condemned Kanaka had started in 1909 when Governor Walter Frear reduced the death penalty given to George Kaleikini to life behind bars.

In his commutation order, King stated that he commuted their death sentences because it was in the “best interests of the community” (“Death Sentence Stayed” 1954: 2). However, King’s decision was not well received by all members of the community. In an editorial, “There Is a Limit” (1954), the *Advertiser*, the long-time voice of the Haole and Republican communities, declared, “Letters denouncing the commutation continue to be received in numbers....The verdict was that justice was thwarted by commutation of sentence of the two murderers, who killed an elderly, ailing woman. Public sentiment, however, has been fully expressed—in the strongest terms both in the mater [*sic*] of Palakiko and Majors and in the case of Jose Aloag, who received a ‘life’ term for the murder of five persons.” As a result, the paper informed its readers that it would not print any more letters regarding the two cases.

Majors and Palakiko were told by one of their attorneys, Myer Symonds, that King had spared their lives shortly after the governor signed the executive order (“Slayers of Mrs.” 1954: 1). In an interview with the *Advertiser*, Symonds related that he informed them in their death row cells, “Boys, I have some good news for you. The governor has just commuted your sentences to life imprisonment.” He continued, “Palakiko began to smile and his first words were, ‘I’ve been waiting for this news for a long time.’ Majors was almost stunned at first, then he held out his hand and said, ‘Thank you very much, Mr. Symonds. You and Mrs. Bouslog have done so much for us.’” Without the tireless advocacy of Bouslog and her colleagues—Symonds, Hyman Greenstein and Delbert Metzger—Majors and Palakiko would very likely have been executed on September 20, 1951 before the territorial Supreme Court hearing, which revealed the severe injustices taken against them by the police and prosecution.

In an article on the Majors-Palakiko case written a year before their sentences were reduced to life imprisonment, long-time University of Hawai‘i sociologist Bernhard Hormann (1953: 4) observed, “There are some people, Hawaiians as well as non-Hawaiians, who are convinced that no Hawaiian...will ever hang. This notion is...based on the implication that the Hawaiians can exert sufficient political pressure to prevent the hanging of persons of Hawaiian ancestry.” This belief resulted from the political alliance that Haoles established with Kanaka in the early 1900s. This compact became increasingly more significant after World War II as the Democrats gained greater representation in the territorial legislature, which may have contributed to King’s decision to save Majors and Palakiko from being hanged.

In the same article on the Majors-Palakiko case, Hormann (1953: 2-3) remarked that Chinese Americans, “particularly those inclined to be suspicious of Haoles,” observed differences between the investigation and prosecution of homicide cases involving members of

their community and in the Majors-Palakiko case. In the same year (1948) that Therese Wilder was murdered, two Chinese peddlers were killed. The first victim was a vegetable vendor, aged sixty-five, who was attacked by two youths after he had stopped in a neighborhood to sell his produce. When he yelled, one of the assailants slashed his throat, and the two of them fled, throwing away a small sum of money they had taken. A month later, the peddler died from the attack, while his killers were charged with and plead guilty to first degree robbery rather than murder. The second Chinese victim, forty-seven-year-old Bun Hing Wong, a push-cart pastry peddler in Honolulu known as the “China Clipper” for his delivery speed, was robbed and brutally beaten on the head with a blunt instrument, found unconscious in a cemetery in Kalihi and died the same day without regaining consciousness (“Hunt Pushed” 1948: 1). Indicative of Chinese American community concern about his killing, the United Chinese Society, consisting of sixty Chinese organizations, shortly offered a \$1,000 reward for information resulting in the arrest and conviction of those responsible for Wong’s homicide (“Peddler Case Reward” 1948). Five years later when Hormann wrote his article, no one had been charged with this murder which, for Chinese Americans he related, meant that much less attention had been given to the victims in both cases because of their ethnicity than to the “Haole victim” in the Wilder case.

Very quickly after assuming office in late 1962, Democratic governor John A. Burns went further than King and significantly reduced the life sentences of Majors and Palakiko, which made them immediately eligible for parole (“Burns Still Foe” 1964: 17). They otherwise would have had to wait until July 1968 after spending the minimum twenty years behind bars before coming up for parole. In keeping with gubernatorial tradition in Hawai‘i of both Democrats and Republicans, Burns granted parole to Majors and Palakiko just before Christmas 1962. He was harshly criticized for his executive decision, especially when Palakiko was

returned to Oahu Prison in August 1963 for violating the terms of his parole. He was released after serving two years in prison and died of cancer in 1974 at age forty-six. As for Majors, in the early 1980s he was said to be living in Fresno, California (Kim 1988:158) and, perhaps as a result, he appears to have disappeared from Hawai‘i history.

Besides the defendants, the other principal figure in the Majors-Palakiko case was their lead attorney, Harriet Bouslog, whose law firm received no financial compensation for its work on their behalf. The courageous advocate of workers’ rights was interviewed in 1988 about her role in the case nearly forty years after she first became involved in it by starting the petition campaign to have their death sentences commuted. Bouslog elaborated why she thought Majors and Palakiko had been denied a fair trial and how justice was not equally dispensed to the rich and poor (Kim 1988: 86). After learning that the article for which she had just been interviewed was tentatively titled “The Murder of Therese Wilder,” Bouslog, still defending her clients, in anger replied, “It was never proven that the men murdered her. They were erroneously prosecuted. Evidence was suppressed. The police beat the confessions out of the men. I thought you wanted the truth” (quoted in 86). Those are among the critical facts or truth in the case that most people in Hawai‘i are unaware of, including the case itself.

The primary reason for this lack of knowledge about the Majors-Palakiko case is that, despite its obvious racial significance, not much academic work or popular press writings has been produced about it over the past seventy years.^{xxiii} This circumstance may be attributed to the two young men having been saved from the gallows. Had they been executed, their case and their short lives would have been remembered, researched, and written about as blatant and tragic examples of racial injustice, much like what has transpired following the lynching of Joe Kahahawai and the execution of Myles Fukunaga since the 1930s. But the organized campaign

to prevent the hanging of Majors and Palakiko clearly contributed to ending capital punishment in Hawai‘i. The same groups that advocated commutation of their death sentences to life imprisonment—Democratic Party leaders, the ILWU, the Native Hawaiian community, and Christian ministers—also supported abolition of the death penalty in a multiracial coalition. While the Majors-Palakiko case has largely been forgotten, its lasting legacy is that the state of Hawai‘i, unlike thirty other states and the U.S. government, does not execute people.

Abolition of the Death Penalty

Besides playing a paramount role in issuing the death sentence, race also figured prominently in its elimination in Hawai‘i. After gaining control of both houses of the territorial legislature for the first time in the November 1954 elections, Democrats immediately introduced bills to end capital punishment during the following year’s legislative session in the House of Representatives and Senate.^{xxiv} They were fully aware that the death penalty had been applied overwhelmingly against non-Haoles, their principal supporters over the decades. The House bill, submitted by Manuel Henriques, a Portuguese Democrat from Kaua‘i, would make the crimes of first degree murder, first degree arson, rape, “train wrecking,” and espionage during wartime or rebellion punishable by life terms at hard labor instead of by death. In the Senate, three bills were introduced by another Portuguese Democrat, John Duarte from Maui, to abolish the death sentence for first degree murder, rape, and the intentional burning of occupied houses at night (“Death Penalty Elimination” 1955: 24). The House passed its bill by a twenty-three to seven margin with only Republicans voting against it (“House Votes” 1955: A1). Hebden Porteus, the Republican House floor leader, led the opposition against the bill by asserting, “There are some murderers who should be hanged. I’m against capital punishment in most instances but not necessarily all.” Supporters of the bill, including Christian ministers who gave testimony at the

legislature, gave religious and moral reasons for their opposing the death sentence, including that it “puts society in the role of assuming power of the Lord over human life” (“Four Ministers Ask” 1955: 4).

The House version of the bill, which would have abolished capital punishment entirely, was amended and passed in the Senate and signed into law by Governor King in 1955 (“Governor Signs Bill” 1955: A2). The new act eliminated the death penalty for first degree arson, rape, and train wrecking and gave the jury the right to sentence first-degree convicted murderers either to death or life in prison without parole. However, by replacing the entire section on capital punishment in the previous law, the act did not specify how executions should be conducted and thus may have inadvertently ended the death penalty (“Error in Law” 1955: A1).

After retaining control of the legislature in the 1956 elections, the Democrats sought once again to abolish capital punishment during the following year’s legislative session. In the House, the bill providing for abolition was notably introduced by four major future leaders of the party—George Ariyoshi, Dan Inouye, Spark Matsunaga, and Patsy Takemoto Mink. Easily passing the House by a twenty to seven margin of the thirty members, with only Republicans voting against it, the bill also encountered Republican opposition in the Senate, including a two-hour filibuster, only the third in the Senate’s history, by Wilfred Tsukiyama (Abood 1957: 13b). Also Japanese American like the bill’s sponsors, Tsukiyama asserted that the current law, which let a jury decide if a convicted murderer should be hanged, is a “good law” and that those opposed to the death sentence “have not considered the people who have suffered” (“Talkathon Fails” 1957: A1). Two years later, Matsunaga provided the reasons for his opposition to executions in response to an effort by the police chiefs of the four counties of Hawai‘i to restore

the death penalty. He argued statistics establish that capital punishment does not deter crimes punishable by death and, “It’s not the prerogative of a man to take another man’s life” (“Won’t OK Death” 1959: B1).

Despite the Republican filibuster, the bill to eliminate the death sentence prevailed in the Senate by a ten to five vote with two Democrats, including senate president William Heen, joining its Republican opponents. While serving as Hawaii’s nonvoting delegate to Congress in 1957, Democratic Party leader John A. Burns supported passage of the bill. He remarked several years later that his experience as a Honolulu police officer led him to lend his assistance with legislating the end of executions (“Burns Still Foe” 1962: 17). Burns related that his opposition to capital punishment was based on his view that “reprisal is not the answer to the prevention of crime” and on his agreement with penologists and criminologists (and Matsunaga) that the death penalty is not a deterrent to murder.

The bill eliminating the death sentence was signed into law by Governor King on June 5, 1957. It abolished capital punishment by repealing a law that provided for the hanging of persons convicted of capital crimes, who instead would be sentenced to life imprisonment without the possibility of parole. As a Republican, King did not usually approve legislation passed by the Democratic-majority legislature; he did not hesitate vetoing some seventy-one bills introduced by Democrats during the 1955 legislative session (Fuchs 1961: 326). Those bills were generally intended to foster racial equality, social justice, and economic opportunity after a half century of Haole Republican oppression of non-Haoles.

King’s son, former federal judge Samuel P. King, related that his father once shared with him his reasons for signing the abolition of capital punishment bill, which underscored the class and racial status of those who were hanged. The younger King said the older emphasized to him

that “all the people who had been executed were without money or power” and that “they were nearly all Hawaiian or non-white” (quoted in Peetz 1999: 56). Having access to money and power certainly explains how the Haoles killers of Joe Kahahawai and of other non-Haoles were able to escape the death penalty and, in some cases, any punishment for their crimes. In contrast, poor Native Hawaiian, Filipino, Japanese, Korean, and Puerto Rican accused murderers had no option except court-appointed attorneys to defend them, in most cases unsuccessfully. The racial disparity noted by the elder King among those hanged was certainly the case although, as noted above, only one Kanaka was executed, the same as the number of Haoles, during the territorial period.

Following the example of King, his successor, Republican governor William F. Quinn in 1958 commuted the death sentence of Native Hawaiian Joseph Josiah to life imprisonment after the territorial Supreme Court denied his appeal to set aside his 1954 conviction for first degree murder (“Quinn Will Commute” 1958: A4). However, Quinn’s decision was likely based more on political than legal considerations—to maintain Kanaka support for the Republican Party—because executions had been eliminated the year before. His decree may have contributed to Quinn’s victory as Hawaii’s first elected governor as a state in 1959, although he had a Native Hawaiian running mate for lieutenant governor, Jimmy Kealoha.

When Hawai‘i abolished the death penalty, it was still a territory and joined only six states—Maine, Michigan, Minnesota, North Dakota, Rhode Island and Wisconsin—and the commonwealth of Puerto Rico in doing so. Those states, with the exception of Michigan, were overwhelmingly White, so racial difference in the application of the death sentence probably was not a major consideration when they prohibited it. In Hawai‘i, as a racially progressive measure, ending executions should be understood as one of many other such actions initiated by the

Democrats after winning control of the legislature (both territorial and state) and the office of the governor, such as raising the minimum wage, increasing funding for the public schools and for social services, establishing a graduated tax schedule, and raising unemployment benefits. Such laws and policies were intended to benefit primarily non-Haoles after decades of Haole oligarchical rule following annexation that severely restricted opportunities in employment, education and justice for non-Haoles and maintained the racial status quo of inequality and hierarchy. It also needs to be emphasized that elimination of the death penalty in Hawai‘i occurred during the 1950s, a politically and culturally conservative period in American history, especially in contrast to the dramatic social changes that emerged during the subsequent decade. Abolition of capital punishment and the other progressive laws and policies enacted by the Democrats transpired primarily because of the political and racial context in Hawai‘i and not in continental America, particularly the Democratic takeover of the legislature. Without the latter, while it might have been possible for condemned murderers to have their death sentence commuted by Republican governors, as with Majors and Palakiko, executions still could be conducted.

As the view of Hawaii’s people toward the death penalty changed after World War II, so did that of some Democrats two decades after abolition. Led by state senator Duke Kawasaki, in 1976 and 1977 the Democratic-majority Senate twice passed bills that would have re-established capital punishment, but they were defeated in the House, also controlled by the Democrats. More than twenty years later, Kawasaki explained his position, “When I worked for reinstatement, I made sure there were strict requirements. I was especially concerned about contract killings and premeditated murder. These guys who kill in cold blood—there’s no way to rehabilitate them, no way. And a lot of my colleagues agreed. We got the bill through the

Senate twice, and each time the House screwed it up” (quoted in Peetz 1999: 57). Kawasaki’s efforts to restore the death sentence may have been motivated by the 1970 shooting death of his close friend, state senator Larry Kuriyama, by “underworld hit man” Ronald Ching (Hoover 1985). In a plea agreement in 1984, Ching confessed to the Kuriyama murder, as well as three others, but was believed to have been involved in several other contract killings. Also contributing to support for reinstating capital punishment during the 1970s were news reports and public fears about the prevalence of organized crime in Hawai‘i, of which Alema Leota was said to be a leader.

Much like the Majors-Palakiko case, very little academic work or popular media publications has been produced about the elimination of the death penalty in Hawai‘i. This seeming lack of interest is because abolition of capital punishment has been obscured by two much more significant and related events in Hawai‘i history that occurred shortly before and after it—the Democratic takeover of the territorial legislature in 1954 and statehood in 1959. Those major events and their tremendous consequences for Hawaii’s people have understandably attracted the long-term attention of scholars and journalists. In comparison to them, abolition seems like a minor step in the much larger social movement toward fostering racial equality after World War II; nonetheless, it was highly representative of that campaign in its supporters and goals. The organizations and racial groups that sought to end executions—the Democratic Party, the ILWU, non-Haoles, and liberal and moderate Haoles—also strongly advocated the attainment of racial equality and justice in Hawai‘i.

While capital punishment in Hawai‘i was abolished in 1957, federal trials that can result in the death sentence can still occur, although the execution has to be conducted in the continental United States. In such trials, Hawai‘i residents can be both defendants and jurors.

Such was the case in 2014 when Naeem Williams, a U.S. Army soldier stationed in Hawai‘i, was convicted by a jury consisting of Hawai‘i residents of beating his five-year-old daughter to death at their residence at Wheeler Airfield Army base in 2005 (Kelleher 2014). However, the jury could not agree unanimously that he should be executed, so Williams was sentenced to life in prison without the possibility of parole. The previous federal death penalty case in Hawai‘i was in 2000 and concerned a civilian, Ronald “China” Chong, who plead guilty before trial to a drug-related murder in 1997 and received a life sentence without any parole possibility.

Conclusion: Race and the End of Capital Punishment

I have argued that race, as the dominant organizing principle of social relations in Hawai‘i and as deployed by Haoles, resulted in only one of them being executed during the territorial period, while the other forty-one persons put to death were all non-Haole. Clearly, race worked for Haoles during this time, while it worked against non-Haoles. Nonetheless, after the last hanging in 1944, the people of Hawai‘i, including jurors, prosecutors, and Haole judges and governors, appear to have greatly changed their attitudes and actions toward capital punishment, which led to its initial de facto and subsequent de jure abolition in 1957. These tremendous changes are evident starting in 1947 when Governor Ingram Stainback commuted the death sentences of two convicted murderers—Juan Carpio and Manuel Adiate, to life behind bars. Five years later, Reid Leota was allowed by Judge Carrick Buck and the prosecutor to plead guilty to second degree murder after he was initially charged with first degree murder for killing his African American victim by jumping on his chest as he lay unconscious in a downtown street. The next year, upon the recommendation of Judge Buck, Governor Oren Long reduced the death penalty given to Liberado Joaquin to life in prison following his conviction for stabbing to death his Haole girlfriend. In 1953, Antonio Alponete was convicted by a jury of

second degree murder, despite being prosecuted for murder in the first degree, for shooting to death three Filipino men the previous year. The following year, Jose Aloag was similarly found guilty by a jury of second degree murder, although he went on trial for first degree murder, for brutally killing five members of a Japanese American family two years earlier. While they committed their crimes and were convicted of first degree murder in 1948, John Majors and James Palakiko were granted executive clemency by Governor Samuel Wilder King in 1954 after thousands of people signed petitions requesting that their lives be spared. Thus, during the previous decade since the last execution in 1944, capital punishment had effectively come to an end in Hawai‘i through the active intervention of government officials and island residents—as jurors in the Alponete and Aloag cases, and as petitioners and defense fund contributors in the Majors-Palakiko case.

These dramatic changes in attitudes and behaviors regarding the death sentence may have resulted from the greatly transformed racial setting in Hawai‘i after World War II initiated by the ILWU in its organizing of sugar, pineapple and dock workers, who were predominantly non-Haole. With its membership of 35,000 workers by 1947, the union had the organizational strength, resources and commitment to challenge the Haole-led Big Five companies that had dominated the island economy since the second half of the nineteenth century. This newly developed racialized power was demonstrated concretely by the ILWU in its unprecedented victory in the 1946 sugar strike, the first multiracial strike in Hawai‘i history. One of the major accomplishments resulting from the strike was a ban on racial discrimination against workers, which was formalized in their new contract with the HSPA, eighteen years before Congress passed the 1964 Civil Rights Act. A series of ILWU-led strikes in longshore, pineapple and sugar ensued in the late 1940s and 1950s as the union and implicitly non-Haoles informed

Haoles that island race relations had been changed forever and their decades of settler oligarchical rule were over.

The crucial role of Filipinos, who represented a considerable majority of ILWU members, in advancing the union's goals, particularly through strikes and other labor disruptions, cannot be overstated. In order to gain Filipino support for union activities and policies, ILWU officials, including representatives from Hawai'i, at a meeting at their San Francisco headquarters in 1945 recognized they needed to have Filipinos in elected leadership positions at the plantation and higher levels of the union organization, including president (Okamura 2014: 87-88). These officials therefore developed a policy to encourage Japanese workers, the second largest group in the union, who might have sought those positions, not to seek office and allow their "Filipino brothers" to be elected, although they might not be the most qualified candidates. The ILWU thus can be credited with creating race-based affirmative action, twenty years before it became federal policy in employment and education, and hence emphasizing the importance of racial equality and unity in Hawai'i.

Also occurring at the same time in post-war Hawai'i but at a slower pace was the coming to political power in 1954 of the Democratic Party, which was supported primarily by non-Haoles but had significant Haole leadership, notably John Burns, Tom Gill, Oren Long, and Harriet Bouslog, and backers. Democratic electoral victories were furthered by ILWU endorsements, financial contributions, campaign assistance, and votes. Both the union and the party shared dominant goals of fostering racial equality in island society and collaborated together to attain them, albeit not always. Their joint and separate efforts resulted in the wholesale transformation of race relations between Haoles and non-Haoles, which made ending executions possible.

Since non-Haoles were overwhelmingly those put to death, often as victims of racial injustice, the Democratic Party and the ILWU, together with their primarily non-Haole supporters and members and others, such as the Christian clergy, led the campaign to eliminate capital punishment. While there may have been previous efforts before the war, the abolition movement began especially with the broad initiative to save Majors and Palakiko from the gallows. In addition to being multisectoral, that campaign was multiracial, bringing together Filipinos, Japanese, Native Hawaiians, and Portuguese in the ILWU and Democratic Party, the Native Hawaiian community, and Haoles among Christian ministers and their parishioners and Democratic Party leaders and supporters. Those same racial and ethnic groups advocated ending the death penalty once bills were introduced in the territorial legislature by the Democrats in 1955. Thus as argued above, the continuing legacy of the Majors-Palakiko case is the abolition of capital punishment in Hawai‘i, but it could not have happened without the Democratic takeover of the legislature, given strong Republican advocacy for sending people to their death. Other highly significant race-related factors in eliminating executions include the multiracial coalition that developed to support commutation of Majors’s and Palakiko’s death sentences and subsequently abolition, and the substantially transformed racial setting of Hawai‘i, which resulted from labor organizing by the ILWU after World War II.

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Endnotes

ⁱ I refer to Hawai‘i “officially” becoming a territory in 1900 because on June 14 of that year U.S. law applied when the Organic Act, which provided for territorial status, became effective.

ⁱⁱ Theroux’s source is an 1845 book by Charles Wilkes, *Narrative of the United States Exploring Expedition During the Years 1838, 1839, 1840, 1841*, vol. iv, pp. 39-41.

ⁱⁱⁱ While my concern is with civilian executions, possibly four Haoles in the military were executed during World War II, as were three African Americans, and another in 1947 (Theroux 1991: 159).

^{iv} All of the jurors had European last names, although it is possible that some of them were Hapa Haole or of Hawaiian ancestry also.

^v Henry Francis Ferguson, who by name appears to be Haole or possibly Hapa Haole, was convicted in 1913 of first degree murder and was sentenced to death. His sentence was later commuted to life imprisonment and again to twenty years’ imprisonment in 1925 (“Prisoners Released” 1925: 9).

^{vi} The information on the Massie-Kahahawai case is from my summary in *Raced to Death in 1920s Hawai‘i* (Okamura 2019).

^{vii} Unlike my research, Koseki’s study includes the period between 1897 and 1900 when five executions occurred—two Native Hawaiians and three Japanese.

^{viii} Achi was born in Kohala, Hawai‘i and attended Oahu College (later Punahou School). He was admitted to the Hawai‘i bar in 1887 when having a law degree was not required.

^{ix} The committee members were W. O. Smith, secretary of the HSPA; D. L. Withington, attorney; N. B. Emerson, physician; W. A. Kinney, attorney; and L. A. Thurston.

^x Other reasons given by the club included that the Koreans’ appointed attorney did not file an appeal of their guilty verdict and had written to the governor not to grant clemency to any of them.

^{xi} Wells’s comment also is an early manifestation of the anti-Japanese movement led by Haoles.

^{xii} The information on the Fukunaga case is from my *Raced to Death in 1920s Hawai‘i* (2019).

^{xiii} Some of the information on Filipino executions is from my *Ethnicity and Inequality in Hawai‘i* (2008: 159-165).

^{xiv} My review of newspaper clippings in the Romanzo Adams Social Research Laboratory at Hamilton Library at UH Mānoa indicated several other cases of Filipino men charged with first degree murder, who were permitted to plead guilty to second degree, after World War II. In 1952, after being indicted for first degree murder, twenty-nine-year-old Juan Galima of Mountain View, Hawai‘i island plead guilty to second degree murder when his attorney’s offer was accepted by the county attorney general (“Slayer of Girl” 1952). Galima shot to death a fourteen-year-old Filipina he claimed was his girlfriend in a murder-suicide pact because her parents objected to their relationship.

^{xv} The seven others were four Japanese and three Native Hawaiians, who were James Majors (1954), John Palakiko (1954) and Joseph Josiah (1958). Two other Kanaka condemned murderers who had their death sentences commuted were Kaliko Kaawaloa (1906) and George Kaleikini (1909).

^{xvi} In another tragic murder-suicide love triangle in 1952 in Waipahu, Anacleto Aragon, forty-two-year-old plantation laborer, shot and killed another plantation worker, Celedonio Basilio, aged forty-one, and wounded the latter’s wife before killing himself (“Murder and Suicide” 1952). According to police, Aragon was speaking with Mrs. Basilio, who was a patient at the plantation hospital, when her husband appeared and threatened him with a knife, leading to Aragon drawing his gun and firing at them and then himself.

^{xvii} In the 1960s and 1970s, Alema Leota was alleged to be the leader of organized crime in Hawai‘i (Dooley 2008).

^{xviii} In 1939 Majors was taken into police custody after being found sleeping in A‘ala Park; six months previously he had run away from the Salvation Army home (“Government Rests its” 1951).

^{xix} The Honolulu Board of Supervisors had earlier offered \$500, the highest possible amount allowable for similar information.

^{xx} Raised in Indiana, Bouslog went to Hawai‘i in 1939 with her law degree and first husband, who had accepted a teaching position at UH Mānoa (Falk 2016: 104).

^{xxi} As governor in 1947, Stainback initiated the Red Scare campaign in Hawai‘i, and Reinecke and his wife Aiko were its first victims when they were fired from their long-time jobs as public school teachers the following year. Reinecke was also one of the “Hawaii Seven,” who were convicted in 1953 of conspiracy to overthrow the U.S. government by force, but their convictions were overturned five years later on appeal.

^{xxii} The thirty-six page pamphlet was published by the *Honolulu Record* newspaper, for which Reinecke was a writer after losing his teaching position. The publisher of the pro-labor newspaper was Koji Ariyoshi, who also was one of the Hawaii Seven.

^{xxiii} A few short references to the Majors-Palakiko case have been made in works about the life and advocacy work of Harriet Bouslog, such as the UH Center for Biographical Research documentary about her.

^{xxiv} Democrats had introduced a similar bill in 1953, but it never got out of committee because of Republican opposition.