

History on Trial

Episode 23

Horror in Honolulu, Part One: *The Territory of Hawai‘i v. Ben Ahakuelo et al.*

Researched and written by Mira Hayward

Hello listeners! I'm starting a newsletter, which will contain episode bonus content, reading and podcast recommendations, and other fun history-related tidbits. To sign up, please visit our website historyontrialpodcast.com.

PROLOGUE

On September 12th, 1931, Horace Ida received a gift that would turn out to be a curse. It happened like this: Horace's older sister, Haruyo, had a beautiful light tan Model A Ford, which she'd saved up for for years. And tonight, she told Horace, he could borrow it. She was going to be working that night and didn't need the car; as long as Horace promised to be careful, he could take his friends out in it.¹

Horace was delighted. This was a rare treat. He put on a white silk shirt and dark trousers and headed out into the humid Honolulu night to find his friends. At a speakeasy, he ran into David Takai and Ben Ahakuelo. The three young men had grown up together; in Sunday school, a missionary who'd taught them remembered, they'd been mischievous and scrappy. Now all in their early twenties, they were settling down. Horace had just spent a year working in Los Angeles; David was about to do the same; and Ben's girlfriend was pregnant. But they weren't too old to have some fun on a Saturday night. They spent a while at the speakeasy, then considered where to go next. Ben knew about a lū'au nearby, so the crew headed over, and gorged themselves on roast pig and beer. But there weren't many young people at the lū'au, so they decided to check out a dance at Waikīkī Park.²

Horace spent the next two hours driving various friends to and from the lū'au and the dance. He didn't mind playing chauffeur; driving Haruyo's car was such a joy. Eventually, two other childhood friends, Henry Chang and Joe Kahahawai, joined Horace. At midnight, when the dance ended, Horace, Henry, Joe, David and Ben huddled outside Waikīkī Park thinking of where to go next. Their main criteria being free food and beer, the group decided to go back to the lū'au once more. Driving down

¹ David E. Stannard, *Honor Killing: Race, Rape, and Clarence Darrow's Spectacular Last Case* (New York: Penguin Books, 2005), 99, 187. (An electronic version of this book was used; page numbers may vary by user settings.)

² Stannard, 184-189.

Beretania Street, they ran into a carful of friends, and the two cars drove side by side for a while, their occupants chatting.³

But by the time they got to the lū'au, around 12:30, the party had ended. It was time to call it a night. Horace dropped David off first. Then, as he pulled out onto Liliha Street, Horace narrowly avoided colliding with another car. A woman in the other car shouted at Horace to watch where he was going. Joe shouted back, telling the driver to get out of his car. Joe was a champion boxer and football player, and thought he could easily take the driver, a middle-aged white man. But it was not the driver who got out of the car; it was the passenger, his irate wife, Agnes Peeples. Agnes, a formidable Hawaiian woman whose daughter described her as, quote, "built like a Sherman tank," wasn't afraid of some tipsy young men. When Joe stepped towards her, she shoved him. He swung back, clipping her ear. Agnes grabbed Joe's throat with one hand and punched him with the other.⁴

Horace Ida groaned. It had been such a nice night, and now this? He and Henry pulled Joe back into the car; Agnes's husband, Homer, calmed her down, and everyone drove off. Horace hoped that was the end of the issue, and dropped Henry and Joe off at their homes.⁵

But two hours later, when Horace was fast asleep in his bed, someone knocked loudly on the front door of the house he shared with his sisters and mother. It was the police. They were taking him in for questioning.⁶

This seemed ridiculous to Horace. It had only been a brief fight, no one had really been injured, and anyway, that woman had hit Joe first! But he agreed to come to police headquarters.⁷

While he waited to be questioned at the station, Horace must have rued ever accepting Haruyo's gift. What a price to pay for a single night out with his friends! But even then, Horace had no idea what truly lay in store for him.

Earlier that night, a young white woman named Thalia Massie had reported to police that she had been kidnapped and raped by a group of men near Waikīkī. The police had quickly connected Thalia Massie's attack with the police report filed by Agnes Peeples about her fight with Joe. In both cases, the suspects were a group of young men. Horace

³ Stannard, 189-191.

⁴ Stannard, 192-193.

⁵ Stannard, 193.

⁶ Stannard, 127-128.

⁷ Stannard, 127-128.

was not in the police station to answer questions about a road rage run-in; he was there to answer questions about the assault of Thalia Massie.⁸

Horace denied knowing anything about this assault. So did David Takai, Ben Ahakuelo, Joe Kahahawai, and Henry Chang. They had never seen Thalia in their lives, the young men said. At the time she had been attacked, they had been driving down Beretania Street. People had seen them! They had alibis.⁹

But in the face of a political establishment that was determined to get convictions for Thalia Massie's rape, would the truth be a good enough defense?

Welcome to History on Trial. I'm your host, Mira Hayward. This week: the *Territory of Hawai'i v. Ben Ahakuelo et al.*

ACT I

On the evening of September 12th, as Horace Ida gleefully started up his sister's Ford, Thalia and Tommie Massie got ready to go out. The Idas and the Massies only lived a few miles apart, as the crow flies, but their neighborhoods were worlds apart. Horace Ida lived in the part of Honolulu then known as Hell's Half Acre, a teeming, densely populated slum, inhabited by a mix of ethnic groups, including Japanese, Chinese, and Filipino immigrants, as well as Native Hawaiians.¹⁰ Tommie and Thalia Massie lived in Mānoa Valley, a lush, lovely neighborhood that climbed up into the mountains northeast of Waikīkī. Mānoa had once been a favorite retreat for the Hawaiian royal family; now, restrictive racial covenants meant that almost all Mānoa residents were white. Orderly bungalows lined the valley's streets, filled with Navy men and their wives.¹¹

Twenty-year-old Thalia Massie was not popular in Mānoa. She refused to socialize with other Navy wives, believing them to be beneath her. After all, Thalia was a Roosevelt! Yes, her father, Roly Fortescue, was the illegitimate child of Robert Barnwell Roosevelt, but Robert had eventually married Roly's mother, and the Roosevelts counted Roly as one of their own. He had fought in the Spanish American War with his cousin, Teddy, and then worked as Teddy's aide in the White House. And Thalia's mother, Grace, came from equally illustrious stock: she was a Bell, as in Alexander Graham Bell, and Bell Telephone, later AT&T. Thalia and her two younger sisters had grown up on grand estates. It was true that Roly's drinking and refusal to work had left the Fortescues in

⁸ Stannard, 98.

⁹ Stannard, 193.

¹⁰ Bob Sigall, "[Remembering Honolulu's Hell's Half Acre and Tin Can Alley of the 1880s – 1960s](#)," Historic Hawai'i Foundation, March 23, 2022, and Stannard, 103, 113-114.

¹¹ JoAnn Ruppert, [Mānoa Valley Timeline](#), Mālama Mānoa, via Mānoa Heritage Center, last revised August 26, 1997, and Stannard, 55-59,

dire financial straits. And the Fortescue daughters were notoriously ill-behaved. But despite all of this, Thalia and her sisters had been instilled with the belief that their heritage made them superior to others.¹²

So when the other Navy wives invited Thalia to their teas and luncheons, she declined. And she wasn't shy about telling them why. Even when she did attend the occasional dinner party, her behavior was appalling. She would drink heavily, tell inappropriate stories, and criticize everything around her, from the house's decor to the hostess's dress.¹³

Tommie Massie regularly confided in his friends about how terrible his marriage was. Things hadn't always been like this. When Tommie had first met Thalia, four years earlier, when she was a sixteen-year-old high school student, and he was a twenty-two-year-old cadet at the Naval Academy, life had been sunny. Tommie had spent a blissful summer with the Fortescues at the Roosevelt estate on Long Island, charming the whole family with his affable personality. Tommie might not have come from as well-known a family as Thalia's, but the Massies were a prominent family in Kentucky, and his stable career in the Navy meant that he would be able to provide for Thalia. When Tommie and Thalia married on November 24th, 1927, their future had looked bright.¹⁴

And for a little while, all was well. Tommie had several postings on the East Coast; people who knew the Massies then said they seemed happy, though there were rumors about Thalia being unfaithful. The couple tried to start a family, but Thalia miscarried. Thalia's health was poor; she had an untreated thyroid condition, which caused weight loss, anxiety, and vision problems. To compensate for the frequent loss of vision in one of her eyes, Thalia had developed a distinctive gait: she walked with her head tilted down and to the side.¹⁵ And Tommie endured some professional setbacks: he dreamed of being a pilot, but at barely five foot five, he was rejected four times for being too short. When he finally got a height waiver, he failed the psychological exam, with the examiner calling him "temperamentally not qualified," perhaps due to his quick temper and what some Annapolis classmates had called his, quote, "cynical attitude."¹⁶

But Tommie had accepted the decision, and pivoted his focus to submarines. In May 1930, he graduated from the Navy's Submarine School, and was assigned to Squadron Four, based at Pearl Harbor. To most people, this posting would have been a dream. In the 1920s, a Hawaiian craze had swept the United States. Hawaiian-inspired music

¹² Stannard, 22-32.

¹³ Stannard, 60-61.

¹⁴ Stannard, 35-37, 60-64.

¹⁵ Stannard, 33-35, 42.

¹⁶ Stannard, 234.

played on the radio, theaters staged mock-hula shows, and Hollywood studios filmed movie after movie on the islands' beautiful beaches.¹⁷

At the same time as tourists flocked to Hawaii, the United States Navy was increasing its presence there, massively expanding Pearl Harbor. Many of the military men who came to O'ahu at this time were disturbed by the level of racial integration on the island, which was comparatively higher than in the rest of the United States.¹⁸ "One need only talk for five minutes with the average naval officer," wrote reporter Lillian Symes around this time, "to realize that he is straining at the leash to put Hawai'i's brown and yellow peoples in their 'place'."¹⁹ Nonetheless, most sailors still found Honolulu a lovely place to live.

But not Tommie and Thalia Massie. As Thalia's bad behavior became more outrageous, Tommie too began to fall apart. He started drinking heavily. The couple fought loudly, and sometimes violently. When Tommie went out on sea duty, Thalia would invite other men over.²⁰

In the summer of 1931, in the latter stages of pregnancy, Thalia lost the baby and fell into a depression that manifested itself in increasingly hostile behavior towards Tommie. She briefly saw a psychologist, Dr. E. Lowell Kelly, but after Kelly recommended to Tommie that Thalia receive psychiatric care, Thalia stopped seeing him. In August, Tommie told Thalia he wanted a divorce. Thalia begged him for another chance – not because she loved Tommie, but because she did not want to have to go back and live with her parents. Tommie relented but only conditionally: Thalia had three months to try harder, or else he was done. He called it "probation." Thalia promised to do her best.²¹

Agreeing to go out with Tommie and some of his Navy friends on September 12th was part of her reform efforts. Thalia hated nights out like this, surrounded by drunken Navy officers and their boring wives. But knowing what was at stake, she slipped on a long green silk dress and matching jacket. She pasted a smile on as Tommie's friends and their wives arrived. After an hour of drinking, the group headed to the Ala Wai Inn, a Navy haunt in Waikiki. When they arrived, between 9:30 and 10, Tommie split off to talk to some of his shipmates. Irritated at his abandonment, Thalia went upstairs, where she circulated and drank, waiting for Tommie to come find her. He never did. Around 11:30, Thalia got into a fight with a Navy officer who wanted her seat. After the man called Thalia a louse, she slapped him. Tommie was summoned to calm her down. The

¹⁷ Stannard, 42-48.

¹⁸ Stannard, 51-54, 77, 228-229.

¹⁹ Stannard, 77.

²⁰ Stannard, 61-64.

²¹ Stannard, 66-68.

couple talked for a little while, then Tommie went back downstairs. This night was clearly not going as either of the Massies had hoped.²²

Around 1:00 AM, Tommie decided to head out. Thalia was nowhere to be found, but since she often left parties when she was upset, Tommie assumed she'd already gone home. He tried calling the house, but no one answered. So Tommie and a friend drove back to Mānoa, headed to a friend's house where they'd heard a party was happening. When they got there, though, the host was not yet home, so Tommie and his friend decided to wait.²³

Ten minutes earlier, at 12:50 AM, Eustace Bellinger was driving his wife and their friends, the Clarks, down Ala Moana Road to get a late night snack. Suddenly, a woman appeared in front of the car. Alarmed, Bellinger pulled over. The woman, whose face looked swollen, told the Bellingers and Clarks that her name was Thalia Massie. She said that she'd been at a party earlier that night, but left around midnight to get some air. As she walked down John Ena road, Thalia said, some men had grabbed her and pulled her into a car. They'd beaten her and then abandoned her in a deserted clearing off of Ala Moana. Mrs. Clark immediately suggested that they take Thalia to the police station or to a hospital, but she said she only wanted to go home.²⁴

Just as Thalia got home, the phone rang. It was Tommie, calling from his friend's house. Thalia picked up the phone and cried, "Something awful has happened. Come home."²⁵

ACT II

At 1:47AM, Honolulu Police received a call from Tommie Massie, requesting assistance. A woman had been assaulted, he said. Detective John Jardine, in charge of the night shift, dispatched two detectives, George Harbottle and William Furtado to go to the Massies' home. Police had gone to the house before, usually responding to noise complaints from neighbors when the Massies fought. This call out was different.²⁶

Thalia had not wanted Tommie to call the police in. When Detectives Harbottle and Furtado arrived, they found her lying on a couch, crying, and wearing a nightgown. Haltingly, Thalia told the detectives that four or five Hawaiian men had snatched her off the road, driven her to a remote spot, and then beat and raped her.²⁷ Furtado and Harbottle were shocked. In the entire history of white settlement in Hawai'i – more than

²² Stannard, 72-81.

²³ Stannard, 82.

²⁴ Stannard, 87-88.

²⁵ Stannard, 89.

²⁶ Stannard, 93, 96.

²⁷ Stannard, 89, 97.

a hundred years – there had never been a recorded case of a Hawaiian man sexually assaulting a white woman.²⁸ The detectives walked Thalia carefully through her account, trying to get more information. Nothing helpful was forthcoming: Thalia said the night was so dark she could not see the men’s faces and doubted she could identify them. However, when pushed by Furtado, she said she was certain that all the men were Hawaiian, not Chinese or Japanese. She could only describe their car as being old and dark, with a torn cloth top. She had not seen a license plate. The night had been dark, she said. She did not mention that her bad eyesight rendered her nearly blind when she didn’t wear her glasses – glasses that she had left at home that night.²⁹

As Detective Harbottle continued the questioning, Detective Furtado called Detective Jardine to report in. Furtado and Jardine agreed that Thalia’s story reminded them of a case they had caught earlier that night. At 12:45AM, Agnes Peebles had come to police headquarters to report that she’d had an altercation with a car full of young men, and that one of them, a Hawaiian, had assaulted her. Two incidents involving a group of young Hawaiian men seemed unlikely to be a coincidence, the detectives thought.³⁰

As Thalia was taken to a nearby hospital to be examined, a car was dispatched to the Ida house. Unlike Thalia, Agnes had seen a license plate–58-985–which the police had been able to trace to the Ida’s car. Horace Ida denied having anything to do with Thalia’s rape and initially refused to name the men he had been out with. But after hours of relentless interrogation, Horace identified his friends.³¹

As the police brought in the other men – Joe Kahahawai, Ben Ahakuelo, David Takai, and Henry Chang – and interrogated them in turn, a problem emerged. The men’s accounts of their night were consistent. Moreover, they could provide the police with the names of many other people who had seen or spoken with them between 10PM and 1:00AM. There was no time for them to have committed the attack, which Thalia claimed had happened between midnight and 12:45.³²

The men’s strong alibis were not the only issue. Thalia had repeatedly said she was sure her attackers were all Hawaiian. Joe and Ben were Hawaiian, and Henry was half Hawaiian and half Chinese. But Horace Ida and David Takai were both Japanese. And Haruyo Ida’s car didn’t match the description Thalia had given of an old, dark-colored car with a ripped top: Haruyo’s car was only two years old, with a light tan exterior and a pristine cloth top.³³

²⁸ Stannard, 86.

²⁹ Stannard, 34, 96-97.

³⁰ Stannard, 92, 98.

³¹ Stannard, 92, 99, 127-130, 136-137, 143.

³² Stannard, 187-194.

³³ Stannard, 97, 99, 130, 143-145.

But fortunately for the detectives, Thalia now seemed flexible on details. When John McIntosh, the Chief of Detectives, interviewed Thalia at police headquarters after her exam, she now told Captain McIntosh that she *had* seen a license plate: 58-805. That was only one digit off from Haruyo Ida's plate.³⁴

Later, at trial, a possible explanation for Thalia's sudden memory was provided: throughout the early morning of September 13th, a police dispatcher had repeatedly broadcast a "be on the lookout" alert for a car with license plate 58-895, which had been involved in an assault on a woman. The dispatcher was referring to the assault on Agnes Peeples, but a lay listener would not know that. These broadcasts had blared from police car radios stationed right outside the exam room Thalia Massie was in, an exam room with open windows.³⁵

When Captain McIntosh brought Haruyo's car to the Massie's house around 9AM on the 13th, identifying it to Thalia as, quote, "the suspects' car," Thalia said that while she couldn't be certain that this was the exact car, it was, quote, "a car like that."³⁶ And when McIntosh brought Joe, Henry, David, and Horace in front of Thalia later that day, she identified all of them – except for David Takai – as being her assailants.³⁷

By that time, news of Thalia's rape was public—and causing an enormous uproar. No one was angrier than Admiral Yates Stirling, commandant of the Fourteenth Naval District. An outspoken racist, and an advocate for complete military control of the Hawai'i, Stirling was furious to hear about the attack.³⁸ Notably, Stirling had been much less angry about the two sexual assaults committed by white sailors against Hawaiian women in the past five months; there is no record of the Navy punishing these men after demanding custody of them from the local police.³⁹ But now, Stirling called for, quote, "quick action...and adequate punishment," for these, quote "dark-skinned criminals."⁴⁰ Stirling quickly organized a meeting with Honolulu's power brokers, including the mayor, the district attorney, the navy's shore patrol commander, and the territorial governor, Lawrence Judd.⁴¹

The forty-four-year-old Judd had been governor for two years. This was an appointed position; the men who made the appointment were members of a small white - or

³⁴ Stannard, 138-139.

³⁵ Stannard, 128-129.

³⁶ Stannard, 149.

³⁷ Stannard, 155.

³⁸ Stannard, 158-159.

³⁹ Stannard, 159.

⁴⁰ Stannard, 158-160.

⁴¹ Stannard, 163.

haole— elite, the descendants of the white missionaries and planters who had wrested power and land away from native Hawaiians over the course of the nineteenth century, culminating in the 1893 overthrow of the Hawaiian monarchy, the 1898 annexation of Hawai‘i, and the establishment of the United States Territory of Hawai‘i in 1900, all despite strenuous protests by native Hawaiians.⁴² By 1931, though there was an elected territorial legislature, the true political power in Hawai‘i belonged to the sugarcane corporations known as the Big Five, who appointed governors who would do their bidding – governors like Lawrence Judd.⁴³ But the United States Navy had also begun to play an increasingly important role in the territory. Thanks to the Great Depression, revenue from tourism, sugar, and pineapples was down. The Navy, which planned to invest millions into Pearl Harbor, offered economic relief.⁴⁴ And so, writes historian David Stannard in his book on the trial, this first meeting between Stirling and Judd, quote, “set the tone for all that were to follow. The admiral was used to giving orders. The governor was used to taking them. Before long, a full-bore prosecution was under way.”⁴⁵

Judd and Stirling had the benefit of a compliant media environment. Two of O‘ahu’s largest English-language newspapers, the *Honolulu Advertiser* and the *Honolulu Star-Bulletin*, were closely intertwined with the military and business elite’s interests. Assisted by the police, who readily provided them with information, these papers began conducting a trial by press, depicting the case against the five men as watertight.⁴⁶

Behind the scenes, the case was anything but. The timeline made it almost impossible for the suspects to have committed the crime. And though Thalia’s story now better fitted the suspects, the police lacked physical evidence to support this story. When police investigators fingerprinted Haruyo Ida’s car, they found plenty of prints - but not a single one belonging to Thalia Massie.⁴⁷ And more troublingly, the police were struggling to find proof that Thalia had been raped at all.

I will mention here that false reports of rape are very uncommon. The rate of false reports is difficult to measure, since there are many ways to define false – such as stories that were proven false, suspected to be false, or unable to be substantiated or to meet

⁴² Ho‘okahua Cultural Vibrancy Group, “[The Overthrow of the Hawaiian Monarchy](#),” Kamehameha Schools, and “[Hawai‘i Legal History: Timeline](#),” William S. Richardson Law School, University of Hawai‘i at Mānoa, last updated July 13, 2023.

⁴³ Stannard, 160-62.

⁴⁴ Stannard, 163.

⁴⁵ Stannard, 163.

⁴⁶ Stannard, 174-181.

⁴⁷ Stannard, 200.

the threshold for prosecution. But the most comprehensive research indicates a rate of “false” rape reports in the United States to be between 2 and 8%.⁴⁸

We cannot know what exactly happened to Thalia Massie that night in 1931. But the physical evidence did not corroborate her story of being beaten and raped multiple times. At her exam, only several hours after the alleged attack, a doctor and nurse found that the only injury Thalia suffered was a facial one: her jaw was broken. She had no vaginal abrasions or lacerations, and no semen was present. Thalia told the doctor she had douched after arriving home. But no semen was found on any of the clothes that Thalia wore that night, either. Her clothes were, in fact, nearly pristine – besides a few drops of blood on the shoulder, likely from Thalia’s split lip, the clothes looked, according to Dr. Thomas Mossman, the assistant city and county physician, like they had just come from the dry cleaners. Even her shoes were not scuffed. It was hard to imagine that Thalia could have been abducted, beaten, dragged through the woods, and raped, without sustaining a single stain or rip or scuff.⁴⁹

The lack of physical evidence was a particular problem for the prosecution, because Hawai‘i had a law that required corroborating evidence in rape cases. A victim’s testimony alone was not enough.⁵⁰

But prosecutors, led by assistant city & county attorney Griffith Wight, were not deterred by these obstacles. Driven by increasing pressure from the Navy and an outraged public, Wight was determined to get a conviction. And when the men’s trial began on November 16th, 1931, the lengths to which Wight would go to get his conviction would be revealed.

ACT III

When Ben Ahakuelo’s mother, Aggie, heard that her son had been arrested, she was terrified. So she did what any mother would do – she called a princess.⁵¹

As David Stannard explains, quote, “Although the ravages of introduced disease and consequent political upheaval did much to change Hawaiian cultural norms following European contact...one characteristic[...]that endured was the expectation, by rulers and ruled alike, that [rulers] were obliged to care for the common people.”⁵²

⁴⁸ Kimberly A. Lonsway, Joanne Archambault, and David Lisak, “[False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault](#),” The National Center for the Prosecution of Violence Against Women, 2009.

⁴⁹ Stannard, 129, 148, 200.

⁵⁰ Stannard, 246.

⁵¹ Stannard, 208.

⁵² Stannard, 210.

So Princess Abigail Kawananakoa, the current leader of Hawai'i's deposed royal family, did not hesitate to answer Aggie Ahakuelo's call. The princess listened to Aggie's story and then said she would contact one of her friends, the accomplished attorney William H. Heen, to see if he could help.⁵³

William Heen was prominent in Hawai'i's legal and political circles. Half Chinese and half Hawaiian, the forty-eight year old Heen had worked as a prosecutor, a defense attorney, and a judge. He was currently balancing his law practice with his duties as a senator in the territorial legislature.⁵⁴

Heen agreed to look into the case for Princess Kawananakoa. Aware of the racial aspects of the case, he decided to recruit a white attorney to assist him. Bill Pittman was the perfect fit. An excellent attorney, the Mississippi-born Pittman was passionately anti-racist. He also happened to be a descendant of Francis Scott Key, who was decidedly more racist, as we saw in episode 3 of *History on Trial!*⁵⁵

Heen and Pittman wanted to be sure they had a solid case, so they conducted vigorous interrogations of the defendants. At the end, the lawyers were convinced the men were innocent, and agreed to represent them. They divided up the defendants, with William Heen representing Ben Ahakuelo and Henry Chang and Bill Pittman representing Horace Ida and Joe Kahahawai. Robert Murakami later joined the defense as well, representing David Takai.⁵⁶

Hawai'i's haole elite were disturbed by the news that such formidable lawyers had signed on. They began to question whether Griffith Wight was the right man to lead the prosecution. After all, the forty-one-year old had only four years experience as a lawyer. But Wight insisted he could handle the case.⁵⁷

And the prosecution also had reason to hope that the judge would be sympathetic to their cause. Judge Alva E. Steadman, thirty-seven, had married into one of the Big Five families. Right before the trial, Steadman announced that this would be his last trial, as he would be accepting a job with his wife's family company. The defense worried that Steadman, about to leave the bench, would be less concerned with impartiality than he would be with satisfying the Big Five and the Navy.⁵⁸

⁵³ Stannard, 210-211.

⁵⁴ Stannard, 212-213.

⁵⁵ Stannard, 214.

⁵⁶ Stannard, 214, 239.

⁵⁷ Stannard, 214, 218-220.

⁵⁸ Stannard, 239-241.

Their fears seemed to be confirmed as the trial began. Steadman denied nearly all of the defense's motions. Most critically, he denied their motion to get a bill of particulars which would enumerate exactly what crimes each defendant was charged with. This ruling was a particular blow to David Takai. Thalia Massie had always denied that he was one of her attackers, and Takai had no idea what he was even on trial for.⁵⁹

At 10:30AM on November 18th, Griffith Wight delivered a brief opening statement, focusing on the heinousness of the crime. Then, he called Thalia Massie to the stand. Thalia was dressed conservatively and spoke softly. Her testimony was emotional – when she began describing the attack, she broke into tears, prompting Judge Steadman to call a recess. Her testimony was also thorough and precise. She provided detailed descriptions of her assailants, who she now said had referred to each other by name during her assault. She described seeing the license plate and the car – both of which she had initially claimed not to have seen. And these weren't the only changes to her story; Thalia now said that she might have left the Ala Wai Inn as early as 11:35PM.⁶⁰

The most moving part of her testimony came when Thalia spoke of discovering, a month after the alleged assault, that she was pregnant. In truth, Thalia had only suspected she was pregnant; when she went to the hospital and had a dilation and curettage performed, no evidence of pregnancy was discovered. But that fact never emerged at trial. And the horror of her ordeal moved many in the courtroom.⁶¹

On cross, William Heen gently – but insistently – pushed Thalia on the details of her attack and on the timeline. When Heen asked her about the discrepancies between her testimony and her initial report to the police – such as the ethnicity of her assailants or the description of the car – Thalia claimed she couldn't remember what she'd said when.⁶²

With Thalia's testimony entered, Griffith Wight now worked to introduce corroborative evidence. He called Thalia's personal physician, Dr. John Porter, to describe the injuries to Thalia's face. Then, he presented a series of police officers.⁶³

The first police witness was Detective John C. Cluney. Cluney had been one of Horace Ida's arresting officers. Shortly after bringing Horace in, Cluney said, Horace told him that, quote, "one of the boys in his car struck Mrs. Peeples, but as far as the striking of this white woman he said he didn't know anything about it." "At [the] time," Wight

⁵⁹ Stannard, 240, 309.

⁶⁰ [Testimony of Thalia Hubbard Massie](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 1, page 1-10 (PDF page numbering used for testimony documents, for consistency), and Stannard, 248-251.

⁶¹ Testimony of Thalia Hubbard Massie, 8, and Stannard, 225, 251,

⁶² Stannard, 251-256.

⁶³ Stannard, 257-260.

asked Cluney, “had you mentioned to him that a white woman had been struck?” “I had not,” Cluney said. The implication was clear: the only way that Horace Ida could have known about the attack on Thalia at this point was if he had committed it.⁶⁴

William Heen was shocked – he had never heard any mention of this exchange. On cross, he asked Cluney if he had written a report that night. Cluney said he had, but that he didn’t have it on him. The detective was excused to fetch his report.⁶⁵

In the meantime, Wight called his next police witness, Officer Claude Benton. Benton had conducted a search of the crime scene in the early hours of September 13th, shortly after the assault was reported. At the scene, Benton had found several items that Thalia Massie identified as hers, including a pocket mirror and a pack of cigarettes.⁶⁶ But Benton had also found something much more important, he now revealed on the stand: tire tracks. “Three Goodrich Silverton cords and one Goodyear-All Weather,” Benton explained, with the Goodyear tire on the left rear.⁶⁷ These were, of course, the same tires as those on Haruyo Ida’s car.⁶⁸ Benton had even taken Horace Ida, in his sister’s car, to the crime scene, to compare the tracks. Wight clarified when the comparison visit had happened – “*Sunday* morning?” he asked. Benton said yes.⁶⁹

William Heen knew how damaging this testimony sounded. But he thought he might be able to undermine it. His first step was asking for Benton’s written report. Heen received it right before he began his cross examination of Benton that afternoon and had to quickly scan it.⁷⁰ Then, he began questioning Benton. After reviewing the tire evidence, Heen asked Benton what exactly he had found at the crime scene.⁷¹ Benton walked through the evidence, recalling the brands of the cigarettes found, the various match boxes, and the pocket mirror.⁷² It was clear that he was a detail-oriented, methodical officer, unlikely to miss things or make mistakes. Having established this, Heen dropped the hammer: “Now, Mr. Benton..why didn’t you include [the tire marks] in your written statement?”⁷³

Heen read Benton’s report aloud in court. There was no mention of the tire tracks.⁷⁴ Benton could only offer vague explanations, saying that he didn’t realize the tire tracks

⁶⁴ [Testimony of John C. Cluney](#), *Territory of Hawai’i v. Ben Ahakuelo et al.*, vol. 1, 70.

⁶⁵ Testimony of John C. Cluney, 71.

⁶⁶ [Testimony of Claude F. Benton](#), *Territory of Hawai’i v. Ben Ahakuelo et al.*, vol. 1, 79.

⁶⁷ Testimony of Claude F. Benton, 73-76.

⁶⁸ Testimony of Claude F. Benton, 81-82.

⁶⁹ Testimony of Claude F. Benton, 80-81.

⁷⁰ Stannard, 268.

⁷¹ Testimony of Claude F. Benton, 92-101, 106-111.

⁷² Testimony of Claude F. Benton, 112-114.

⁷³ Testimony of Claude F. Benton, 115, and Stannard, 270.

⁷⁴ Stannard, 270.

mattered until he knew about Haruyo Ida's car.⁷⁵ On redirect, Griffith Wight tried to clean things up by asking more questions about the visit Benton had made to the crime scene with Horace Ida. It had only been a few hours after his first inspection of the scene, Benton confirmed.⁷⁶ This redirect didn't add much to Benton's damaged credibility...and worse was still to come.

But for now, Officer Benton was dismissed, and Detective Cluney returned. He told the court that he was unable to find his report. This would become a pattern – the defense would ask for a police report, only to be told it was missing.⁷⁷ However, in this case, Heen could still question Cluney about the contents of his report. He asked Cluney if he had recorded Horace Ida's reference to a white woman anywhere. Cluney said he had not – when Heen asked why, Cluney admitted it was because, quote "I was instructed to keep it under cover." Who had instructed him to do this? Griffith Wight, the prosecutor, Cluney said.⁷⁸ Cluney also admitted that he had only remembered the alleged exchange five weeks after Horace Ida was first brought in.⁷⁹

Cluney's suspicious recollection of this exchange aside, this story was much less damaging than it sounded. When Cluney had brought Horace to the police station, he had briefly left Horace alone while he searched for Captain McIntosh. Police Officer Cecil Rickard would later admit, months after the trial ended, that he had approached Horace during this period and asked him about the assault. So Horace had a legitimate reason to know that the victim was a white woman.⁸⁰

After Wight introduced a few more police witnesses, who had helped administer Thalia's identification of the suspects, Heen asked for Officer Benton to be recalled to the stand.⁸¹ His questions this time around focused on Benton's visit to the scene with Horace Ida. Wight had made a point of having Benton emphasize that his visit had been on Sunday morning, only hours after his first visit. The implication being that the only way the tire tracks could have gotten there was during the commission of the crime. But, Heen now asked, hadn't this second visit actually happened on Monday morning? Yes, Benton admitted.⁸² Not only had Benton omitted the supposedly crucial tire marks from his report, he had now also been caught lying on the stand.

⁷⁵ Testimony of Claude F. Benton, 116.

⁷⁶ Testimony of Claude F. Benton, 117-118

⁷⁷ Stannard, 280.

⁷⁸ Testimony of John C. Cluney, 130, 133.

⁷⁹ Testimony of John C. Cluney, 136-137,

⁸⁰ Stannard, 136-137, 272.

⁸¹ Stannard, 275.

⁸² [Testimony of Claude F. Benton](#), vol. 2, 2.

The prosecution's other main police witness, Captain John McIntosh, proved to be no more helpful than Benton or Cluney had been. As chief of detectives, McIntosh had supervised the investigation almost from the beginning. A veteran of colonial police forces in South Africa and New Zealand, and a former sugarcane plantation overseer, McIntosh had been brought onto the police force, in his own words, quote "by the business interests and the politicians."⁸³

McIntosh provided little new evidence during his direct examination. His cross, however, was illuminating. Under questioning by Heen, McIntosh admitted that Thalia's fingerprints had not been found in Haruyo Ida's car, that no semen had been found on Thalia's clothing or in the defendants' clothing, and that there were a number of discrepancies between the story that Thalia had first told and the one she had told on the stand.⁸⁴

Wight's only other witnesses were a few police officers who had helped administer Thalia's identification of the defendants, none of whom had much to add. After three days and twelve witnesses, Wight rested the prosecution case.⁸⁵

Wight's case was flimsy, at best. But as we've seen so often, what is happening outside the courtroom can have an enormous impact on a jury's decisions. Though Judge Steadman instructed jurors to avoid reading press coverage of the trial, it would be difficult for them to avoid it entirely.⁸⁶ Many papers put the case on the front page of every issue; often, their reporting was highly biased towards the prosecution. The Honolulu Advertiser, for example, titled a story on Heen's cross examination of Benton, quote, "Defense Fails to Shake Officer's Story at Trial."⁸⁷

Not every newspaper was so biased. George Wright, a reporter who managed the English-language section of the Japanese-language newspaper *Hawai'i Hochi*, for example, had been questioning the predominant narrative of the case from the start.⁸⁸ As David Stannard describes, quote, "two completely different accounts of what happened to Thalia Massie on Saturday night, September 12, made their way through the homes and streets and workplaces of Honolulu. Which rendition people believed depended in large part on the newspapers they read. And what they read was a consequence of who and what those people were...the split in opinion that now was

⁸³ Stannard, 131-136.

⁸⁴ [Testimony of John McIntosh](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 2, 22-61.

⁸⁵ Stannard, 282.

⁸⁶ Stannard, 273-275.

⁸⁷ "[Defense Fails to Shake Officer's Story at Trial](#)," *The Honolulu Advertiser*, November 20, 1931, page 9.

⁸⁸ Stannard, 204-206.

emerging cut right down the middle—haoles on one side, almost everyone else on the other.”⁸⁹

Even if most of the jurors were not white themselves, all of them depended on the haole elite for their livelihoods.⁹⁰ And they were aware of how badly their bosses wanted a conviction. As Ben Ahakuelo later noted, quote, “all the big guys in town—the guys working for the big firms—came and sat in court and stared at the jury...What they were saying with their eyes was that if this doesn’t come out right you’re going to get fired.”⁹¹

So despite the seeming weakness of the prosecution’s case, the defense still had a battle ahead of them. Fortunately, they came prepared to fight.

ACT IV

On the afternoon of Monday, November 23rd, 1931, William Heen delivered the defense’s opening statement. His argument was simple: the defendants could not have committed this crime.⁹²

To prove this argument, the defense presented dozens of witnesses who testified to the whereabouts of the defendants on the night in question. These witnesses, who had either spoken to or seen the defendants, could account for almost every minute of the men’s movements between 10PM and 1AM.⁹³

What was more, the defense also had witnesses who had likely seen *Thalia* that night, at the very time she claimed she had been abducted. George and Mamie Goeas had attended the dance at Waikīkī Park, then walked down John Ena Road for a late night snack. At five or ten minutes after midnight, they saw a white woman in a green dress, who appeared drunk, walk past them. Like *Thalia*, this woman had a distinctive gait – she walked with her head tilted down and to the side. A white man in a dark suit walked several paces behind her.⁹⁴

⁸⁹ Stannard, 206.

⁹⁰ Stannard, 244.

⁹¹ Wes Young, “[Ahakuelo talks of Massie case: ‘Decided to set things straight,’](#)” *Honolulu Star-Bulletin*, Jun 14, 1968, page 4.
Stannard, 274.

⁹² Stannard, 282.

⁹³ Stannard, 282-285.

⁹⁴ [Testimony of George Goeas](#), *Territory of Hawai‘i v. Ben Ahakuelo et al.*, vol. 4, 113-123 and [Testimony of Mrs. George Goeas](#), *Territory of Hawai‘i v. Ben Ahakuelo et al.*, vol. 5, 3-11. Mrs. Goeas’s first name is not provided in the transcript; I identified her as Mamie using [FamilySearch](#).

Alice Aramaki, who worked in a barbershop on John Ena Road, saw what looked like the same man and woman a little further down the road a few minutes later.⁹⁵

The Goeas and Aramaki also testified that they had provided this information to both the police and Griffith Wight as soon as they learned of the attack on Thalia. They had provided sworn statements. But the prosecution and the police never investigated further.⁹⁶

Heen now followed the thread of police incompetence, recalling Captain John McIntosh to the stand. Though he had already succeeded in seriously undermining Officer Benton's testimony about the tire tracks, Heen had one last blow to deliver. He asked McIntosh where he had gone to the scene of the crime after Officer Benton first examined it. McIntosh tried to evade the question, but when Heen would not relent, he admitted, quote, "After I left Massie's home I went down to the premises with Ida's car." "Did you drive the Ida car into these premises?" Heen asked. "I did not," McIntosh replied, but then continued, "Sato drove the car in there." Henry Sato was the patrolman who had driven McIntosh to the scene. Those tire marks that the prosecution had made so much of? They had been made by the police.⁹⁷

Heen also asked McIntosh about two witnesses, Tatsumi Matsumoto and Robert Vierra. Matsumoto and Vierra were in the car that Horace had pulled alongside on Beretania Street around 12:15 on the 13th. Police had spoken to both men early in the investigation. Heen wanted to know how the police had learned of Matsumoto and Vierra. McIntosh said that Griffith Wight had told police to question the men.⁹⁸

So William Heen called prosecutor Griffith Wight to the stand. Wight was an unhelpful witness; he acknowledged that he must have heard about Matsumoto and Vierra from one of the defendants, but claimed he couldn't remember which one.⁹⁹ But what Wight actually said didn't matter so much; it was the principle of it. Wight was admitting on the stand that from the very beginning of the investigation, he had been aware of numerous witnesses whose sworn testimony made it very unlikely that the defendants could have committed the crime. And yet he had still continued with the prosecution.

If Wight thought that having to testify in a trial he was prosecuting was rock bottom, there was still lower to sink. While cross-examining Joe Kahahawai, one of the defendants, Wight asked Joe about what Horace Ida was wearing on September 12th.

⁹⁵ [Testimony of Alice Aramaki](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 5, 16-26.

⁹⁶ Testimony of George Goeas, 33-34, Testimony of Mrs. George Goeas, 10 (Mamie Goeas did not sign a statement, but her husband did), and Testimony of Alice Aramaki, 25.

⁹⁷ [Testimony of John McIntosh](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 5, 54-55.

⁹⁸ Testimony of John McIntosh, vol. 5, 51-54.

⁹⁹ [Testimony of Griffith Wight](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 5, 55-60.

Thalia had claimed to recognize a leather jacket when identifying Horace. When Joe denied that Horace had worn this jacket, Wight brought out a transcript of Joe's statement, in which Joe had apparently said Horace *had* worn the jacket. "Do you remember saying that?" Wight asked. "That is what you put in there," Joe shot back. Flustered, Wight said "Not what I put in here," and tried to change the subject.¹⁰⁰

William Heen was only too happy to return to this exchange during his redirect. After confirming with Joe that Horace had *not* been wearing a leather jacket, Heen asked, "How did you happen to say to Mr. Wight that he did[...]?" "Well," Joe said, "he put it in the statement, and then after I signed the statement, I scratched it out." Heen turned to Wight and asked his copy of Joe's interview. Wight, caught in his own net, handed over the paper, admitting, quote "It is scratched out."¹⁰¹

More examples of Wight tampering with the defendants' statements soon emerged – thanks, once again, to Wight himself. Defendant David Takai testified that he was the one to tell Wight about seeing Matsumoto. On cross, Wight asked, quote, "Why didn't you put in the fact you saw Matsumoto's car in the written statement?" "I told you this matter," David replied, "and you told her [the stenographer], not to put it down."¹⁰² Another brilliant own goal by Griffith Wight!

By now, Heen had clearly shown prosecutorial and police misconduct. But he also wanted to show that many police officers involved with the case would also back up the defense. Not all of these police witnesses were enthusiastic about testifying for the defense, but they were forthright.¹⁰³

After Captain McIntosh had taken over the case, he had replaced all the non-white detectives with white officers.¹⁰⁴ Those replaced included the four detectives who had responded to the initial callout to the Massie house. All four of these men testified to Thalia's original statement, in which she said she could not see any faces or any details of the car.¹⁰⁵

And Detective Luciano Machado revealed that Thalia had been unsure of her identifications. When Ben Ahakuelo was brought in front of her, Thalia had only confirmed he was one of her assailants after Captain McIntosh whispered to her that he was.¹⁰⁶

¹⁰⁰ [Testimony of Joseph Kahahawai, Jr.](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 5, 117-118.

¹⁰¹ Testimony of Joseph Kahahawai, Jr., 121-123.

¹⁰² [Testimony of David Takai](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 6, 15.

¹⁰³ Stannard, 294.

¹⁰⁴ Stannard, 154.

¹⁰⁵ Stannard, 294.

¹⁰⁶ [Testimony of Luciano Machado](#), *Territory of Hawai'i v. Ben Ahakuelo et al.*, vol. 4, 44-45.

After a week of testimony from 52 witnesses, the defense was satisfied that they had proven not only that the defendants could not have committed the crime, but that the police and the prosecutor had lied and manufactured evidence.¹⁰⁷

Given this, Griffith Wight would need to appeal to emotion, not evidence, in his closing argument, delivered on the morning of December 1st. And emotion, Wight could do. “This is one of the worst cases we have ever had,” he began, describing how Thalia Massie, a quote, “young, inexperienced girl,” had just been taking a walk when, quote, “she was assaulted by beasts.” Would the jury further victimize Thalia, by rejecting her testimony and labeling her a quote, “unmitigated liar”? He knew they would not. They would, quote “be men,” he insisted, and they would consider what they would want done if their wives were harmed. “You would want to go down and shoot the men,” Wight said. To avenge not just Thalia, but Tommie Massie too, they must find the defendants guilty.¹⁰⁸

All three defense lawyers gave closing arguments. Robert Murakami, representing David Takai, focused on the defendants’ alibis, saying that in the face of the timeline, quote, “I doubt that the prosecuting attorney, as a reasonable man, can honestly believe that these are the men.”¹⁰⁹

In his closing, Bill Pittman was less generous towards the prosecution. “This entire case,” Pittman stated, “is a frame up.” A prosecutor’s job was to seek truth, not a conviction at any costs, he continued. And though he thought rape was a terrible crime, he thought there was, quote, “a worse crime, one more heinous, and that is sending innocent men to the penitentiary.” Pittman concluded by exhorting the jurors not to commit this crime. “You cannot, if you are honest and upright men, convict these men...I know these men are innocent, and I know this jury will not swerve from its duty of acquitting them.”¹¹⁰

William Heen gave the final defense closing argument. He combined Murakami and Pittman’s approaches, walking through all the evidence that proved his clients were innocent and incapable of committing the crime. The only crimes that this trial had proven, Heen said, were those committed by the police officers, like Officer Benton, who had perjured themselves. They had only done so, Heen believed, because of, quote, “the public clamor to crucify [the defendants] on a cross of prejudice and sentiment.” He pointed out that other police officers had resisted this pressure and testified honestly.

¹⁰⁷ Stannard, 282.

¹⁰⁸ Stannard, 300-302.

¹⁰⁹ Stannard, 302.

¹¹⁰ Stannard, 303-306.

Wasn't their word worth as much as anyone else? Or, Heen asked, quote, "Are we to disregard the testimony of these witnesses...simply because they are Hawaiian, Chinese, Japanese or Portuguese?" He concluded by asking the jurors to be, quote "honest and courageous in reaching your verdict, and return a verdict of not guilty."¹¹¹

Griffith Wight came out swinging in his rebuttal. "If anyone has been crucified," he said, "it is this lovely girl who crucified herself to protect other women of Honolulu." Wight briefly addressed the evidence again, calling the officers who testified for the defense, quote, "traitors," and said that Officer Benton's testimony, quote, "still stands unchallenged." But for his final message to the jurors, he fell back on emotional appeals. "What we call upon you gentlemen of the jury for," Wight said, "is to vindicate Hawaii, to show that you will protect your women....Stand together..for a true verdict and thus justify your manhood."¹¹²

The jury received the case around 9pm on Wednesday, December 2nd. People thought it would be a quick deliberation, but for very different reasons. Many Navy men and other *haoles* thought the prosecution had it in the bag. Many others thought acquittal would be immediate.¹¹³

Both groups were wrong. The jury deliberated for nearly 100 hours. Tempers got so heated that several jurors got into a physical fight. William Heen called for a mistrial. Judge Steadman admonished the jurors. Eventually, they claimed they could not reach a verdict; Steadman told them to keep trying. But finally, at 10pm on Sunday, December 6th, 1931, he accepted that the jury was deadlocked.¹¹⁴

In the case of the *Territory of Hawai'i v. Ben Ahakuelo*, et al, Judge Steadman declared a mistrial.¹¹⁵

EPILOGUE

Chaos erupted at the news of the mistrial. Some people were thrilled with the outcome. Others were furious. Admiral Yates Stirling called the result, quote, "a stupid miscarriage of justice which could have been avoided if the Territorial Government had shown more inclination to sympathize with my insistence upon the necessity of a conviction. The defendants," he concluded, "were not men who should have been given the benefit of a reasonable doubt."¹¹⁶

¹¹¹ Stannard, 307, 315-316.

¹¹² Stannard, 316-317.

¹¹³ Stannard, 319-320.

¹¹⁴ Stannard, 319-322.

¹¹⁵ Stannard, 322.

¹¹⁶ Stannard, 324.

Grace Fortescue, Thalia's mother, vehemently agreed. She had traveled to Hawai'i shortly before the trial and had been horrified by what she saw as immoral racial integration. She made a habit of calling the police on her Hawaiian neighbors, and requested that only white nurses treat Thalia.¹¹⁷ The mistrial, in Grace Fortescue's mind, was a symptom of the dangerous erosion of white supremacy in the territory. She could not bear the thought of a second trial ending without a conviction. If the legal system could not guarantee her the outcome she wanted, she thought, she'd just have to take matters into her own hands. And so Grace Fortescue bought a gun...and she began to plot...

To find out what happens next, join me next week for part two of the Massie Case.

Thank you for listening to History on Trial. If you enjoyed this episode, please consider leaving a rating or review; it can help new listeners find the show! To see images of the people and places in this episode, check out our Instagram @historyontrial. My main sources for this episode were David E. Stannard's book *Honor Killing: Race, Rape, and Clarence Darrow's Spectacular Last Case* and the trial transcripts, published by the University of Minnesota's Clarence Darrow Digital Collection.¹¹⁸ For a full bibliography as well as a transcript of this episode with citations, please visit our website, historyontrialpodcast.com

¹¹⁷ Stannard, 224-227, 357.

¹¹⁸ [Trial Documents](#), *The Massie Trial*, The Clarence Darrow Digital Collection, University of Minnesota Law Library.

