

Racing the Death Sentence in Territorial Hawai'i

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In 1957, as Sylvestre Adoca sat on death row at O'ahu 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 introduced in 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 with No Parole" 1957:1). As a Filipino American, the probability of him being executed was very high because Filipino Americans 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 Josiah, a 30-year-old Native Hawaiian truck driver, who pistol-whipped to death the manager of the company they both worked for during a payroll robbery in 1953 ("Jury Weighs Josiah Fate" 1954). Unlike Filipino Americans, only one Native Hawaiian had been hanged since Hawai'i officially became a US territory in 1900.

This article analyzes the close relationship 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 haole (white) and one Native Hawaiian 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, issuing the death penalty was a highly racialized practice during the territorial period. I argue that race was deployed by the dominant haoles against most non-haole minority groups, whose members were accused of homicide, to have them 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 Native Hawaiians. Dispensing the death penalty during the territorial era fully demonstrates how race “has served as a fundamental organizing principle of injustice” (Omi and Winant 2015:263). Also discussed is how race, as made evident in the 1948 Majors-Palakiko murder and rape case, was a major factor in the abolition of capital punishment in Hawai‘i in 1957. Abolition was enacted three years after the Democrats, whose elected officials and supporters were predominantly non-haole, gained control of the territorial legislature for the first time from the haole-led Republicans. 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, 29 persons were executed, all for murder, and most were Native Hawaiian. The first 13 are described as “probably Hawaiian” and were sent to their death between 1826 and 1841. Of the remaining 16, half are identified as Native Hawaiian, five are Chinese, while three are of unknown race and name.

Under the short-lived Republic of Hawai‘i, four men were hanged—two Kanaka and two Japanese. Thus, in the pre-territorial period, Native Hawaiians, the largest group until 1899, were 70 percent of the 33 persons executed. This situation changed dramatically after the turn of the century with the tremendous growth in the Japanese population and the arrival of new immigrants, especially Filipinos starting in 1906.

Territorial Hangings

After 1900, the population of Hawai‘i became much more racially diverse, which was reflected among those put to 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 dropped from being the most to one of the least executed groups and were replaced by Filipinos, none of whom were sent to the gallows before 1900. Once they ousted the Hawaiian queen, haoles held the greatest political power, which they used to keep members of their group from being hanged.

Haoles: Power to Avoid Death

Only one haole was executed during the territorial period, an illiterate Irish laborer, Frank Johnson, for brutally murdering the three-year-old son of a prominent kama'aina family in 1906. Johnson, also known as John O'Connell, was believed to be mentally deficient with an abnormal liking for children (Theroux 1991:151). After killing the boy, he dismembered and decapitated his body in what the press described as "the work of a human pervert" ("Johnson Confesses" 1906:1). Johnson was hanged because haoles had no interest in saving a mentally ill sexual deviant who had savagely murdered one of their own.

In contrast, a homicide at Pu'unene mill on Maui in 1905 shows how haoles accused of killing someone could escape the death sentence. A 33-year-old engineer from England, Alfred Douse, was charged with manslaughter rather than murder after he set on fire a Japanese mill laborer, T. Yamagata ("Douse on His Trial" 1906:3). According to witness testimony, Douse told Yamagata to fetch kerosene oil, but when he returned with gasoline, an enraged Douse knocked him down. He then threw the gasoline on Yamagata and set his clothes on fire, which led to his death three days later. Rather than first-degree murder, Douse was indicted for manslaughter and acquitted. At his trial, Douse testified he was "demonstrating to the Jap" the flammable nature of gasoline and set him on fire by accident, despite also admitting he had kicked him just before that ("Douse Is Free Man" 1906:1).

The most infamous example of haoles eluding the death penalty because of their race involved the four convicted killers of Native Hawaiian Joseph Kahahawai in 1932 in Honolulu. In a nationally publicized case, navy lieutenant Tommie Massie, his mother-in-law, and two sailors kidnapped and shot the 22-year-old to death after Massie's wife, Thalia, falsely accused Kahahawai and four friends of raping her. The grand jury, consisting mostly of haoles, initially voted not to file any charges against them but eventually returned indictments for manslaughter for all four, despite substantial evidence of first-degree murder. The accused were all found guilty and received the maximum sentence of 10 years at hard labor. However, an agreement was reached among the convicted killers, their attorney Clarence Darrow, the prosecuting attorney, the judge, and Governor Lawrence Judd, all haoles, in which the governor commuted their sentences to one hour. Following the guilty verdict, Judd was pressured by members of Congress, the news media in the continental United States, and powerful haoles in the territory to pardon the convicted four, and

he caved in. In arguably the most egregious case of racial injustice in Hawai'i history, Kahahawai's killers literally got away with murder.

Native Hawaiians: Saved by Haoles

Only one Native Hawaiian was executed during the territorial era, and race also accounts for that outcome. Solomon Mahoe was hanged in 1937 for shooting to death three persons, including two bystanders, in Wahiawa, O'ahu ("Mahoe Hangs..." 1937:1-2). He was an unrepentant killer, never once expressing any remorse for his murders, which perhaps is the reason no effort was made to save his life.

But Mahoe was hardly the only Kanaka who committed homicide while Hawai'i was a territory. The other killers escaped the hangman's noose for various reasons, especially the political alliance between Native Hawaiians and haoles established shortly after the first territorial elections in 1900. As the largest group by far of American citizens and voters, Kānaka won almost three-fourths of the seats in the new territorial legislature, all of them belonging to the Home Rule Party (Haas 1998:162). Supported primarily by Native Hawaiians and brazenly anti-haole, the party wanted to restore Queen Lili'uokalani back to her throne. A key feature of the political alliance was Kanaka support for haole Republicans and for Native Hawaiians to run as Republicans rather than as Home Rulers. In return, the dominant haoles provided Kānaka with patronage jobs in the new territorial and county governments, such as police officers (Fuchs 1961:159). Haoles in power also intervened on behalf of Native Hawaiians who had committed homicide so they would not be hanged, which was a strategic means to maintain Kānaka support for haole Republican candidates. Thus, Kaliko Kaawaloa and George Kaleikini, who were given the death penalty in 1906 and 1909, respectively, had their sentences commuted to life in prison by Republican governors ("Kaawaloa Convicted" 1906:8; "Frear Commutes Death Sentence" 1909:1).

Puerto Ricans: Fastest to Death

Three Puerto Ricans were hanged for murder between annexation and statehood. The first was Jose Miranda, a 24-year-old recent immigrant, on October 26, 1904. On the evening of September 27 in Moanalua, O'ahu, Miranda and two companions, described by the press as "all dissolute Porto Rican thieves and vagrants," were stopped by Samuel "Eddie" Damon, a well-known haole banker, for taking a lantern that had been placed along a road. When Damon

approached, Miranda pulled out a knife and fatally stabbed him ("Miranda Hanged" 1904:1, 5).

Miranda arrived in Hawai'i as a plantation recruit when Puerto Rican labor migration began in 1900. Like Myles Fukunaga (see below), Miranda was rushed to his death sentence a month after the murder because he had killed a prominent haole. The day after the killing, he was indicted by the grand jury for first-degree murder ("Miranda Hanged" 1904:5). Two attorneys were appointed for him on September 29, and four days later jury selection began and was completed the next day. The trial commenced on October 5 with witness testimony and ended the next day. That same day, the jury returned a guilty verdict after brief deliberations because of "the feeling of horror and justice was prompt." 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 his crime, the fastest execution during the territorial period.

Koreans: Saved by Haoles (for Some Reason)

Koreans immigrated to Hawai'i as plantation laborers for only two years between 1903 and 1905 and hence had a small population of less than 5,000 in 1920 (Lind 1980:34). They were considerably overrepresented among those executed; between 1906 and 1917, six young males were hanged for murder. Three of them were sent to the gallows on the same day in May 1906 for brutally killing another Korean ("Snapped Life Cords" 1906:2). They were all plantation laborers on Hawai'i island and had accused their victim of stealing their money and passports. Two other Koreans convicted of the same murder and given the death penalty had their sentences commuted to 15 years in prison by Republican governor George Carter ("Three Koreans Hang Today" 1906:2).

The two Koreans who were not executed owed their lives to the Honolulu Social Science Club. An association of elite haoles, its members included Lorrin A. Thurston, publisher of the *Pacific Commercial Advertiser*, who had led the overthrow of the Hawaiian kingdom. 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." 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 would intercede on behalf of Korean plantation laborers found guilty of first-degree murder of another Korean. A special committee of the club analyzed all of the evidence in the case and recommended in its report that two of the convicted Koreans be spared ("Would Save Two Doomed Koreans" 1906:1). After receiving the report, the governor agreed with its recommendations and saved the two Koreans from the gallows. One cannot help but think that if the highly influential Social Science Club had intervened in the many other cases of racial injustice, the number of executed and imprisoned persons of color would have been much less.

Japanese: Raced to Death

Japanese were second in number to Filipinos among those hanged in territorial Hawai'i. Seven Japanese men were put to death, but they were not over-represented because Japanese were the largest group in the territory at about 40 percent of the population before World War II. Several of those who were executed had killed Japanese women they knew, especially prior to the 1910s when the arrival of picture brides brought more balance to the sex ratio and less conflict over women. In 1906, Okamoto, a luna (foreman) on the Kohala ditch on Hawai'i island, was hanged for murdering his domestic partner, Miyo ("Murderers Will Be Hanged This Morning" 1906:8). Two months earlier, he had "bought" her from another Japanese man, but after Okamoto beat her for coming home late one night, she had him arrested for assault ("Much Crime in Kohala" 1905:5). When Miyo refused to drop the charge, Okamoto attacked her with a butcher knife, almost decapitating her.

The execution that most clearly brings out the huge role that race and racism played in dispensing the death penalty in Hawai'i is that of Myles Fukunaga. A very bright but very unhappy and likely insane 19-year-old from a very poor family, he was convicted of viciously murdering a 10-year-old haole boy, Gill Jamieson, in 1928. At the opposite end of the class and race spectrum, Gill lived in affluent Mānoa with his mother and father, who was a vice president of the Hawaiian Trust Co. Myles and Gill were brought together so tragically because the company managed the lease 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 rent, Myles sought revenge against Hawaiian Trust by kidnapping and killing Gill.

As I argue in my book on the Fukunaga case (Okamura 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 of the “Japanese race,” and haoles considered Japanese Americans the greatest political, economic, and cultural threat to their supremacy. Haoles believed that Japanese Americans were politically loyal to Japan rather than the United States and were alarmed by the large sugar strikes they organized in 1909 and 1920. As for the second meaning of *race*, Fukunaga was raced or rushed to his death sentence less than three weeks after bludgeoning Gill to death with a chisel because haoles wanted immediate revenge for the killing of one of their own. Blatant racial injustice is evident throughout the Fukunaga case, including the 90-minute psychiatric exam he was given, instead of the 10-day evaluation required by the law, and the 19-minute defense provided by his court-appointed attorneys, who called no witnesses on his behalf. Legal appeals of Fukunaga’s conviction, organized by the Japanese newspaper *Hawaii Hochi*, eventually went to the US Supreme Court but were all unsuccessful. He was hanged in 1929 as a martyr to racial injustice for Japanese Americans.

Filipinos: Demonized to Death

Filipinos were by far the most executed group in territorial Hawai'i, and race and racism were major factors in their having that distinction. The 24 Filipino men who suffered the death penalty were a clear majority of the 42 persons hanged and, as such, they were hugely overrepresented because Filipinos were at most one-sixth of Hawai'i's population (1930) before statehood (Okamura 2008:160). But since they began arriving in significant numbers in the 1910s, the first Filipino hanging did not occur until 1911; from that year until 1944 Filipinos constituted an incredible 78 percent of those put to death.

The reason for this excessive execution was because Filipino young men were racially demonized—represented and stereotyped as especially violent, prone to crime, and emotionally volatile, by the press and non-Filipinos (Okamura 2008:162–164). Due to the far greater number of Filipino men than Filipino women in Hawai'i, “jealous rage” was frequently cited in the newspapers as the precipitating factor in murders by Filipinos. The press also often described Filipinos as “running amok” when committing homicide because it occurred in the Philippines, although such indiscriminate killing with a weapon is hardly found only among Filipinos. Another reason for the disproportionate number of Filipinos hanged is that prosecutors frequently

charged defendants with first-degree murder rather than a lesser crime that did not carry the death penalty.

After the last execution in 1944, it appears that prosecutors, juries, judges, and governors were much less inclined to convict Filipinos of first-degree murder, which resulted in none of them being hanged. Thus in 1949, Bonifacio Mamuad, a 41-year-old 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 in Fatal Stabbing of Girl" 1949). In a tragic case of unrequited love, he killed an 18-year-old Filipino high school student by stabbing her 86 times with a seven-inch pair of scissors. Prior to World War II, such a vicious murder would have resulted in death for Filipinos.

After the war, Filipinos also escaped the gallows by the governor commuting their death sentence to life in prison without the possibility of parole. In 1953, Democratic governor Oren E. Long spared the life of Liberado Joaquin, a 52-year-old theater attendant who had been convicted of first-degree murder for killing his 30-year-old haole "sweetheart," taxi dancer Sally Anderson in 1947 ("Minimum Terms Set for Two Murderers" 1953). In another case of unreturned love, Joaquin pursued Anderson for a year and a half, during which he spent his life savings of more than \$8,000 on her for a new car, jewelry, and even an appendectomy. At his trial, he testified that he stabbed her (16 times) while in a rage after she told him their relationship was over and she was not going to marry him, as she had promised ("Joaquin Case Nears Jury" 1948).

In a highly publicized case in 1952, Jose Aloag also escaped execution. Despite being prosecuted for first-degree murder for killing five members of a Japanese American family he worked for as a farmhand, the jury found him guilty of murder in the second degree ("Life Terms Are Decreed for Slayer" 1954). In what was the worst mass murder in Hawai'i history, the 48-year-old Aloag used a bayonet to stab to death 38-year-old Richard Sumida, his 30-year-old wife, and three of their children aged nine, seven, and four in Maunaloa Valley, O'ahu. The victims' bodies bore 83 stab and slash wounds, including 28 on the father and 14 on the four-year-old daughter ("No Decision on Fate of Farmhand" 1954). When arrested, Aloag told police he killed the Sumida family because the previous evening they had paid a \$20 car repair bill for him, and he suspected that Richard Sumida was going to keep him in "bondage" by making deductions from his wages for paying the bill ("Slayer of Five Charged . . ." 1952:1). He related that he spent the evening drinking in downtown Honolulu, brooding about the bill payment, and killed the Sumidas

shortly after returning to the farm after midnight. Perhaps because of this evidence of premeditation, the number of victims, and how they were killed, the jury verdict was strongly criticized. Less than a month later, Advertiser reporter Sanford Zalburg (1954) wrote that in the opinion of government officials and lawyers, "It's no use having a capital punishment statute in Hawaii because it is almost impossible to carry it out." He noted their view was strengthened as a result of the second-degree murder verdict in the Aloag case in July 1954 and the commutation of the death sentences of James Majors and John Palakiko for murder and rape the following month.

Majors-Palakiko Case

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 prominent haole woman, 68-year-old Therese Wilder. On March 10, 1948, Majors, aged 20, and Palakiko, 19, escaped from an O'ahu Prison work gang in Chinatown and spent the night in Nu'uau Valley. They were both serving sentences for burglary—Palakiko for 10 years and Majors for four years.

The next evening after their escape, Majors and Palakiko broke into the Nu'uau Valley home of Wilder, a widow who lived alone, to get some food ("Majors, Palakiko Case Set . . ." 1948). After she accosted them, they beat her, breaking her jaw, and then bound and gagged her. Her decomposing body was found four and a half days later by her yard worker. After performing an autopsy, the city and county coroner, Alvin Majoska, wrote in his report that Wilder died from suffocation, probably as a result of a towel being tied around her mouth and nose ("Murder Caused by Suffocation" 1948). Palakiko was arrested the day after their assault of Wilder when he and Majors tried to steal a car. Majors was not caught until March 20 and immediately tried to kill himself by swallowing a vial of iodine.

Majors and Palakiko were each indicted on three counts of first-degree 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). Those 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. Rather than first-degree murder, which required evidence of premeditation, Majors and Palakiko were both initially charged with second-degree murder and first-degree burglary. According to the acting city prosecutor, John Desha, who was Native Hawaiian, based on the evidence then available, 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 ("Majors, Palakiko Charged" 1948:1, 10).

Racial injustice in the case is readily apparent in Desha shortly being removed as acting prosecutor at the insistence of Alva Steadman, president of Cooke Trust Co., and attorney Charles Hite. Both of them complained to Honolulu mayor Johnny Wilson about Desha's handling of the case. Steadman was Wilder's financial adviser at Cooke Trust, and Hite was a close friend and neighbor of hers. Wilson replaced Desha by appointing Hite as the permanent prosecutor, and a few weeks later Hite had the territorial grand jury indict Majors and Palakiko on first-degree murder and rape charges (Johnson 1951). At a territorial Supreme Court hearing in 1951, Desha testified that Hite and Steadman brought "pressure" upon him to bring first-degree murder charges against the accused men ("Former Prosecutor Asserts 'Pressure' . . ." 1951). He added that after Majors and Palakiko were captured, "The public clamor was for immediate indictment for first degree murder and an immediate trial . . . and for the old days of the West when they just strung up a horse thief."

Majors and Palakiko went on trial for murder in June 1948. The primary evidence against them included four "confessions"—one by Palakiko and three by Majors, in the second of which he admitted raping Wilder ("Judge Admits 'Confessions' . . ." 1948). Despite the objections of their attorneys, all four confessions were read into evidence during the trial. According to Palakiko's statement, after beating Wilder unconscious, they tied her up in her bedroom, and he went to the kitchen to get some food. When he returned, Majors was raping her, and when he told him they should leave, Majors replied, "You go," so Palakiko said he went outside and waited 10 minutes for Majors (Kim 1988:89).

Following a six-day trial, 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 the first ballot, it took them seven votes before they came to a unanimous verdict concerning Palakiko ("Jury Dooms Pair . . ." 1948:1). During the next three years, the attorneys for Majors and Palakiko appealed their convictions unsuccessfully to the territorial Supreme Court and the US Ninth Circuit Court of Appeals in San Francisco.

On September 6, 1951, Governor Oren E. Long invoked the death penalty against Majors and Palakiko, and their executions were scheduled for one week later at 8 a.m. (Casey 1952). But as Long later told the press, he came under "terrific pressure" from those in favor of the hanging and those who were opposed, and he decided to stay their executions for a week, just 15 minutes

before they would have been hanged. During that week, Long received numerous appeals, including a deluge of telephone calls and telegrams, to commute the death sentences of Majors and Palakiko to life in prison.

An organized campaign for commutation had emerged among the ILWU, Democratic Party leaders, the clergy, and Native Hawaiians. Antonio Rania, president of ILWU Local 142, announced that the union would be sending petitions with 10,000 signatures to Long, which requested that he reduce the sentences of Majors and Palakiko to life behind bars ("Mission Board Disclaims Clemency Plea" 1951). Willie Crozier, a Native Hawaiian described by the press as a "left wing Democrat," and Helen Kanahale, a member of the O'ahu County Democratic Committee, urged the governor to commute the death sentences on an ILWU radio program. Harriet Bouslog, also a member of the same committee and whose law firm, Bouslog and Symonds, represented the ILWU, presented Long with a petition asking for commutation with 3,700 signatures. Twenty-one Christian ministers from several denominations sent a letter to Long requesting that he reduce the death sentences to life in prison ("21 Oahu Ministers Sign Plea..." 1951).

On September 19, 1951, Majors and Palakiko's new attorneys, Harriet Bouslog, Myer Symonds, and Hyman Greenstein, filed a petition for a writ of habeas corpus in federal court in Honolulu the night before their scheduled hanging (Casey 1952). In a packed courtroom "electric with suspense," Judge J. Frank McLaughlin quickly denied the petition because Bouslog had not exhausted all of the legal remedies for her clients in the territorial courts. She then 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 4 a.m. the next morning. He also dismissed the petition but stayed the executions for 90 days until the full Supreme Court could hear the case, which it did for a month later in 1951.

Although the Supreme Court hearing was not to determine their guilt or innocence of first-degree murder, both Majors and Palakiko took the stand in their defense, unlike at their trial. They were seeking to have their convictions reduced to second-degree murder or to have a new trial. Majors testified that, while he remembered signing his third statement to the police, he was uncertain whether he had made two earlier statements to them while in Queen's Hospital, as a result of drinking iodine ("Majors Tells His Version..." 1951). He related that while he was hospitalized, most of the time he "felt dopey and drowsy" because of a sedative given to him; nonetheless, Detective Vernal Stevens questioned him. According to Majors, Stevens told him that when he

was released from the hospital, Stevens was going to take him to the "room." Majors stated he knew Stevens "meant the room they always take you for bust you up." Due to such threats of violence, Bouslog challenged the admissibility of Majors's statements.

Racial injustice is even more apparent when Palakiko testified at the hearing that he was beaten by Stevens at the police station the day he was captured ("Palakiko on Stand..." 1951). He said the detective asked if he was a "tough guy." When he replied no, Stevens "let loose a short left hook." Palakiko said he ducked and ran into Stevens's right fist. After Stevens kept punching him in the stomach, he agreed to talk. Palakiko also asserted that another detective, Jack King, hit him four times in the stomach.

Another significant issue raised by Bouslog at the Supreme Court hearing was whether Therese Wilder was raped. According to coroner Majoska's report, "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 Majors and Palakiko's murder trial. At that time, Majoska told the press that the lack of evidence of rape was 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 Recalled..." 1951). At the murder trial, Hawkins told the court he could not find the FBI report but knew of its contents. But the court would not allow the defense to question him about it, which appears to be another instance of suppression of exculpatory evidence.

In her closing argument at the Supreme Court hearing, Bouslog pronounced that Detective Stevens's testimony at the trial of Majors and Palakiko constituted "perjury" and that he had obtained the latter's confession by beating him ("Stay of Execution..." 1951). She also maintained that the public feeling against the defendants made a fair trial impossible, that the "murder with extreme cruelty and atrocity" section of the murder law was unconstitutional, and that the jury's overall verdict of "guilty as charged" on all three counts was invalid because each count was separate. However, the court denied the appeal in December 1951 ("TH Supreme Court..." 1951:8).

Following the territorial Supreme Court ruling, the Hawaiian Home-steaders Improvement Club adopted a resolution that requested commuting the death sentences of Palakiko, Majors, and Liberado Joaquin and abolishing capital punishment, and sent it to Governor Long ("Hawaiian Club Asks Abo-

lition . . ." 1952). The club chair was Helen Kanahale, who also was the acting secretary of the Palakiko and Majors Defense Committee. It was organized to raise funds for their appeal to the US Ninth Circuit Court of Appeals, an estimated \$2,250 for typing the court testimony in the case ("Majors-Palakiko Fund . . ." 1952).

The appeal to the Ninth Circuit Court of Appeals was heard in October 1953. Bouslog argued that the confessions by Majors and Palakiko 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 ("Wilder Killers' Attorney . . ." 1953). After their appeal to the Ninth Circuit Court failed, Majors and Palakiko's attorneys requested that the US Supreme Court review their case, but it declined in April 1954 ("Condemned Men Take News . . ." 1954).

With no further legal appeals available to the condemned men, Republican governor Samuel Wilder King (no relation to the victim), who was hapa haole (of white and Hawaiian ancestry), commuted their sentences to life in prison with the possibility of parole in August 1954 ("Death Sentence Stayed . . ." 1954:1). The year before, University of Hawai'i sociologist Bernhard Hormann (1953:4) observed that "there are some people, Hawaiians as well as non-Hawaiians, who are convinced that no Hawaiian . . . will ever hang." This conviction resulted from the belief that Native Hawaiians could exert political pressure on haoles to prevent Kānaka from being executed because of the political alliance between the two groups. Very shortly after assuming office in 1962, Democratic governor John A. Burns went further than King and substantially reduced the life sentences of Majors and Palakiko, which made them immediately eligible for parole ("Burns Still Foe . . ." 1964). He was sharply criticized for doing so because the two men were paroled just before Christmas, and Palakiko was returned to O'ahu Prison the following August for violating the terms of his parole. Palakiko was released after two years in prison and died of cancer in 1974 at age 46. In the early 1980s, Majors was said to be living in Fresno, California (Kim 1988:158).

Abolition of the Death Penalty

Besides playing a significant role in issuing the death sentence, race also figured decisively in its elimination in Hawai'i. After gaining control of both houses of the territorial legislature for the first time in the 1954 elections, the Democrats immediately introduced bills to end capital punishment. They were fully

aware that it had been applied overwhelmingly against non-haoles, who were their principal supporters. The House bill would have made the crimes of first-degree murder, first-degree arson, rape, "train wrecking," and espionage during wartime or rebellion punishable by life terms in prison instead of death. In the Senate, three bills were submitted to abolish executions for first-degree murder, rape, and burning occupied houses at night ("Death Penalty Elimination Proposed" 1955:24). The House passed its bill by a 23 to 7 margin, with only Republicans voting against it ("House Votes to Abolish..." 1955:A1).

The House version of the bill, which would have terminated capital punishment entirely, was amended and approved by 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 authority to sentence convicted first-degree murderers to either death or life in prison without parole. But 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 sentence ("Error in Law..." 1955).

After the Democrats retained control of the legislature in the 1956 elections, they once again sought to abolish capital punishment. The abolition bill easily passed in the House by a 20 to 7 margin, 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. But it prevailed by a 10 to 5 vote and was signed into law on June 5, 1957, by King, a Republican who was not usually so willing to approve legislation passed by the Democratic-majority legislature (Fuchs 1961:326).

King's son, former federal judge Samuel P. King, related that his father once shared with him his reasons for signing the abolition bill, which underscored the class and racial status of those who were hanged. The younger King said his father 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). The racial disparity noted by the elder King among those hanged was certainly the case although, as noted above, only one Native Hawaiian was executed, the same as the number of haoles.

When Hawai'i ended capital punishment, 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 were overwhelmingly white, so racial difference in applying the death sentence probably was not a major consideration when they eliminated

it. As a racially progressive measure, abolition of capital punishment should be understood as one of many other such actions initiated by the Democrats after taking control of the legislature, such as raising the minimum wage and increasing funding for the public schools. Such laws and policies were intended to benefit primarily non-haoles after decades of haole oligarchical rule following annexation. It also is useful to emphasize that elimination of the death penalty in Hawai'i occurred during the 1950s, a politically and culturally conservative period in American history. Abolition of capital punishment and the other progressive laws passed by the Democrats transpired primarily because of the political and racial changes in Hawai'i and not in continental America, particularly the Democratic takeover of the legislature.

Conclusion: The Changing Significance and Meaning of Race

Considered together, application and abolition of the death sentence, while seemingly contradictory processes, provide a means for understanding the significance and meaning of race during the territorial era in demarcating and enforcing the dominant racial boundary between haoles and non-haoles. The abolition campaign, which was led by the Democratic Party, the ILWU, the Native Hawaiian community, and Christian ministers, especially reveals the changing significance of race as the foremost organizing principle of social relations in Hawai'i after World War II. While the Majors-Palakiko case was certainly a primary catalyst for fostering the multiracial movement to end executions, that campaign ultimately succeeded because of the dramatically transformed racial setting in Hawai'i initiated by the ILWU in its organizing of overwhelmingly non-haole sugar, pineapple, and dock workers. Rather than hierarchy, injustice, and inequality under the haole settler oligarchy, evident in the gross overrepresentation of non-haoles among those hanged, in the postwar period race signified unity, justice, and equality, at least for non-haoles. Situated between the Democratic "revolution" in 1954 and statehood in 1959, abolition of the death sentence clearly signaled the declining significance of race in Hawai'i.

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