

THE SIGNIFICANCE OF THE WILDER OR MAJOR-PALAKIKO CASE, A STUDY IN PUBLIC OPINION¹

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The discovery in March, 1948, of the murdered body of an elderly Haole woman belonging to one of the old families of Hawaii naturally aroused the community of Honolulu to a high pitch of excitement, particularly because it was soon apparent that death had occurred four or five days before the body was discovered in the home of the victim. Four days later, two Hawaiian escapees from Oahu Prison were captured. They were tried in June and July, found guilty of first degree murder, and sentenced to hang. After a series of appeals had failed, the governor on September 7, 1951 invoked the death sentence. This official act occasioned the sending of several petitions to the Governor asking for the commutation of the sentence to life imprisonment, and a few asking for the carrying out of the original sentence. The Governor ordered a reprieve, but finally on September 19 upheld the original sentence, saying, "No new evidence has come to light." This started another series of appeals to the courts, accompanied by further reprieves. A two-months' habeas corpus hearing by the Territorial Supreme Court ended on December 12, 1951, and the Supreme Court unanimously upheld the first degree murder convictions. This action is still on appeal with the Circuit Court of Appeals in San Francisco, and in the meantime the two youths are awaiting execution of their original sentence.

The present discussion of the case will not be concerned with the legal issues of the case, important as these are. Instead of a judicial concern with the Majors-Palakiko case, ours here is twofold:

1. To use it as an index of race relations in Hawaii, and
 2. To understand through it how issues arise and are handled in a complex, modern, urban community.
1. The Majors-Palakiko case as an index of race relations in Hawaii.

The widespread interest in the Majors-Palakiko case places it in a special category. It becomes a critical event around which there come to expression all kinds of latent feelings in the community. Like other dramatic court cases in Hawaii's history, this case has become a symbol to various component population elements in Hawaii, and if we can succeed in uncovering the various overlapping and conflicting meanings which this case has assumed to various groups, we can thereby clarify our picture of the social complexion of our community. Cases of this sort thus are unplanned opportunities to get a sense of the realities behind what people in Hawaii

¹The present analysis of the Wilder or Majors-Palakiko case is a reworking of Report No. 20 in the series, "What People in Hawaii Are Saying And Doing," issued in April 1952, and is based on the following materials: a newspaper clipping file, written comments from several classes in sociology and anthropology, notes taken at several discussions of the case, one by a group of University of Hawaii students, one by a group of recent graduates of the university now holding positions in the community, and two by an interracial group of professional people. Altogether, about fifty different persons were involved in these discussions. Several letters commenting on the earlier report were also used.

are saying and doing and they provide the sociologists with a technique for discovering latent group sentiments and attitudes, just because these tend to come to spontaneous expression in those crises which affect them.

The case is in this respect linked with several other cases which have assumed an almost mythical significance and to which reference will be made below.

What then has the Majors-Palakiko case indicated about our community?

Many Hawaiians and part Hawaiians have taken a great interest in this case which involves two men of their own group. Observers who attended the Supreme Court review reported that the spectators were predominantly Hawaiian. Thus, one student observer wrote:

I noticed, however, that the majority of the people in the audience were Hawaiians, part Hawaiians, and Portuguese, many of them probably related in some way or other to either one of the convicted slayers.

In the thinking of some Hawaiians, the present case forms a decided contrast to the sensational rape and murder cases of the early thirties, in which the relatives of the victim of the alleged rape were caught with the body of one of the defendants, Kahahawai. While it is true that the contrast has also been emphasized by the left-wing Honolulu Record and the Record's pamphlet, "The Navy and the Massie-Kahahawai Case," it is clear that the earlier case had already been linked with the present case by many Hawaiians before the Record called attention to the opposite outcomes. In the earlier case, a lower-class Hawaiian is murdered by upper-class Haoles, who are convicted of manslaughter, sentenced to a maximum of ten years' imprisonment, and after an hour's detention allowed their freedom in the form of a commutation of their sentence by the Governor; in the latter case, an upper-class Haole is murdered by lower-class Hawaiians, who are convicted of first degree murder and sentenced to hanging, and the Governor denies commutation. It is only natural that these particular elements of the two cases, in such stark contrast, would be magnified by people who are by ties of kinship and ethnic background, sympathetic with Majors and Palakiko and that other aspects, including important background events in each case, would be overlooked.

Other non-Haole groups have also shown their interest. Members of the Chinese community, particularly those inclined to be suspicious of Haoles, have inevitably seen differences between the official handling of cases involving Chinese and the Wilder case. As it happened, there had occurred two cases involving the deaths of Chinese peddlers in the same year, 1948.

The first of the two Chinese victims, a 65-year-old vegetable peddler, was attacked by two youths after he had stopped in a residential area to offer his products for sale. When he yelled, one of his attackers slashed the peddler's throat and the boys escaped, throwing away a small amount of money they had robbed. The peddler was taken to the hospital and seemed to be recuperating when he took a turn for the worse and died a little over a month after the attack. In the meantime, the youths had been charged with first degree robbery and pleaded guilty. No more serious charge was ever brought against the two youths.

The second victim, a 42-year-old pastry peddler, was attacked by unknown assailants, found unconscious in a cemetery, and taken to the hospital, where he died on the same day. This murder has never been cleared up.

To the Chinese residents in Hawaii, it would appear that far less attention had been paid to the Chinese victims than to the Haole victim in the Majors-Palakiko case.

The Japanese, in turn, think back to Hawaii's dramatic kidnapping and murder case of the late 1920's, in which the victim was a Haole boy and the murderer a youth of Japanese ancestry who was finally hanged. Among some older persons of Japanese ancestry, resentment is still harbored at the inability of the courts to recognize the extenuating circumstances in the case. How vividly the earlier case is remembered came out when a student of Japanese ancestry recently asked her mother about it:

"Sure, I remember. How can I forget? The poor boy kidnapped the son of the rich Haole because . . . they were going to kick the family out of their home. The boy went to beg . . . but he was refused . . . it was really pitiful, you know."

I was surprised at my mother's strong feeling toward the issue. She seemed to feel it was a great injustice . . . The issue was in the past, but some people like my mother still have great feelings about the issue. It must have affected the Japanese very much when it occurred.

The father of another student put it a little more picturesquely:

"Finally, the devil arose in J when his family's belongings were thrown out of the house because they did not keep up with the rent . . . J did confess to the murder and was sentenced to hang. So ended a sad fate for the two families."

At the time that the Supreme Court was reviewing the present case late in 1951, one of the Japanese language dailies editorially recalled the earlier case.

The following written comments by students make the same implication of a dual standard of justice:

I think that had it been that the victim was of Japanese or Filipino or for that matter, anything but Haole, the men would have been given a life sentence.

-- Part Hawaiian male student

There were other cases in Hawaiian history where Haoles were freed after committing murder.

-- Chinese male student

If another had killed Mrs. Wilder, there wouldn't have been such a reaction as that which is going on now. It is because these two are of another nationality.

-- Chinese female student

Due to the pressure of the "name," Haoles, the government officials seem to sway in their favor. I would rather like to see how the case would be tried by different people with no pressure from any one, Haole or colored, to influence their judgments.

-- Japanese male student

If Majors-Palakiko had killed a non-Haole woman without any planning beforehand, both the defendants, I am sure, would not be punished by hanging.

-- Korean female student

Interestingly enough, the idea of dual justice has not always implied a Haole versus non-Haole cleavage. Back in 1931, one of the Honolulu Japanese language dailies presented an editorial under the caption, "A Dual Justice?" in which the editor described two murders "similar in nature. Yet, because in the one case the person murdered had been a Hawaiian youth, the guilty one is properly punished, but because in the other the victim had been a Filipino, the case is thrown into an abyss of oblivion and the justice of the law is buried in darkness." Here the suggested difference is between native Hawaiians and foreign immigrants.

Today, however, the main concern over differential justice involves that between Haoles and non-Haoles and this situation is indicative of the fact that the major cleavage in Hawaii is that separating the Haoles from all the others. This cleavage is in turn to be explained by the fact that the distinction between Haoles and non-Haoles has been, over a long period, not only a racial distinction, but also one involving social class.

Much of the feeling of non-Haoles against Haoles is directed against them, not because of their race, or even because of their culture, but because of their identification with the "Big Shots," who, in the eyes of the "Haole-hating" Hawaiians, "took their land away from them," and in the eyes of the non-Haole immigrants, exploited them on the plantations.

It should be clearly recognized, as it is unfortunately not by many Haoles, that anti-Haole feelings have become embedded in tradition and are passed on from generation to generation. Because of the real changes in Hawaii's social structure which are occurring, many of the inherited notions which are now expressed are based on incomplete knowledge of the facts and unawareness of change. As has already been mentioned, the drawing of contrasts between such a case as the Kahahawai case and the present case is often sketchy, because the contrast grows out of a whole-hearted acceptance of differential justice. Beliefs have become prevalent which, although not always in accordance with the facts, are accepted and perpetuated, and thus assume the character of folk myths. For instance, the assertion is frequently made that no Haole has been hanged at Oahu Prison. Similarly, there are some people, Hawaiians as well as non-Hawaiians, who are convinced that no Hawaiian has been hanged and that none will ever hang. This notion is partly of a superstitious nature but is also based on the implication that the Hawaiians can exert sufficient political pressure to prevent the hanging of persons of Hawaiian ancestry.

The following is the actual record of hangings at Oahu Prison since Annexation:

American (Caucasian)	1
Hawaiian	3
Puerto Rican	3
Japanese	9
Korean	6
Filipino	<u>24</u>
	46

The entry of anti-Haole feelings into tradition means, furthermore, that when we see them expressed, we must recognize them as natural and

spontaneous, rather than as artificially manufactured for the situation. While in the present instance, there is no doubt that the left-wing group has used and perhaps intensified the "racial" interpretation, particularly within the Hawaiian community, it would be a gross error to assume that members of Hawaii's ancestral groups do not of their own accord react in the manner described above.

To illustrate the divorce of these anti-Haole feelings from left-wing manipulations a part-Hawaiian woman student may be cited, who feels that hanging is too severe a punishment arguing, "Did they murder Mrs. Wilder intentionally? I think that the boys did not and that they had a 'tough' break in the beginning of the case," and yet at the same time, this same person argues that "for the safety of the Hawaiian Islands, economically and politically, the Communist movement in Hawaii must be stopped. Its influence will hinder the growth of democracy in our schools, business places, towns, and especially the home." Among the part Hawaiian students who answered a questionnaire of the Hawaii Social Research Laboratory, there were 34.8 per cent who felt that hanging was too severe a punishment and who at the same time felt that the Communist movement was a serious threat to the welfare of Hawaii.

The Defense Committee, self-constituted to promote the legal defense of Majors and Palakiko, has had prominent politicians associated with it who are by no means left-wing. While some of the petitions asking the Governor to commute the sentence were circulated at the initiative of the Bouslog and Symonds office, others had their origin with and were circulated by persons not remotely identified with left-wing activities, and the large number of signatures, about 15,000, can by no means be taken as a measure of left-wing strength in the community. One person who canvassed several lower-class neighborhoods for signatures reported that he found a sympathetic interest in the appeal in about half the homes. He found Hawaiians and Portuguese especially generous contributors, some of the former even thanking him for coming to them. (Incidentally, he found the greatest hesitance in Japanese neighborhoods, where the householder was disinclined to contribute unless he knew that his neighbors were doing so too.)

In further support of the point that a Haole versus non-Haole interpretation was given the case long before the left-wingers became actively interested in it, the writer has referred to the files of the Hawaii Social Research Laboratory, where there are to be found papers by students written a few months after the Wilder murder. These reactions are obviously of an unforced character. One of them will illustrate their nature.

After a sentence of guilty of first degree murder had been pronounced by Judge Buck and jury, there was much discussion among my fellow workers at the office. Our circle of workers consisted of J. Y., a part-Hawaiian girl; H. K., a Korean; C. S., a Japanese; and myself, a Japanese. During our usual morning break we got to talking about the case:

J.Y.: "I don't think the verdict was a fair one."

H.K.: "Yeah, just because Mrs. Wilder was Haole, that Haole judge is making sure that Palakiko and Majors get nothing less than a death penalty."

C.S.: "The jury was made up of practically all Haoles. Only one Hawaiian and one Chinese, no fair."

Self: "I personally did not expect the two men to receive any heavier penalty than a second degree. It wasn't a planned attempt of murder in the first place."

Whether the fact that the Jury was constituted mainly of Haoles could have had any influence on the final decision I would never know for sure.

-- Japanese female student

The anti-Haole feeling goes so far in the case of some of the under-privileged as to cause them to justify some crimes against Haoles with the rationalization, "They have it coming to them," or "It is really their fault." It is an exaggerated sort of Robin Hood approach. For example, a Hawaiian boy attending one of the public intermediate schools and living in one of the residential areas for people in the lower economic class remarked to his teacher quite unselfconsciously that the murdered woman was to blame for living alone in an isolated house.

The Haole vs. non-Haole cleavage is of course a matter of common knowledge. The Majors-Palakiko case serves as a useful device to indicate that this cleavage has become the dominant one in contrast to the cleavages between the immigrant groups of different nationality.

On the other hand, a study of reactions to the case also suggests that the cleavage of Haoles vis-a-vis non-Haoles is breaking down, as was argued by the writer in an article appearing in an earlier issue of this journal.² There it was argued that the development of a new middle-class composed of persons from all ethnic groups was breaking down the basic two-fold caste-like division in Hawaii's social structure.

In January, 1952, the Hawaii Social Research Laboratory presented a questionnaire to two large introductory classes at the University of Hawaii, totalling 284 students, by whom there had been no discussion in class of the present case. The questionnaire was answered anonymously, each student providing only information about his ancestry, age, and sex. The following racial groups were represented: Hawaiian, Caucasian, Chinese, Japanese, and a smattering of Koreans and Filipinos. This group cannot, of course, be taken as a statistically valid sample of the population as a whole, but it may perhaps be taken as roughly representative of the new middle-class.

The results of this questionnaire are summarized in Tables I and II.

TABLE I. Percentage Reactions of University of Hawaii Students to Question: "What do you think about the Majors-Palakiko case?" By Sex and Ancestry, January, 1952.

Answers	Total	Males	Females	Hawaiian	Caucasian	All Others
Hanging is just	35.2	32.5	36.3	26.1	31.25	36.3
Hanging is severe	48.6	53.8	46.6	60.9	31.25	48.6
No opinion	16.1	13.8	17.2	13.0	37.5	15.1

²Bernhard L. Hormann, "The Caucasian Minority," in Social Process in Hawaii, Vol. XVI (1951).

TABLE II. Percentage Reactions of University of Hawaii Students to Question: "What does the Majors-Palakiko case illustrate?" By Sex and Ancestry, January, 1952.

Answers	Total	Males	Fe- males	Ha- waiian	Cau- casian	All Others
Best American tradition of equal justice for all	16.2	21.3	14.2	8.7	0.0	18.0
Existence of two types of justice in Hawaii, one for Haoles, another for others	30.6	38.8	27.5	43.5	31.2	29.4
Average case of American justice	45.8	33.8	50.5	30.4	43.7	47.3
No Opinion	7.3	6.3	7.8	17.4	25.0	5.3

Some differences in the responses of the groups are of course noticeable.

The results, however, suggest that although there are significant differences in the responses of the several groups, the differences are ones of degree rather than of kind. In every group every possible response is found, with the single and significant exception that no Caucasian claimed that the case represented the "best American tradition of equal justice for all." In studying the written comments of these students, which supplemented the formal questionnaire, one gets only an occasional emphasis on race. Only a third of all students indicated the possibility of dual justice, and this proportion applied also to the Haole students. All this suggests little preoccupation by these students with the cleavage between Haoles and non-Haoles.

One last point about the race relations angle of this case should be made before the discussion proceeds with the second aspect of this discussion.

Because these youths and several others recently involved in crimes are of Hawaiian ancestry, because the majority of the boys and girls at the two training schools are of Hawaiian and part Hawaiian ancestry, and because around 40 per cent of the Oahu Prison population is Hawaiian and part Hawaiian, the question naturally arises as to why the Hawaiians seem to be over-represented in juvenile and adult delinquency. (Their proportion in the total population, 1950 census, was less than 20 per cent.)

Several discussions on this question have merely reproduced many long current ideas about the Hawaiians today, but hardly anything of great value in providing the necessary insight into the inner world of Hawaiians who get into serious difficulties with the law. There is need for a detailed sympathetic case study of Hawaiian group life, including gangs and individuals who get into difficulty. Such studies must be made by people who are able to establish rapport easily with these people, who are of course reluctant to be "investigated" by anyone who might be in league with officials. Many Hawaiians are bitter and resentful and their pleasant nature often hides feelings which non-Hawaiians would be shocked to find among

them. Unfortunately, persons who work administratively with delinquents are by the very nature of their jobs protected from getting this story. The leaders of the community particularly if they are Haole, are also not in a position to penetrate into the mental world of these people. But until that is done no effective community program can be worked out.

2. The Majors-Palakiko case as typical of the issue-forming process in modern mass society.

What has been said up to now indicates that issues such as these which the present case has aroused can only partially be understood by reference to the racial situation in Hawaii.

It has already been pointed out that this case from the beginning has class overtones, and any event containing implications of class and race lends itself to left-wing interests, not to speak of the interest of non-left-wing liberals. Any case involving a sentence of capital punishment is, furthermore, an opportunity for expression of opposition to capital punishment on humanitarian and religious grounds.

In other words, almost from the beginning the simplicity of a straightforward murder case has evaporated, and instead we have a complex case involving several basic issues and impinging on a number of important conflicting and overlapping interest groups in the community, including one finally, the ad hoc Majors-Palakiko Defense Committee, organized solely around the immediate issue of whether the death sentence should be commuted to life imprisonment.

The murder, as it first broke upon the community, had the earmarks of a rather gruesome crime. There is no doubt that the community was generally aroused. The writer remembers the fear of unknown assailants which characterized some of his university women students during the short interval of four days before the probable perpetrators were identified and captured.

That the friends and acquaintances of the victim should be particularly concerned with the carrying out of justice was only natural. That this group of interested people was rather large and prominent was the inevitable consequence of the victim's social status. In a sense, the Chamber of Commerce was one of the first organized groups to take a stand, as it did the day after the discovery of the body, by offering a reward of \$1500 for the apprehension of the murderers. (In the case of the Chinese peddler, whose murderers have never been discovered, the same Chamber of Commerce did not offer a reward.) How much pressure for a first-degree murder charge was put on the Honolulu public prosecutor's office is a matter of disagreement -- but one former acting public prosecutor, who originally handled the case and then was relieved of it, testified in the Supreme Court habeas corpus hearings that he had been subjected to such pressure from prominent persons.

It has already been stated that the case under discussion was so constituted that, even in the actual absence of "interested" concern on the part of upper-class people, the suggestion of such concern would inevitably arise and, under those conditions, there would be "disinterested" persons in the community, including prominent Haoles, who would wish to see any racial and class angles removed from the case. This would include all persons concerned with the principles of equal and just treatment of all before the law. Among individuals with this concern, including important lawyers, some, have expressed themselves as convinced that the course of justice in Hawaii is superior to that in many of the states. Others again

do sense problems here, and speak of "police brutality" and undue influence from prominent quarters.

Individuals with such a community-wide "disinterested" point of view never became organized during the trial.³

While the question may be debatable as to the degree with which the left-wing element in Hawaii "took over" the case, there is no doubt of its interest in it.

The fact seems to be that the firm of Bouslog and Symonds, long identified in the community with "left-wing" causes, did not enter the case until approached by members of the family of one of the defendants and that the more highly organized activity of left-wingers dates from this time, just after the Governor first invoked the death penalty on September 7, 1951. Obviously, the weekly Honolulu Record, which speaks for the left-wing group, had referred to the Majors-Palakiko case earlier. This would be in accord with its use of almost every opportunity to needle and embarrass people in positions of leadership and to suggest the existence of various kinds of discrimination in Hawaii.

After the entry of Bouslog and Symonds, there is no doubt that left-wing activity became more concentrated. The Record published a pamphlet drawing telling contrasts between the Kahahawai case and the present case. At least some members of the ILWU participated in the circularizing of the petitions and other left-wingers went into action.

In a speech to a group of "friends" of the Honolulu Record on December 22, 1951, Mrs. Bouslog was quoted by the Honolulu Record of December 27 as having said:

What we must do is to show that the Palakiko-Majors case and the Smith Act are all of a part--that the struggle in all these cases is a struggle for human dignity by local people and by laboring people.

So obvious was the left-wing interest that many objective citizens became quite sincerely convinced that this group had completely taken over and perhaps some of the "disinterested" persons were swayed into becoming anti-communationist just because they became so convinced that the left-wing was deliberately using the case for its own purposes.

At any rate, one well-known educator made the comment at the time of the Supreme Court review that he was convinced that the present chief defense attorney, Mrs. Bouslog, eventually would receive a rebuke from the United States Circuit Court of Appeals. Her views have been suspect to him ever since he read her Labor Day, 1951 speech to ILWU members on Kauai, in which she described the arrest of the several local persons on charges of violating the Federal Smith Act as an "attack upon the liberties of all working people and true democrats."

A lawyer, known for his various services to the community, expressed anxiety about the ulterior motives of the left-wing group which has

³At the present time a group of citizens has completed the establishment of a local chapter of the "disinterested" Civil Liberties Union. This move is not connected with any particular case, but with general concerns about justice in the community.

"taken over" the defense of the two youths. He cited the record of Communist activities in France and on the Mainland. The pattern, he was convinced, was to create racial issues where none exist, and in general to form unrest and divisiveness in the community.

A prominent educator in a personal communication, indicated his agreement with the thought "that the Communists were undoubtedly using this to create trouble. Personally, I believe that the Governor got himself involved when he did not let the execution go through."

While these are the reactions of generally dispassionate individuals, as individuals, to the left-wing involvement in the case, it is clear that there were deliberate counter-moves in the community. One of these was the policy adopted by one of the leading newspapers not to print letters which would promote what was conceived as an organized emotional radio and letterwriting campaign engineered by Communist-line followers. A woman's club went on record against commutation. The most plausible general interpretation for these organized efforts to induce the Governor to allow the sentence to hang is the pervading fear of Communism. There is also the feeling that the reputation of Hawaii's courts has been unnecessarily impugned.

Among groups who, as organized groups, favored commutation there have now been mentioned the Hawaiians and the left-wingers, and it was pointed out that among the Hawaiians committed to working for the defense of Majors and Palakiko were some who would be called politically conservative or right-wing. This case, therefore, brought together people from generally opposing camps.

A third group which favored commutation must now be mentioned, namely a group of Protestant ministers who organized their own petition to the Governor for commutation.

The ministers' stand was an expression of their opposition to capital punishment. Some criticism was directed against them for taking action in regard to a specific case instead of directing their attention to the legal abolition of capital punishment by the Legislature, where such action must be initiated. Their answer, as expressed informally by one of their number, is that most of them are at all times working for the abolition of capital punishment, but only when a specific case comes up do they have the opportunity to dramatize their religion-grounded opposition to capital punishment. This group does not consider that it is speaking for organized Protestantism. They recognize that some of their colleagues who do not agree with them in their condemnation of capital punishment petitioned the Governor not to commute the sentence. There is of course also opposition to capital punishment based on purely humanitarian grounds to be found among all elements of the population. Several students wrote comments to the effect that they opposed hanging for Majors and Palakiko on the ground of their general opposition to capital punishment.

Most organized groups in the community took no stand.

The first impression about the dynamics of public issues that this study of the Wilder case thus leaves is about the behavior in the face of dramatic events and crises of the various groups in the community: racial, cultural, political, religious, and social. These define how their group's interests are affected and take a stand accordingly, always many of them remain neutral and uninvolved.

The clash between interest groups then identifies the issue or issues. In the present case there are obviously several, some of them issues of long-standing, others more immediate.

In the dynamics of complex contemporary society, issues are identified with an event in a way to make for strange bedfellows among groups, as well as for unexpected schisms. A group may not feel implicated until a certain point has been reached in the progressive conversation of official stands by interest groups and in the normal unfolding of a series of related events, such as the crime, trial, and appeals in this case, or the career of a bill in the legislature. A group, having taken one stand, may, in the course of events reverse or drastically modify its position. While this last form of behavior is not illustrated in the case under discussion, at least as far as it has developed up to this point, such reversals and modifications have been noted on other occasions, such as the questions of statehood, unionism, language schools, etc. We thus see issues as becoming attached to events through the progressive involvement of organized groups in these events. One or several issues and a connected series of events become inter-related in a "case" or "collective act," which is thus launched on its career.

A second distinct impression stands out, namely that the career of the case or collective act runs a complicated course with unpredictable aspects. The present case was launched by virtue of a dramatic but unpremeditated crime. As the case proceeds, the intensity of public interest waxes and wanes in unpredictable ways. In the present case there have been two periods of intense public interest, one immediately upon the discovery of the body and carrying through the trial, a period of four months; a second period, two and a half years later, from the time that Governor Long invoked the death penalty continuing to the ending, about three months later, of the Territorial Supreme Court review of the case, which grew out of the new defense attorney's habeas corpus petition. During these two periods, the interest of the newspapers and of the general public was well sustained.

On the other hand, during the more than two year interim and in the interim since the Supreme Court's unanimous upholding of the first degree murder convictions, there was a dearth of newspaper coverage and a near absence of public concern. These ebbs in public interest were significantly revealed to the writer when an astute sociologist who had been a visiting professor at the University of Hawaii in the academic year 1950-1951, wrote in comment to the writer's April, 1952, report on the Majors-Palakiko case in the What People in Hawaii Are Saying and Doing series that he had been completely unaware of the case during his stay in Hawaii. An indication of the present lull is the fact that the writer, in attacking this article, had far less sense of urgency in writing than when he was writing the report. The writer has to keep telling himself that the case does not lose its importance just because the public has lost interest.

What accounts for these peaks and depressions in the intensity with which an issue affects the public? The writer is convinced that there is no easy answer to this. Surely, the drama, the intensity of the conflict itself, has something to do with it, and the course of conflict is uneven because of a variety of circumstances. In a court case, such factors as an overcrowded court calendar and the legal time limit for filling appeals may be involved. In a political campaign, the times of the conventions and of the primary and general elections, set a typical course for the handling of the political issues in the campaign. In the case of a strike or a battle, much depends on the changing strategy of each side, much on the wider repercussions of the struggle. In the case of a question which is up for decision before some official or administrative body, much depends on the time when a decision is to be taken. Issues also compete with one another for public interest and in the outcome of this competition, the judgment

whether "interested" or "disinterested" of the newspaper editor, is important. Obviously many of these factors are unpredictable.

We have now discussed how an event becomes a case or collective act involving the public, and how it runs its course. Since the present Majors-Palakiko case is still pending, we cannot use it to describe how a case is ended. In general, however, it seems true to say that in the career of a case there comes a time when an irreversible decision or event terminates it and makes further discussion academic. This is what the attack on Pearl Harbor did to the discussion between interventionist and non-interventionist groups. The case had been decided by that event.

Once a case has been decided by administrative decision, as with a sentence or an enacted law, interest in it normally dies down, although it may be revived sooner or later, for few collective acts in our kaleidoscopic modern times, are concluded with utter finality. Occasionally, however, a sense of finality is reached. The groups on one side give up. In discussing Statehood for Hawaii, Lind⁴ pointed out a few years ago that for all intents and purposes, the issue had been decided in Hawaii, if not yet in the nation, and that this decision meant essentially that statehood was no longer discussible in Hawaii. It had entered the local mores. For the nation at large, the Federal control of child labor, for many decades a bitterly fought issue, may be said to have thus entered American mores.

Even the present case will eventually and inevitably end. Finally, the two young men will either hang or be allowed to serve a life sentence. Depending upon the outcome, some interest groups will be dissatisfied, others pleased, many unconcerned.

To summarize, we have seen that in modern mass society of the sort of which Hawaii is both a part and a miniature replica, newsworthy events of all sorts occur continuously, one pursuing the other in rapid succession. These events come to the attention of people as they are recorded in the daily press. Most individuals read the news because, as Park pointed out, it makes them say "Gee whiz!"

Always, however, there are some individuals who confront the succession of newsworthy events in the capacity of representatives, whether official or self-conceived, of one or more groups in the community. They feel it to be their responsibility to evaluate each event that might effect their group. The strengthening of their group and often its very survival may depend on the alertness with which they size up each event, as a possible threat or as an opportunity to advance the position of their group. As groups seize upon such events, a case or a collective act is launched on its career in the public. In the course it runs, there are unpredictable aspects, involving the interplay of strategy with further events. Finally, a decision or event or the effect of prolonged discussion brings the case to a conclusion.

Our analysis has implications for the understanding of our modern democratic society.

The basic and recurring issues are power struggles among the most entrenched, the most influential, the most alertly aggressive interest groups,

⁴A. W. Lind, "Hawaiian Statehood," in What People in Hawaii Are Saying and Doing, Report No. 16, June 30, 1950.

whether racial, cultural, economic, political, religious, occupational, professional. The present case obviously was an event that easily lent itself to strategical use by a number of important groups.

It is clear that such explosive and to some extent divisive discussions as our community faced in connection with the Majors-Palakiko case are inherent to our kind of society, composed as it is of a multiplicity of old and new, disintegrating and rising groups. In this sense, therefore, cases, even bitterly fought cases, are social problems which we will always have with us.

That our society is protected from complete divisiveness, from out-and-out schism, from utter atomization, may be due to the very multiplicity and fluidity of the struggling groups. For it is because of this that most individuals find themselves belonging to several groups and therefore, marginal to them. In this situation they are at times almost forced to consider the wider good, the good of the community as a whole. They are kept from becoming dogmatic and potentially totalitarian and capable of what we call an "objective" consideration of the various conflicting contentions.

We have referred to individuals in this Majors-Palakiko case, who showed genuine concern with certain basic questions: Are our police and correctional institutions humane? Are our courts on the whole fair? Have we failed the Hawaiians? Is capital punishment the best approach to the problem of murder? A person of some prominence who writes a comment such as the one with which we conclude, cannot be labelled as belonging to a particular interest group. He, like others, has worked his way through to an independent position, which, to be sure, differs from that arrived at by other equally independent persons:

I suppose there was more excitement regarding this case because of the prominence of Mrs. Wilder and the brutality of the killing, but those of us who favor the carrying out of the law---and I mean carrying out the law wholeheartedly, not in the anemic way in which it was done in the Massie case--believe that the law should be carried out fully in this case. The fact that there was an unsolved murder at this time does not excuse the murderers in this case.

The constructive contribution of a case such as the Majors-Palakiko case to our non-totalitarian society is the continued and open discussion of these basic issues and a fostering of responsible and disinterested citizenship.

-- B. L. Hormann