To: Professor Donsky

From: Belinda Lovelace

Re: Massie Trials

Date: April 30, 2012

The Massie Trials were a combination of two separate, but closely related trials; rape of one Thalia Massie and a kidnap / murder trial for one of the rape suspects. The trials took place in Hawaii, during 1931-1932, when it was still just a U.S. Territory. The relationship between the native Hawaiians and the American military personnel, stationed on the island, was a sensitive one which through the trials became escalated due to the racism and corruption that took place.

On September 12, 1931, Thomas Massie, a naval officer and his wife Thalia Massie attended the Ala Wai Inn nightclub in Honolulu for a Saturday night dance with friends. Thalia, at some point during the night, leaves her party and goes to the other side of the nightclub and gets into a confrontation with a navy officer who she allegedly slaps. Later that evening, around midnight, Thalia leaves the club alone. Just before 1am she stops a car on Ala Moana Boulevard and asks to be driven home. At this time she has bruising, blood on her face and a broken jaw. Once Thalia arrived at home, she called her husband and told him that she had been raped by a group of Hawaiian men.

Coincidently, on this same night, another woman by the name of Agnus Peeples was the victim of an assault when her vehicle got into a collision with another car carrying five Hawaiian men. The driver exited the vehicle and struck her causing her ear to bleed. She took down the license plates and contacted police officials immediately after.

Approximately one hour later, Thomas Massie calls the Honolulu police department and reports the attack on his wife. The police come out to the Massie residence for an investigative interview at which time Thalia claims to have been sexually assaulted by four or five Hawaiian men and gives officers a license plate number one digit off of the one given by Peeples earlier. The police believe the crimes are linked and begin searching for the vehicle.

The license plate leads to, Horace Ida, who supplies the names of the other four passengers, Ben Ahakuelo, Henry Chang, David Tekkai and Joe Kahahawai. Ida admittedly tells police he was in the altercation with Peeples but vehemently denies any knowledge of the alleged rape of Thalia Massie. These five men become the suspects in both attacks. Honolulu’s leading newspapers launched a campaign for the conviction of the five suspects and when the white people in the community heard of one of theirs being raped by a native Hawaiian, prominent business men offered a 5,000 reward for the conviction of these five men.

Thalia’s mother, Grace Fortescue, a socialite with political connections from New York, comes to Hawaii and pressures the military to force local authorities to prosecute the young men. Lead investigator John McIntosh who was unsure the men committed the sexual assault ordered another officer to take the Ida’s vehicle and drive it through the mud at the crime scene where Thalia’s attack was alleged to have happened for further evidence. Along with the lack of evidence was an inconsistency in the timeline. The two attacks happened within ten minutes of each other and were 6 miles apart making it inconceivable for the five men to have committed both.

On November 16, 1931 the rape trial titled *Territory of Hawaii v. Ben Ahakuelo et al* began*.* William H. Heen a leading lawyer and politician, was asked by Princess Kawanakoa to defend the five suspects and after meeting with them he determined they were innocent of the sexual assault charge. Griffith Wight was the prosecuting attorney and Judge Alva Steadman presided over the case. The jury of twelve consisted of seven whites. All five men plead not guilty. During the trial, Thalia continued to tell her story of being kidnapped, driven to an abandoned area and raped even though the physician who examined her the night of the attack stated he was uncertain by her condition that a rape occurred. Although Thalia could not identify any of the men or the license plate initially, during the course of the investigation her memory improved. It was later found that Thalia, through a family friend heard of the incident involving Peeples and remembered the license plates number which she then gave to police. The defense did not contest the rape itself instead they simply went with “you have the wrong men” defense as to not offend white people by calling Thalia Massie a liar. Alibi witnesses confirmed that the suspects were at a dance that night during the alleged attack. Witnesses also testified that they had seen Thalia walking toward the beach around midnight being followed by a white man*.* The most important testimony was that of Officer Sato who under oath testified that he was instructed to drive Horace Ida’s car through the crime scene to fabricate evidence. After an estimated 100 hours of deliberation the jury voted 6 for conviction and 6 for acquittal and judge Steadman was forced to declare a mistrial on December 6, 1931.

After the verdict, race riots ensued and violence escalated between native Hawaiians and whites. Several sailors kidnapped and assaulted Horace Ida while he was leaving a bar, leading to the lockdown of all military personnel in an effort to avoid further incidences. On January 7, 1932 Grace Fortesque and Thomas Massie recruited Edward Lord and Albert (Deacon) Jones for a plot to kidnap another of the suspects, Joe Kahahawai and force a confession from him. They knew he had a visit with his probation officer the next morning at the courthouse. They met him there with a fake summons and proceeded with their plan. They took him to Grace’s home where he was questioned and then shot in the head and killed.

The Honolulu police were given a description of a blue Buick involved in the kidnapping. After a high speed chase the police stopped a blue Buick and noticed a body wrapped with a sheet in the backseat. All the occupants of the vehicle were arrested including, Grace Fortesque the driver, Thomas Massie and Edward Lord. When police officers went to Grace’s home, the fourth suspect Albert Jones was arrested and they found a rope, disguises, a gun and a towel soaked in blood. All four suspects were housed in luxury aboard a ship in Pearle Harbor. The grand jury issued a 12 to 4 vote, to indict the four suspects. An alarming amount of Hawaiians come out for the funeral of Joe Kahahawai. Newspapers report the island is threatened by race wars. Congress considers this a matter of national security and orders all military personnel to their posts.

The four suspects are arraigned and bail is set for each at $50,000. After talks with the secretary of the navy the bails are dropped and the four remain housed on the luxurious ship. Clarence Darrow, the most celebrated attorney in America comes out of retirement at age 74, to defend the four suspects. Over 100 prospective jurors are examined, and a jury of seven whites, three Chinese, and two Hawaiians is selected.

Darrow goes with a temporary insanity defense labeling Thomas Massie as the shooter. They claim that once Joe Kahahawai confessed, Massie blacked out and shot the victim. He testified to the traumatic effect the rape had on his wife and claimed that she had to have an abortion because of it. Later, Albert Jones admitted to being the shooter and revealed that Kahahawai never confessed. The official report on the investigation of the rape was presented months after this trial by Pinkerton Detective Agency to Governor Judd and it concludes that Thalia Massie was not raped.

The prosecuting attorney, John Kelly charged all four with a felony murder which meant that he did not have to prove which one was the actual shooter. All four took part in the kidnapping making them equally guilty. During the trial psychiatrist were called on for their expertise from both sides. Testimony from an eye witness of the kidnapping and detailed testimony of the murder, relayed through diagrams, were shown along with all the evidence collected. There was even a dramatic performance by Thalia Massie who fell into her husband’s arm after leaving the stand.

Presiding judge Charles Davis sentences them to 10 years hard labor but when governor Judd of Hawaii receives a call from President Hoover the sentence is reduced to one hour in the sheriff’s custody with the condition that no further charges are to be brought against the remaining rape suspects.

Many interesting events occurred throughout the Massie trials and these cases heavily impacted America’s relationship with Hawaii. If a jury had to decide this today I would like to think that they would rule not guilty in the rape case because it was a mistrial when those men should have been acquitted of all charges based on the facts. It was more than obvious that the men could not have raped her. As to the murder trial, I agree with the conviction however they did not suffer any punishment. They got away with murder.

Overall, what the trials represent is injustice, which 70 years later still exist. There are modern cases happening right now that insight racial hostility because of the inequality of the legal system. We all like to believe that we are protected under the laws of the land but often times there is a tilting of the legal system when whites are involved or the wealthy, a governmental official or person of authority like the cops. Even modern technology like surveillance cameras sometimes is not enough when dealing with corruption. If the information is not favorable to their party they will destroy it.

# Works Cited

"http://law2.umkc.edu/faculty/projects/ftrials/massie/massiechronology.html." n.d. *law2.umkc.edu.* 30 April 2012.

Johnson, Scott Patrick. "Trials of the Century: An Encyclopedia of Popular Culture and Law, Volume 1." 2011. *Google Books.* 30 4 2012.

Stannard, David E. "Honor Killing: How the Infamaous "Massie Affair" Transformed Hawaii." Stannard, David E. *Honor Killing: How the Infamaous "Massie Affair" Transformed Hawaii*. New York: Vicking, 2005.