

Letterhead of -
PINKERTON'S NATIONAL DETECTIVE AGENCY, INC.
154 Nassau Street,
New York.

October 3, 1932

His Excellency, Lawrence M. Judd,
Governor, Territory of Hawaii,
Honolulu, T.H.

Your Excellency:

In consequence of your instructions to investigate the so-called "Ala Moana assault case" to determine if possible the true circumstances of the assault upon Mrs. Thalia Massie about midnight, Saturday, September 12, 1931, at Honolulu, T.H., and particularly if raped, by whom, we detailed for this purpose our California Division Manager, Mr. J. C. Fraser, a skilled detective of many years experience with this Agency thruout the United States and abroad.

By your instructions Mr. Fraser met you at San Francisco, June 9th, and at the conference which ensued you reviewed the Ala Moana Assault Case and instructed Mr. Fraser upon his arrival in Honolulu to call on Attorney General Harry R. Hewitt, Deputy Attorney General Harold T. Kay and Public Prosecutor John C. Kelley; also to meet Acting Governor Raymond C. Brown, who would render all possible assistance. You informed Mr. Fraser that Deputy Attorney General Kay had been assisting the Attorney General in an exhaustive investigation of the Ala Moana Assault Case and was in position to furnish information as to the investigation to date.

At this interview you impressed upon Mr. Fraser that the investigation he was to make would be free from interference of any kind and what was desired were truth and facts "no matter where it struck."

Mr. Fraser left San Francisco June 10th, 1932 and arrived at Honolulu at 5 p.m. June 14th.

On June 15th Mr. Fraser conferred with Attorney General Hewitt, Deputy Attorney General Kay and Prosecutor Kelley and received their assurance of complete assistance. Thereafter from time to time these public officials were conferred with and on all occasions their full cooperation was willingly and promptly furnished.

Upon your specific request our Mr. Fraser called upon the Commandant, Fourteenth Naval District, to explain fully why he was in the Islands and to receive from the Naval personnel any and all information of assistance to the Territory and to this Agency in the investigation in progress.

Our Secret Operative A.H., who had formerly resided in Honolulu and who speaks the Hawaiian language, was used to associate in a secret capacity with the groups of local youths and the frequenters of the places patronized by this element. It developed that those who had been under suspicion of complicity in this case and others suspected of possessing information in connection therewith were not frequenting these places as formerly, and to avoid the probable expensive delay in contacting them and developing their confidence to the point where they would talk on

the Ala Moana case, we withdrew Secret Operative A.M. and replace him with an open investigative operative, G.A.M., to assist in the large number of interviews which seemed necessary to be arranged. Operative G.A.M. continued operating with Mr. Fraser until the close of the investigation August 31, 1932.

Mr. Fraser and Operative G.A.M. interviewed a large number of local persons seeking hitherto undisclosed information having a bearing on this case, and investigated the stated incidents of the alleged kidnaping and rape as related by Mrs. Massie and others to determine, if possible, the facts.

An analysis of the reports of our representatives, together with the reports and statements of the Attorney General's office, the office of the Public Prosecutor, and the Police Department, also the testimony at the trial of the defendants, makes it impossible to escape the conviction that the kidnaping and assault was not caused by those accused, with the attendant circumstances alleged by Mrs. Massie. We can only assume that the reason Mrs. Massie did not give to the authorities, immediately after the alleged offense, the same details of information she was able to furnish by her testimony at the trial is because she did not possess it at the time she was questioned by those she came in contact with immediately after the alleged offense.

No more satisfactory is Mrs. Massie's account of the time she left Ala Wai Inn. That she was last seen by certain associates at 11:30 p.m. proves nothing as to the

time she left the Inn. No one, however, can be found who saw her leave the Inn, and thereby fix that time.

The time of her appearance at or near the point she alleges to have been kidnaped is vital and upon it largely depends conclusion as to opportunity the accused would have had to commit the offense.

Neither the investigators of the Attorney General's office, the office of the Public Prosecutor, the Police Department nor ourselves were able to locate any persons who saw one dressed like and resembling Mrs. Massie on the route alleged to have been followed by her, except Mr. and Mrs. George Goeas, Alice Aramaki, Eugenio Batungbacal, Roger Liu and Charles Chang. Their statements and testimony need to be reviewed for a clear understanding of the importance of that which they relate. George Goeas' testimony is supported by his wife and partially by Alice Aramaki. Eugenio Batungbacal's statement is supported in its principal features by Liu and Chang, excepting as to the number of men seen with the woman they refer to. The fixing of the time by Mr. and Mrs. Goeas, Eugenio Batungbacal, et al, is based on the time of the closing of the dance at the Waikiki Park and irrespective of whether they ascertained the time of their movements and of their observations by the viewing of a watch or clock, it has been determined that the incidents they relate occurred immediately following the closing of the Waikiki dance, and that dance closed at midnight or one or two minutes before.

Briefly, Mr. and Mrs. Goeas at about 12.0t a.m., September 13, 1931, not earlier but possibly a minute or two later, saw a woman in a green dress, similar to that worn by Mrs. Massie, of Mrs. Massie's general description, including light hair, pass along John Ena Road, being followed at a distance of five or six feet by a white man. Alice Aramaki also saw a woman at about the same time, similarly dressed, walking along approximately the same point on John Ena Road. Eugenio Batungbacal and his associates at a time estimated to be a few minutes later saw a woman in the company of several men outside a parked small touring car at a point on John Ena Road about 200 feet beyond the point where the woman in the greendress had been seen by Mr. and Mrs. Goeas and by Alice Aramaki. These men appeared to be assisting or having hold of the woman and attempting to get her into the automobile. There were no outcries nor alarm sufficient to cause Eugenio Batungbacal and his associates to stop their car and interfere and the testimony and statements of these men show that there was considerable vehicular traffic on the road passing this particular point at this time.

Our investigation embraced a careful examination into the alibi of the accused and we failed to discover any important circumstance disproving in any manner any portion of the statements which they had made immediately upon their arrest, their examination by the police and prosecution subsequently and their testimony at the trial. In other words, the movements of the accused on the night of the alleged assault remain precisely as they were originally accounted fo.

Our investigation included contact and interviews with various groups of local youths and with business men and many of the Navy officers, their wives and guests at the Ala Wai Inn Saturday night, September 12, 1931. We also interviewed the four living defendants and many persons having knowledge of particular conditions and situations involved. We detected numerous errors in previous statements and testimony but none of which were of a nature that would lead to a definite solution of this case. In this connection the fact that our investigation commenced nine months after the alleged crime and after the local authorities had repeatedly interviewed the important persons from whom information might be obtained, it is reasonable to believe that having reiterated their stories so frequently and having digested the verbatim trial reports as published in the newspapers, those available for questioning had very definitely fixed in their minds their own recollections and conclusions, and especially in connection with those who had testified at the trial, it was quite likely they would adhere to their original stories.

The manner of procuring the identification of the suspects, the delay in the thorough examination of complainant and suspects for evidence of the offense on their persons, the manner of attempting identification of Ida's automobile, license number, auto tracks at Quarantine grounds, was not in accordance with best police practice. With the statements of Mrs. Massie and her positive identification of several of the accused boys, all occurring

early Sunday morning and before any of the government lawyers had been apprised of the alleged assault, it is apparent that the matter had to go to trial and be sifted before a jury. It was, therefore, apparently inescapable that the prosecution be built up around Mrs. Massie's own recital of the events to the exclusion of other possibilities, chief of which is the presence on John Ena Road of a woman resembling Mrs. Massie at a time other than Mrs. Massie states she could have been at that point and under circumstances from which reasonable inference may be taken that Mrs. Massie was not violently kidnaped, provided this woman so seen by Goetz, et al, was Mrs. Massie. We have no proof that this woman was Mrs. Massie. Neither do we have any proof of the incidents related by Mrs. Massie from the time she claims to have left the Inn until she was picked up on the road by the Ballingers and Clarks, excepting the bruises she bore. The fact that various articles belonging to Mrs. Massie were found near the cement slab in the animal quarantine grounds is of doubtful value as proof that Mrs. Massie was raped at that point. Other circumstances seem to warrant questioning the accuracy of her statements as to what occurred there.

It is doubtful at this late date if direct investigation of this alleged assault will disclose the identity of those who physically assaulted Mrs. Massie. Theories as to the possible manner in which this occurred may be stated but without definite proof in support thereof, it obviously is unwise to state theories.

We believe that if further information is obtained tending to a solution of this crime, it will come thru information volunteered by individuals stimulated by the reward offered by the Chamber of Commerce, and with this in mind our Mr. Fraser was quite careful to impress upon those whom he considered most likely to come into possession of such information, the fact that this reward is waiting for those who would assist in the successful conclusion of this case.

It is quite evident that the Public Officers charged with the prosecution of the accused most energetically endeavored to convict them. Following the mistrial the case was exhaustively reviewed and investigated by the Attorney General's office with Deputy Attorney General Kay in charge. Still later Mr. John C. Kelley, newly appointed Public Prosecutor replacing the County Attorney in the handling of criminal matters, conducted a further searching investigation, but all to no avail.

We believe to date everything possible has been done and it will now be necessary to await fortunate circumstances or the appearance of persons seeking the reward offering helpful information.

A further and detailed report will subsequently be delivered to you.

Yours very truly,

(Signed)

Asher Rossetter

Vice President & Gen'l. Manager.

Letterhead of -
PINKERTON'S NATIONAL DETECTIVE AGENCY, INC.
154 Nassau Street,
New York.

October 14, 1932.

His Excellency, Lawrence M. Judd,
Governor, Territory of Hawaii,
Honolulu, T.H.

Your Excellency:

We submit herewith a further report, being our analysis and review of the "Ala Moana" case.

Our investigation having commenced nine months following the alleged crime and supplementing the extensive investigations by the Police Department, the Attorney General's office and the office of the City and County Attorney, and seven months after the trial of five persons accused of the crime, our inquiries, although completely independent of the previously conducted investigations, necessarily involved the study and analysis of the reports of interviews and statements taken by the Police and other Detectives, and the attorneys for the Territory, also the reviewing and analysing of the trial testimony.

, Our investigation did not disclose the cause and the identity of the person or persons responsible for the physical attack on Mrs. Thalia Massie. However, the presence of our investigator on the ground and opportunity to inquire into the collateral facts, as well as the main issues, enables us to point out some interesting and important factors having a very definite bearing upon the probability of the innocence of the accused.

This report is not our final report. We are still engaged in a study of particular features having an important bearing on our conclusions. We, therefore, submit it with the stipulation that we are privileged to supplement or amend it and that no action be taken upon it until our further report is received or you are advised by us that we have no correction or addition to make.

Yours truly,

(Signed)

Asher Rossetter
Vice President & Gen'l Manager.

COMMERCIAL PACIFIC CABLE

December 13, 1932

NIGHT LETTER

RALPH DUDLEY
154 Nassau Street,
New York City

WHEN MAY I EXPECT FINAL REPORT

JUDD

GOVERNOR

Charge Governor's Office

COMMERCIAL PACIFIC CABLE

E. HU7 NEWYORK 16 11.50 AM 1932 DEC 14 AM 6 41

GOVERNOR LAWRENCE M JUDD

HONOLULU

YOUR CABLE FOURTEENTH CONSIDER REPORT FURNISHED OUR
FINAL REPORT

RALPH DUDLEY

TABLE OF CONTENTS

"ALA MOANA" CASE

| | <u>Page</u> |
|--|-------------|
| Re - Mrs. Massie's statements, made immediately following alleged rape | 3 |
| " - Number of assailants | 34 |
| " - Nationality of assailants. | 36 |
| " - Kind of auto used by assailants. | 36 |
| " - License number of auto used by assailants. | 38 |
| " - Names mentioned by assailants. | 43 |
| " - As to rape having occurred. | 44 |
| " - Mrs. Massie's ability to identify assailants. | 68 |
| " - Identifying auto used by accused. | 76 |
| " - Arrest of suspects. | 79 |
| " - Identification of suspects. | 86 |
| " - Other evidence opposing Mrs. Massie's recital. | 95 |
| " - Time factor, re Mrs. Massie. | 162 |
| " - Time factor, re the accused. | 190 |
| " - Miscellany. | 262 |

re - "Ala Moana" Case.

New York, October 8, 1932

In consequence of your instructions to investigate the so-called "Ala Moana Assault Case" to determine, if possible, the true circumstances of the assault upon Mrs. Thalia Massie about midnight Saturday, September 12, 1931 at Honolulu, T.H., and particularly if raped, by whom, we detailed for this purpose our California Division Manager, Mr. J. C. Fraser, a skilled detective of many years experience with this agency thruout the United States and abroad.

By your instructions Mr. Fraser met you at San Francisco, June 9th and at the conference which ensued you reviewed the Ala Moana assault case and instructed Mr. Fraser upon his arrival in Honolulu to call on Attorney General Harry R. Hewitt, Deputy Attorney General Harold T. Kay and Public Prosecutor John C. Kelley; also to meet Acting Governor Raymond C. Brown, who would render all possible assistance. You informed Mr. Fraser that Deputy Attorney General Kay had been assisting the Attorney General in an exhaustive investigation of the Ala Moana case and was in position to furnish information as to the investigation to date.

Mr. Fraser left San Francisco, June 10, 1932 and arrived at Honolulu at 5 p.m. June 14th.

At this interview you impressed upon Mr. Fraser that the investigation he was to make would be free from interference of any kind and that what was desired were truth and facts, "no matter where it struck."

On June 15th Mr. Fraser conferred with Attorney General Hewitt, Deputy Attorney General Kay and Prosecutor Kelley and received their assurance of complete assistance. Thereafter, from time to time, these public officials were conferred with and on all occasions their full cooperation was willingly and promptly furnished.

Upon your specific request our Mr. Fraser called upon the Commandant, Fourteenth Naval District, to explain fully why he, Mr. Fraser, was in the Islands and to receive from the Navy personnel any and all information of assistance to the Territory and to this agency in the investigation in progress.

Our Secret Operative A.H., who had formerly resided in Honolulu and who speaks the Hawaiian language, was used to associate in a secret capacity with the members of the local gangs and the frequenters of the resorts patronized by this element.

It developed that those who had been under suspicion of complicity in this case and others suspected of possessing information in connection therewith were not frequenting the resorts as formerly, and to avoid the probable expensive delay in contacting them and developing their confidence to the point where they would talk on the Ala Moana case we withdrew Secret Operative A.H. and replaced him with an open investigating operative, G.A.M., to assist in the large number of interviews which seemed necessary to be arranged. Operative G.A.M. continued operating with Mr. Fraser until August 31, 1932, at which date both Mr. Fraser and operative G.A.M. returned to the mainland.

The kidnaping and assault is alleged by Mrs. Massie to have occurred around midnight September 12th Mrs. Massie's Statements and her statements made immediately after, as repeated made immediately or testified to by those to whom made or by whom overheard, following the alleged rape. May reasonably be considered her actual story as unaffected by other occurrences and influences subsequently injected into the proceedings.

Eustace L. Bellinger in statement made to Eustace L. Bellinger Inspector of Detectives John N. McIntosh at 8.20 p.m. September 18, 1931, and who was driving the car hailed by Mrs. Massie on Ala Moana Road early on the morning of September 13, 1931 states;

"After passing the coral fill on the right (Ala Moana Road) I saw a lady on the road apparently walking toward us and signalling to us to stop. We stopped. She being on the right hand side of the car and our windows up, it was not possible to hear or understand the first words spoken, and on lowering the window about the first thing that I remember the lady saying was, "Are you white people?" We answered yes, and asked what was her trouble. She stated that she had been picked up by five or six Hawaiian boys who had beaten her up and thrown her out of the car. We questioned her where the boys were and she said they were going to Kalihi. In the meantime we had let her into the car and it was suggested that she be taken to the police station. She immediately pleaded that we take her home, giving us her house and street address. She was questioned by Mrs. Clark as to whether they had done anything other than beat her up. She answered, "no."

George William Clark, Sr., who was in Bellinger's Geo. Wm. Clark, Sr. car when it was hailed by Mrs. Massie, in his signed statement to Inspector McIntosh, September 17, 1931 stated:

"We had asked her what had happened and she told us that she had been beaten up by a gang of hoodlums. She did not want to come to the police station. She asked to be taken home and said her husband would take care of her. As to what had really happened to her, she then told us that she had been to a party of six or eight. She had left the party about midnight because someone at the party had said something to her that peeved her, so she went for a walk and fresh air. She said she went along Kalakaua Avenue until she came to the pink store (meaning the store at the corner of Kalakaua and John Ena Road.) After she had gone down the road a short distance she said a car drove up behind her and two men jumped off it and dragged her into the car. When she cried out for help they punched her on the mouth and held their hands over her face to stifle her cries. She then said they drove her down the Ala Moana Road until they came to a clump of trees and drove in there. We asked if she knew in which direction the gang went, and she said they went in the direction of Kalihi. We asked her if anyone had passed by before we came along and she said no. We were the first ones to come along after she came out of the woods. We tried to question her further and get some information but she begged us not to ask her too many questions as her jaw hurt her very badly. We asked her what part of Manoa and she said Kahawai Street. We took her to Kahawai Street and dropped her off where she said she lived.

"My wife asked her if she had been injured in any other way and she said, "no."

When asked about the car these boys rode in, she said it was either a Ford or Chevrolet. She did not mention any car numbers."

Mr. George William Clark, Sr. is now deceased.

Mrs. George W. Clark, Sr., who was riding with

Mrs. Geo. W.
Clark, Sr.

Mr. and Mrs. Bellinger, her husband and son

George W. Clark, Jr. on Ala Moana Road shortly after midnight of Saturday, September 12th, in statement to our representatives June 22, 1932 related:

"About 12.30 a.m., Sunday September 13, 1931, left home in company with Mr. and Mrs. Bellinger, my husband George W. Clark and my son George W. Clark, Jr. We had been playing cards at the home of the Bellingers across the way and I suggested after the game to go get something to eat, so we started for the Barbecue Inn at Waikiki. As this place was crowded, we proceeded for the Kewalo Inn on the Ala Moana Road, but as we reached the intersection of John Ena Road Mr. Bellinger said he needed some gas and drove to a gas station at King and Kalakaua, then drove back to Ala Moana Road and it was on this road we saw a woman ahead of us waving her arms for us to stop. Mr. Bellinger slowed up and as the woman approached the car she said, "Are you white people?" Someone said, "Yes," then she came up to the car, opened the front door and got in next to my son. When asked what happened, she said some Hawaiian boys had beat her. Her face about the lips was badly swollen and she had a mark on her cheek which might have been caused by a ring. I suggested, or someone did, that we take her to the police station so she could report the matter, but she said, "I don't want to go there. Take me home, please, and my husband will take care of me." She gave us her street address and we drove her there. Her hair was down. She wore an evening gown (green) with fur trimmings on short sleeves; am not sure of any at neck of gown. When I asked her if she had been hurt any other way, she said No, and asked us not to ask any more questions, as her jaw hurt her so badly. As we were strangers, she perhaps did not want to tell us what had occurred. My attention was drawn to her as she stood in the road waving her arms, as she looked like my daughter Ramona, who was out that night.

"I had a good look at her from the light in the car, and could see she was badly hurt. I am sure she was not drunk or had she been drinking as I sat right back of her and was leaning forward and there was no liquor on her breath.

"We all noticed her evening gown seemed to be in good condition and after reading of the assault wondered how it could be if four or five men assaulted her.

"I would judge the time we picked her up to be between 12.45 and 1 a.m.

"After taking her home and leaving her, she assured us she was all right and thanking us, we went for our lunch. On the way back my son saw a purse in the road or side of the road, also a powder puff, lip stick and I think comb. This was somewhere near the place we picked her up. We read all sorts of articles about her being drunk and other things but she was not drunk nor did she smell of liquor. My husband has testified to all of this."

Mrs. George W. Clark, Sr. was not used as a witness by either side.

George W. Clark, Jr., who was riding with Mr. George W. Clark, Jr. and Mrs. Bellinger, his mother and father, Mr. and Mrs. George W. Clark, Sr., on the Ala Moana Road shortly after midnight of Saturday, September 12, in statement to our representatives June 22, 1932 related:

"On the evening of September 12, 1931 we were playing cards at home of our friends, Mr. and Mrs. Bellinger, who live across the way from us, and about 12.30 a.m. September 13, 1931 it was decided to have some sandwiches, and started for the Barbecue Inn at Waikiki. The place was crowded and we started for the Kewalo Inn, but as we reached the John Ena Road, Mr. Bellinger decided he wanted some gas, which he got at a Union Station at King Street and Kalakaua Avenue, then back, driving along the Kalakaua Avenue to John Ena Road to Ala Moana, and after going some distance saw a woman waving her arms for us to stop, and as she approached asked if we were white people. When assure we were, she opened the door and got in next to me, sitting partly on my right leg as car was narrow for three in front seat. I could see that her lips were swollen and she had a mark on her cheek; her hair was down. She wore an evening gown with cowl front; I did not notice if there was fur on dress or not. Said she had been beat up by some boys and asked that we take her home. Someone suggested taking her to police station, but she did not want to go there and asked us to take her home and her husband would take care of her. She gave us her address, but as Mr. Bellinger was not familiar with Manoa Valley he missed the street and lost some time. On the arrival at the address given, Mother wanted me to go to the house with the woman, but I did not think it advisable as her husband might take a shot at me.

"I fixed the time at about 1.08 a.m. when we picked her up as I looked at my watch when we were on the road some time and deducted an allowance of 7 minutes. I approximate the time of our arrival at her home about 1.42 a.m. Sunday, September 13th.

"On our way back for our lunch, at about where the road makes a curve just before reaching the old animal quarantine station, is where I saw the purse at side of road. It was lying open and close to it lay a small powder puff, a lip stick and a small coin purse empty. Mr. Bellinger took these things home with him and later they were turned over to the proper authorities."

George W. Clark, Jr. was not used as a witness by either side.

George W. Clark, Jr., accompanied by J.C. Fraser and Operative A.H. checked the time driving over the same route as they had driven in the Bellinger car early on the morning of September 13th prior to picking up Mrs. Massie on Ala Moana Road. George W. Clark, Jr. at that time definitely fixed the time of leaving the Clark house at 12.25 a.m. instead of 12.30 a.m. as previously stated. Clark drove the car on this test as he states Mr. Bellinger drives between 25 and 30 miles per hour, and the car was driven over the same route as of September 13th stopping at the Union Gas Station at King and Kalakaua Avenue, allowing, in Mr. Clark's judgment, the same amount of time, namely two minutes, there, which they consumed there on Sept. 13th and then proceeding via the same route to the point where the Bellinger car had picked up Mrs. Massie. The time consumed was 25 minutes, which would fix the time of picking up Mrs. Massie at 12.50 a.m. instead of 1.08 as reported in George W. Clark, Jr.'s statement of June 22, 1932.

In statement made in the office of City and County Attorney on Monday, September 21, 1931, to Deputy City and County Attorney Wight and Inspector of Detectives McIntosh, Lieut. Thomas Massie said on reaching Lieut. Rigby's home with Lieut. Brannon and finding none of the rest of the party had arrived he telephoned his home. Mrs. Massie answered the 'phone and said,

"Something awful has happened. Come home."

Lieutenant Massie said:

"I found Mrs. Massie in a state of collapse and weeping hysterically. She explained everything that had happened; that she had been assaulted and had been raped. She told me that she had been dragged into a car by five Hawaiians; that they had taken her to a place on the Ala Moana Road and criminally assaulted her."

The statements of Mrs. Massie to the police officers who arrived at the Massie home in response to Lieut. Massie's telephone call to the police station, are reported in the testimony of these police officers at the trial of the defendants in the Ala Moana case and in statements variously made to the City and County Attorney and to our representatives

At this point in this review it is well to mention the occurrence involving five local youths in an altercation with Mrs. Peeples, also a local resident, transpiring the same night and presenting situations which obviously were misinterpreted and apparently inexpertly handled by various ones participating in the investigation of the alleged rape case, the identification of suspects and their personal property.

Briefly the circumstances are:

At about 12.45 a.m., September 13, 1931, a Mrs. Peeples reported on personal call to police headquarters that a few minutes previously she had had an altercation with five local youths, one of whom had slapped her ace. She informed the police of the license number of the car these boys were riding in. At 12.50 the police broadcast a notification to radio patrol cars that a woman had been assaulted by a group of boys and to pick up this car, specifying the license number, and to bring car and occupants to police headquarters. About one hour later Lieut. Massie notified the police by telephone to send an officer to his home, that a woman had been assaulted. This was likewise broadcast to police radio cars and some of the officers receiving both notifications hastily concluded that the same boys who had assaulted Mrs. Peeples had also assaulted the other woman. Some of the officers calling police headquarters on the telephone received more complete details of each case and the officers who reached the Massie home shortly after Lieut. Massie's telephone request to police headquarters knew of the broadcast for the boys in the Peeples case and of the license number of their car. There is no doubt that the police officers responding to these calls considered the probability very strong that the youths who had assaulted Mrs. Peeples were involved in the alleged rape of Mrs. Massie. Subsequent effort and developments seem to be confined to these five accused.

Detective Furtado's statement to Messrs. J.C. Fraser

Detective and G.A.M. August 13, 1932, relates:
William Furtado

"On September 13, 1931, was on duty on patrol car with Detective Geo. Harbottle. We received a call at 1.50 a.m. while we were on our way to Jack Lane where a burglary had been committed, to disregard

to Jack Lane where a burglary had been committed to disregard our Jack Lane call and go to 2850 Kahawai St., Manca, as a woman had been assaulted. I believe I confirmed the call before leaving, stating had received the call and was on my way. I drove at high rate of speed headed for Manoa Valley. I met Lieut. Massie at the door and explained my mission. He told me his wife had been beaten up and assaulted. Mrs. Massie was lying on a couch near the front door. I asked her what had happened. She told me that while walking along John Ena Road about two hundred or three hundred feet from Kalakaua Avenue a bunch of boys who appeared to be Hawaiians, in an old model Ford or Dodge touring car stopped alongside of her, jumped out and grabbed her and pushed her into the car, striking her as they pushed her in and drove down to the Ala Moana Road and drove a little way off the road and that they assaulted her. She said while they were taking her to the Ala Moana Road they were beating her up on the way.

"I asked her if she knew the number of the car in which she had been abducted and she told me she did not. I asked her if she could recognize the boys and she replied she could not recognize them, only by their voices. I then asked her if she was unconscious at any time from the time they picked her up and the time they finished assaulting her and she said she was never unconscious at the time. She then told me that after these boys had finished assaulting her they drove off and left her there. She said she then walked out to the main road and an automobile with some white people in it picked her up. She said they wanted to take her to the hospital but insisted she be taken home and that they took her home.

"When I saw Mrs. Massie there was blood dripping from her top lip. The only thing I noticed about Mrs. Massie's face was the busted lip, her hair was all mussed up and she was crying.

etective
George Harbottle

George Harbottle, city detective, called by defense in the Ala Moana trial, who accompanied William Furtado to the Massie home and who stood by while Detective William Furtado questioned Mrs. Massie, testified in part as follows:

Q. You questioned this woman?

A. Officer Furtado questioned the woman. I was standing by.

Q. Did Mr. Furtado write down what was said at that time?

A. He did write it down. I saw him noting it down.

Q. What was said at that time?

A. Well, Officer Furtado was questioning her and I cannot remember all the questioning but I do remember some. He asked her what had happened and she said that she was assaulted by a gang of boys and he asked her where it happened and she said it happened on John Ena Road.

Q. On the John Ena Road?

A. Yes. And he asked her whether she could identify the boys when she saw them. She said she could not at that time.

Q. She could not at that time?

A. No. And he asked her how were the boys going at the time they assaulted her. She said they picked her up with an automobile, two men jumped off the car and struck her, beating her up. One hit her under the mouth and threw her in the car, and when he asked her what kind of a car it was, she said it was a Ford car with back flapping. She said she could not identify the car because she was thrown in the car and every once in awhile she got a glimpse of it; the car was an open car and that the back, the top was flapping and it might have been an old car. He asked her whether - what kind of a car it was and she said it was either a Ford or a Dodge. She did not know what kind it was. The he questioned her further and he said if she really could identify the boys and she stated that she could not, and he asked her if she could tell them by their voices, and she said yes, that is the only way she could identify them, is by the voices.

Q. By the voices?

A. By the voices, if she heard them again.

Q. Was anything said at that time as to whether or not she heard any names?

A. Well, Officer Furtado asked her if she heard any names and she stated that she did not hear any names, but there was only one name that she

remembered and that was the name of "Bull;" that is the only name she heard.

Q. Do you remember whether she was questioned by Mr. Furtado about the number of the Ford car, the old Ford car or Dodge car?

A. That was the time he was questioning her, he asked her whether she could identify the car, give the numbers. "How could we get to the way of picking up this car?" And the only way she could see was to give us the description of the car, which I stated a little while ago - the back of the car, the top was flapping, it was an old car. She said it sounded like an old car, between a Ford and a Dodge, she did not remember that. That is the only way. She could not give us any number at that time. She said it was dark; at least she did not remember; could not recollect her kind (?), I guess.

Q. She said it was dark?

A. Yes, she said it was dark and when she was picked up from the road the boys started in to beat her up and she only got glances so she could see what kind of a car she was riding in."

William K. Simerson, traffic officer, called by William K. Simerson the defense, testified he was at the Massie home at same time Detective Furtado was there questioning Mrs. Massie and that he personally asked her --

if she realized that all local cars, Honolulu cars, had five numbers, and could she give one or two of the numbers that was on the car and give us a lead on case,

and she said "No." She said in answer to question about being able to identify the persons who assaulted her that she could not. When asked if she was able to identify the car used by the men who assaulted her said:

"The only thing I can remember it was some kind of an old touring car, either it was a Ford or a Dodge."

She said she was positive that they were all Hawaiian boys, four or five, she was not sure. She did not attempt to describe any of the boys.

Traffic Officer William K. Simerson was interviewed by J.C. Fraser and Operative G.A. G. August 11, 1932 and made a statement, in part as follows:

MR. FRASER

- Q. Did Mrs. Massie complain in your presence about her jaw?
- A. I would not say that she did or didn't but she talked very plainly and we could understand her. Once or twice Mrs. Massie burst out in tears. We asked her to tell us what had happened. She stated that she and her husband and friends were at a party at the Ala Wai Inn. She told us that around midnight she felt warm and thought she would go walking to get some fresh air. She said she walked towards John Ena Road. That was around midnight. She then turned in John Ena Road to the right. She told me she walked down John Ena Road toward Ala Moana Road as far as the taxi stand or to be exact she said she walked to within a few feet of the taxi stand, then she said a touring car drove up and three or four boys got out of the car, and grabbed her and forced her into the car and drove away in the direction of the Ala Moana Road. When asked if she could remember one or two or more of the numbers on that car she said she did not know. I asked her of what nationality her assailants were. She said they were Hawaiians. I asked her how positive she was that they were Hawaiians and she said she could tell by the way they spoke. The only thing she said she could remember about the car, was that the top was torn or ripped. After we had been inside the house for awhile Police Officers Bettencourt and George Nakea entered, so I left the house for some air.

I then went in and out of the house every once in awhile until the arrival of Lieut. Jardine. I then stayed outside.

- Q. Did you ask Mrs. Massie if she could give you the number of the car used by the boys who picked her up on the John Ena Road?
- A. The question was asked while I was there but do not remember if I asked her or if it was Furtado.

- Q. What was her answer?
 A. She said she did not know.
- Q. Who was present besides yourself when this question was asked?
 A. Mr. and Mrs. Massie and Officer Furtado.
- Q. Did you or anyone in your presence ask Mrs. Massie if she could identify the car?
 A. The question was asked I think by Furtado and she stated that it was an old touring car, an old Dodge or a Ford. The only thing she could remember was that there was a rip in the top.
- Q. Are you sure that she said rip or did she say flap?
 A. When asked what part of the car was ripped she said the back.
- Q. Did you ask Mrs. Massie if she could identify any of the boys who assaulted her?
 A. That question also was asked that night, but I do not know whether it was Furtado or me. She said the only thing she knew that they were Hawaiian boys.
- Q. Did she mention anything about the names of the boys she heard, such as "Bull," "Shorty," "Ben," or "Bennie?"
 A. No.

George Nakea, city detective, called by the
 Detective defense, states he questioned Mrs. Massie at her home
 George Sunday morning in presence of Detectives Bettencourt,
 Nakea Furtado, Harbottle and Mr. Massie. That she stated in
 answer to his questions that she was assaulted by some
 Hawaiian boys on the other side of the Ala Wai Inn, also
 that Furtado asked if she remembered the number of the
 car and she said all she knows was "55"; that he asked her
 if she could identify the boys if we were to go out and
 pick them up and she said no, she could not identify; all
 she knew was they were Hawaiian boys.

NOTE

(We have not learned of any of the others present hearing Mrs. Massie state license numbers. To all other inquiries respecting identification of the auto by license numbers, to the time of her arrival at 3.50 a.m., September 13th at Inspector McIntosh's office she said either she did not know or did not refer to knowing any part of license number. In fact, Detective Furtado, in his statement in part quoted, said:

"I asked her if she knew the number of the car in which she had been abducted and she told me she did not.")

Frank Bettencourt, Court Bailiff, in an interview with Operative G.A.L. August 23,

Frank Bettencourt 1932 stated he arrived at the Massie home about 1 a.m. in company with Detective Make and that Detective William Furtado, Officer Binerson and Harbottle and Mr. and Mrs. Massie were there. States that Mrs. Massie was lying on a couch near the front door. Said he noticed her upper lip was cut, but other than that observed no other disfigurement. That she was more or less upset and was sobbing but talked rationally and did not stumble in her speech. That while at the Massie home he did not hear the number of Ida's car given over phone or radio, nor did he hear the number spoken and that neither Mr. or Mrs. Massie would have an opportunity to hear the number at that time. Said he asked Mrs. Massie if she could identify the persons who attacked her and she replied that she could not, that all she knew was that they were Hawaiians. Said he asked her for a description of the car in which she had been abducted and she replied it was either an old Ford or Dodge touring car.

States that both he and Furtado asked her if she obtained the license number of the car used to abduct her and she replied she did not, and that he did not overhear Mrs. Massie tell Officer Nakea she had obtained the number 55, and was surprised when he heard him testify to this in court. Said he was sure Officer Nakea had not been drinking that night.

Stated Lieutenant Branson was seated outside the Massie home in a police car and he noticed that one of the pockets of his sack coat was torn. Said he questioned Mr. Massie who told him both he and Lieutenant Branson arrived at Rigby's from the Ala Wai Inn at the same time and that when he asked Massie why he did not bring Lieutenant Branson to his home from Rigby's, replied he should not ask such questions but get busy and try to "locate the car."

Frank Bettencourt at the trial of the accused testified:

- Q. Did you hear anybody ask Mrs. Massie any questions at that time?
A. When I got there I heard Mr. Furtado, Detective Furtado ask Mrs. Massie about the car and at that time I heard hersay that it was an old black Ford or Dodge but she wasn't sure.

Detective Furtado in his statement to our representative August 13, 1932 states Mrs. Massie said

"Old model Ford or Dodge touring car."

We have not learned of other persons to whom Mrs. Massie may have described the car as black in color.

Mrs. Massie in cross examination by Mr. Heen
at the trial of the accused said:

Q. What was the color of the car?
A. It was sort of brown.

Dr. David Liu, Emergency Hospital doctor, called
Dr. David Liu for defense at trial of Ala Moana defendants,
saw Mrs. Massie at 2.35 a.m. Sunday, Sept. 13,
1931 at which time she told him while she was walking on
the road a car came up and two men jumped off the car and
took her to a lonely spot or brush and each took a turn
in assaulting her. "A number of four, five or six or
seven men."

Dr. David Liu further stated:

"She told me she did not know
who they were. The place was dark and she
could not recognize them. She said it was
about two hours ago the thing had happened;
that she went home and douched herself and
cleaned all up."

Miss Agnes Fawcett, nurse who prepared Mrs. Massie
Miss Agnes Fawcett for examination at Emergency Hospital at 2.35 a.m.
Sunday, September 13, 1931, called by defense.

According to Miss Fawcett's testimony she (Mrs. Massie) told
her six men, Hawaiians, had assaulted her; it was dark
and she could not recognize them.

It may be reasonably presumed that Mrs. Massie's
recollection of at least some of the vital details of the
alleged occurrence should be fresh and accurate, especially
in view of her recognized keen intelligence, the fact she
states at no time did she lose consciousness and the period

of time she alleges to have been held in the company of her kidnapers which furnished numerous opportunities for her to observe such details, to which she later volubly testified. It is therefore interesting to note the difference between her statements to those who talked to her and questioned her immediately after the alleged occurrence and her statements of a few hours later, after information of the Peoples incident, involving several native youths, a small car, the license number of which was broadcast to police cars, had become known to many of those interested in this case.

Mrs. Thalia
Massie

Mrs. Massie's statement given by her to John McIntosh, Inspector of Detectives at Honolulu, T.H., at 3.30 a.m. September 13, 1931 is herewith quoted verbatim:

Q. What is your full name?

A. Mrs. Thalia Hubbard Massie.

Q. Where do you live?

A. 2850 Kahawai Street.

Q. Are you married?

A. Yes. My husband is Lieut. Thomas Massie. He is a Lieutenant j/g U.S. Navy, stationed at Pearl Harbor.

Q. Will you relate to me what happened to you tonight?

A. I left home about 9 p.m. with my husband to go to the Ala Wai Inn. In our party were Lieut. Branson, Lieut. Brown and their wives. They had been to our house and followed Mr. Massie and I to the Ala Wai Inn in their own cars. When we got to the Inn the six of us took a table together. Around 12 midnight I decided to go for a walk and some air. I walked along Kalakaua Avenue and crossed the bridge over the canal and turned down John Ena Road and walked a block or so down John Ena Road. A car drove up behind me and stopped. Two men got off the car and grabbed me and dragged me into their car. One of them placed his hand over my mouth. When they got me into the

back seat of the car they held me down between them. They were Hawaiians. I begged and pleaded with them to let me go. I struggled to get off the car and away from them and they kept punching me on the face. I offered them money if they would take me back to the Ala Wai Inn. They asked me where the money was. I told them it was in my pocketbook. They grabbed my pocketbook and found I had no money in it. They were driving along the Ala Moana Road all this time heading towards town. I really don't know how far they drove me - maybe two or three blocks. They drove the car into the undergrowth on the right hand side of the road, dragged me out and away from the car into the bushes and assaulted me. I was assaulted six or seven times.

Q. You mean they raped you?

A. Yes.

Q. How many men were in the car when they stopped and picked you up on John Ene Road?

A. At least four, two in front and two in back seat.

Q. What nationality were they?

A. Hawaiians I would say.

Q. What make was the car which they had?

A. It was a touring car. I can't say what make it was, but I think it was a Ford.

Q. What color was it?

A. I don't know.

Q. What was the license plate number, do you know?

A. I think it was 58-805. I would not swear to that being correct. I just caught a fleeting glimpse of it as they drove away.

Q. Where were the others of your party when you started out for this walk?

A. They were all at the Ala Wai Inn.

Q. After these men assaulted you what happened, did they drive away and leave you there?

A. One of them told me which way to go to get back on the road. They then bolted for their car, got into it and drove away. I managed to get back on the road and stopped a car coming from Waikiki and heading towards town. I told the occupants of the car what had happened to me - that I had been assaulted by some Hawaiians - and asked them to take me home. They wanted to bring me to the police station but I asked them to take me home, which they did.

Q. Who were those people?

A. I don't know. They were white people. There were two men in the front seat and two women and a man in the back seat. I sat in the front seat and they took me home in Manoa. After I got home Lieutenant Massie called me on the phone from a friend's house. I told him to come home at once which he did and I told him what had happened to me. He immediately called for the police.

Q. Would you know the car which they were in if you saw it again, I mean the car in which your assailants rode?

A. I think I would if I saw a rear view of it and saw the back seat.

Q. When they dragged you from the car, how far did they take you away from it?

A. Not very far.

Q. Did you hear any names mentioned?

A. I heard the name "Bull" used several times and some common name like Joe or likened to that.

Q. Do you think you could identify these men, Mrs. Massie?

A. I don't know.

Q. You were taken to the Emergency Hospital before coming here, were you?

A. Yes. I was taken there and examined.

Q. What colored dress or gown did you wear tonight at the Ala Wai Inn?

A. A green dress.

Q. Where is that dress now?

A. At home.

Q. Was it torn at all?

A. I don't think it was.

Mrs. Massie was again interviewed by police and others on September 15, 1931 while she was at Queen's Hospital undergoing treatment for her jaw injuries. At this interview it was inadvertently, but evidently none the less clearly, indicated to Mrs. Massie that a suspicion existed that she had received information of the license number of Ida's car thru a means other than observing it at the point of alleged assault.

Ida, one of the native youths involved in the near accident with the Peoples car, was then in custody and had been singly displaced to Mrs. Massie at the detective headquarters about 3.30 a.m. Sept. 13th, 1931 under circumstances which might reasonably be calculated to induce hasty, premature opinion and likely to produce false identification.

Mrs. Massie's statement made at the Queen's Hospital, Tuesday, September 15, 1931 at 3.15 p.m. to Deputy City and County Attorney Wight, there also being present

Sanford B.D. Wood, U.S. District Attorney
Inspector McIntosh, Police Department
Special Agent in Charge, McDonald
Arthur McDuffie
M.S. Peters, Clerk,

follows:

WIGHT: (opening package of clothes)

Q. These are the clothes you were wearing that night? This is the top part (indic. blouse)?

A. Yes.

Q. And this is the other part of the dress (indic. skirt)?

A. Yes.

Q. And this is the "teddy" you wore?

A. Yes.

Q. Did you wear anything else that night?

A. Yes. Brassiere.

Q. Anything else besides the brassiere?

A. (Written) Shoes and stockings.

Q. No other underwear?

A. Girdle.

Q. Now, that's a complete list of all the things you wore that night?

A. Yes.

WOOD: Now in answering these questions you can indicate "yes" by nodding your head, and "no" by shaking it -- or "yes" with the thumb up and "no" with it down. Now, my understanding is that you went upstairs to where Mrs. Fish' party was, there at the Ala Wai Inn; that you were there with Mrs. Fish and Mrs. Stogsdall up there, and then they went home?

A. Yes.

Q. How long after that was it -- after Mrs. Fish and Mrs. Stogsdall left -- did both leave at the same time?

A. No.

Q. Will you write which one of the two left first?

A. Mrs. Fish.

Q. Will you indicate how many minutes it was after Mrs. Fish left that Mrs. Stogsdall left?

A. I can't remember.

Q. Are you certain, however, that Mrs. Fish left before Mrs. Stogsdall did?

A. I can't remember whether Mrs. Stogsdall was still there when I left. Mrs. Fish left before Mrs. Stogsdall, I believe.

Q. When you say "Mrs. Stogsdall was still there when I left," do you mean when you left the premises and started out?

A. Yes.

Q. Do you recall approximately how long after Mrs. Fish left that you left?

A. Five minutes.

Q. WIGHT: No longer than five minutes?

A. No.

Q. It might be less?

A. Yes.

Q. WOOD: Have you any abrasions on your legs that would cause blood to be on your dress?

A. The nurse can tell you.

Q. Do you recall when Mr. McIntosh, or some other officer, asked you the number of the car the boys were driving -- at that time had you heard from any other source whatever any number that would make you give that certain number, which you saw on the car, to the police?

A. No.

Q. No one gave you those numbers which you gave us?

A. No.

Q. You didn't hear it over the radio -- or from people talking -- that night?

A. No.

Q. Have you any abrasions?

A. You better ask Dr. Porter -- he made a list of the bruises, etc.

Mrs. Massie was again interviewed at 1.30 p.m.

September 21, 1931 at her home, there being present Deputy City and County Attorney Wight, Inspector of Detectives McIntosh, Detective Stagbar, Clerk M.S. Peters and Lieutenant Massie.

It is worthy of note that prior to this statement by Mrs. Massie each of the five accused had variously singly and in a group, been brought before her, viz:

September 13, 1931 3.30 a.m. Ida at Police headquarters.

" 13, 1931 A.M., Kahahawai, Chang, Ida and Takai at the Massie home.

" 14, 1931 P.M., Ahakuelo and others of the group at Queens Hospital,

and thereafter variously during Mrs. Massie's stay at Queen's Hospital.

It seems that the more opportunity afforded Mrs. Massie to view the accused the more details she stated she remembered of the identifying marks of her assailants corresponding with similar characteristics of the accused. The record indisputable shows that prior to seeing the five accused youths, Mrs. Massie could furnish absolutely no description of her assailants to the police but having had brought before her these five youths, understanding them to

comprise the group of boys involved in the Peoples near accident, doubt as to the accuracy of the personal identification seems justifiable.

For brevity we quote only that portion of Mrs. Massie's statement referred to above which relates to the important details of the alleged kidnaping and assault.

Mrs. Massie's statement (in part)

September 21, 1931:

McINTOSH:

Q. Were there any pedestrians on that road that night?

A. I didn't pay any attention.

Q. Notice those cars parked on the side of the road?

A. No.

WIGHT:

Q. How many drinks did you have at the Ala Wai Inn?

A. About half a drink.

Q. Then you only had a high-ball and a half?

A. Yes.

Q. Mrs. Massie, there was a dance at the Waikiki Park that night -- that is across the street from the side where you turn down by the pink store -- you turned down beside the pink store, didn't you?

A. Yes.

Q. After you got down about half way -- there was a big dance there and a lot of cars there -- when you went by was the music playing?

A. I don't remember any music.

Q. Were there a lot of cars coming out of the park?

A. I didn't look over there.

Q. Did you hear a lot of cars?

A. I didn't hear especially -- no.

Q. The street is quite light?

A. It is lots lighter than Kalakaua Avenue.

Q. Lieutenant Bracons was dressed in whites?

A. Yes.

and

WIGHT (to Mrs. Massie) You know where the road runs off, going toward Fort DeRussy?

A. Yes.

Q. You were on the right hand side of the street all the way down?

A. Yes.

Q. How far away from that corner were you when you were picked up?

A. About from here to the door (Indic. about 16 ft.)

Q. Do you know what men of that crowd grabbed you and put you in the car?

A. Yes. Henry Chang and Joe Kalani.

Q. You remember one big fellow and Henry?

A. Yes.

Q. You don't know whether there were 4 or 5 men in the car?

A. Well, there were four. I thought there were 5.

Q. But you are not sure?

A. I thought there were 5 in that car.

Q. The front seat was quite light wasn't it, and you could see those two? Did they turn their heads and talk at all?

A. That one Benny did.

Q. You could see he has a funny mouth?

A. He has a gold tooth. In the back it was dark. As soon as I got in the car I went down so I couldn't see anything.

Q. But when they grabbed you in the street you saw both Joe and Henry?

A. Yes.

Q. When you were in the car, did they bend forward so you could see their faces?

A. Yes. They were holding me down.

Q. That street is pretty well lit?

A. Yes.

Q. Did they have you down on the floor of the car?

A. I was sitting more on the small of my back --

Q. Now, this Mack, is he a short man?

A. A short, slim lean --

Q. Smaller than Henry Chang?

A. I thought there was another short one there -- a lean, slight man.

Q. At any time that evening, before talking to Mr. McIntosh, did anybody mention the number of an automobile to you?

A. No.

Q. Did you, by any means whatever -- from your husband, or any person, or over the radio -- hear the number 58-895 mentioned?

A. No.

Q. And that number you told me was the number of the car -- you got as they fled?

A. I said 58-805.

Q. Do you remember --

A. I remember one asked me whether it happened at the house and whether it was Lieut. Branson.

Q. Could you tell by any means when your jaw was broken first -- do you think it was in the car or outside?

A. I think this side was broken first (indic. right side)

Q. Were you pretty much all in?

A. Yes, they hit me several times when I was in the car.

Q. When do you think the rest of your jaw was broken?

A. After I got out of the car I remember they hit me once and I said, "Look out, you've knocked a tooth out" -- that's on this side (indic. right side)

Q. Did you receive more blows in the car or outside?

A. I got a lot of blows both places.

Q. You are absolutely positive you can identify these 4 men?

A. Yes.

Q. You remember you told Mr. McIntosh that one of the men's name was Joe?

A. Yes.

Q. You told him the same night -- after you told him the number of the car?

A. Yes.

Q. Do you remember any other names used that night?

A. I remember the name "Bull."

- Q. Remember any other names?
A. Well, there was another name, but it sounded like "Billy."
- Q. Did you hear the name "Shorty" used?
A. Yes.
- Q. Where was that? Did you hear the word "Shorty" used?
A. At the scene of the crime.
- Q. It has been established by two members of the car that the driver had a coat on; you told us the other day that when they dragged you there the driver had a leather coat on; you said later you felt the coat.
A. Yes.
- Q. Was that at the scene of the crime?
A. Yes.
- Q. Who was giving orders?
A. I think Chang was.
- Q. Was anything said about runing in that place by anyone -- did you notice anyone giving the driver directions?
A. I don't remember. I was in sort of a daze after they hit me.
- Q. When they left you, this car was facing the Ala Moana?
A. It was facing away from me.
- Q. Did they drive off and come back?
A. No Just drove away.
- Q. They had a rear light so you could see the number?
A. Yes.
- Q. Which one was it that told you how, when you asked how to get out of there?
A. I think it was Chang.
- Q. Do you remember how the other men were dressed -- how Joe was dressed?
A. He had on a blue shirt and trousers -- short sleeves.
- Q. How was Benny dressed ?
A. In blue too, I think -- he had on blue trousers.

Q. How was Chang dressed? How, if he was in the back with you, could you recognize Chang?

A. By his face and his build.

Q. You remember his face?

A. Yes.

Q. You couldn't forget Joe's face?

A. No.

McINTOSH:

Q. Who sat next to you in the back seat?

A. I was near the outside; two were holding me -- sort of above me.

Q. Do you remember how the civilian was dressed at the Ala Wai Inn?

A. I didn't pay attention -- he had on a white suit.

Mrs. Thalia Massie's
conflicting
statements

Mrs. Massie's testimony at the trial of the accused differed from her statement made to Inspector McIntosh at 3.30 a.m. Sept. 13, 1931 as follows:

Statement, Sept. 13th:

"Around 12 midnight I decided to go for a walk and some air. I walked along Kalakaua Avenue and crossed the bridge over the canal and turned down John Ena Road and walked a block or so down John Ena Road."

Trial testimony, direct:

Q. Where were you shortly after 11.50 p.m., the evening of September 12th?

A. I was at a dance at Ala Wai Inn and I left shortly after 11.30 p.m.

and in cross examination:

Q. How did you happen to know it was 11.30?

A. My friend told me later that she had looked at her watch and it had been 11.30

Trial testimony, direct:

Q. Several days after?

A. I don't remember.

Q. What is your best recollection as to that?

A. I don't remember.

Q. You don't know whether it was the next day or a week after?

A. No, I don't know. I don't remember when it was.

In a statement made to Inspector McIntosh

September 13, 1931 at Police Headquarters, Mrs. Massie states:

Q. Did you hear any names mentioned?

A. I heard the name "Bull" used several times and some common name like Joe or likened to that.

In her direct examination by Mr. Wight, Mrs. Massie testified at trial:

Q. Did you hear any remarks -- any language from these defendants?

A. Yes. The others talked to each other in some foreign language. They spoke English -- They said a lot of filthy things to me.

Q. You mean obscene things?

A. Yes. They called each other by name.

Q. What names were they?

A. I heard the name "Bull" used and I hear the name Joe. I heard another name, it might have been Billy or Benny and I hear a name "Shorty." Then I heard one of them say, "Hurry up, we have to go back out Kalihi way."

Mrs. Massie further testified under cross examination as follows:

Q. Did the Police ask you any questions?

A. I don't remember.

Q. Is it not a fact, Mrs. Massie, that you were asked by one or more of the police officers who arrived soon after your husband arrived at home, as to what had happened to you that night?

A. My husband told them, I think.

- Q. Were you asked by them what had happened?
A. Mr. McIntosh asked me later on about it.
- Q. Before Mr. McIntosh appeared on the scene were you asked by some of the other officers as to what happened that night?
A. I don't remember much. They took me to the hospital.
- Q. Do you recall being asked by either Mr. Furtado or Mr. Harbottle what happened that night?
A. No. My husband explained it all.
- Q. Do you remember whether or not you told the officers about that night?
A. I don't remember. I wasn't thinking of the boys or the police; only about myself.
- Q. Do you remember telling the police officers who first arrived at your home that night that these boys had grabbed and pulled you into the car and that one boy held your mouth and beat you while in the car -- do you remember telling the officers that?
A. No. I remember telling Mr. McIntosh that.
- Q. And you don't remember any police officers -- telling them the same thing prior to ~~at~~ telling Mr. McIntosh.
A. They came in, a whole lot of them. My husband explained to them. Someone said, take her to the hospital and they took me out and we went to the hospital.
- Q. Do you recall saying to the police officers on this night when you returned to your home that you thought these boys who assaulted you were Hawaiians?
A. I remember telling the people who brought me home that night. I don't remember what I said to the police.
- Q. Do you remember saying on that same occasion something to this effect -- that you didn't hear any names called except the name "Bull."
A. No. That wasn't so.
- Q. Do you remember making a statement to this effect on that same occasion to someone, that you were unable to identify any of the boys because it was dark?
A. No. I don't remember making any such statement.

Q. Do you remember making a statement to this effect on that same occasion that you thought you could identify these boys if you heard their voices?

A. I don't remember what I said. A whole lot of them ran in and out; there was so much confusion and I wasn't in a condition to answer questions at that time.

Q. Do you remember stating upon questioning that you couldn't identify the car -- that you weren't sure what kind of a car it was?

A. I didn't think about the car. Mr. McIntosh asked about it.

Q. Have you seen this car since that night?

A. Yes.

Q. It was pointed out to you lately?

A. Yes, the next day it was. They brought the car up.

Q. Now I ask you whether or not you remember making a statement to this effect on that night when the police officers arrived there that you thought it was a Ford or Dodge touring car? An old car.

A. I don't remember saying anything as to the age of the car.

Q. Do you remember making a statement that it was an old touring car to the officers?

A. I don't remember what they said or what I said to them.

Q. Do you remember saying to these officers before you saw Mr. McIntosh that the top in the back of this car was loose?

A. No.

Cross examination of Mrs. Massie by Mr. Heen on Nov.

19, 1931.

Q. When was it that you saw the automobile that Ida was supposed to have driven on the night of September 12th.

A. You mean when did I see it?

Q. After the assault?

A. I saw it Sunday afternoon.

Q. About what time Sunday afternoon?

A. About two or three o'clock, I think.

Q. Where did you see the automobile?

A. At my home.

Q. It was brought to your home, was it?

A. Yes.

Q. And did you know who brought it to your house?

A. One of the police officers.

Q. Was it brought to your home at the same time the boys were brought to your home?

A. I think so.

Q. Did you see the automobile first or did you see the boys first?

A. I saw the boys first.

Inspector McIntosh in his testimony states:

Q. Mrs. Massie told you that if she saw the back of this car and the back seat of this car she might recognize it?

A. She did.

Q. Did you show her the back seat of this car?

A. I did.

Q. Were there any distinguishing marks in the back seat of the car?

A. Not in that particular car.

Q. Did you show her the Ida car #58-895?

A. I did.

Q. Was she unable to point out anything in this car?

A. She wasn't able to identify the car.

Mrs. Massie states further in her cross examination by

Mr. Heen:

Q. And did you recognize the car Mrs. Massie at that time?

A. It was just like the car that I had seen the night before -- just like it.

and

Q. What was the color of the car?

A. It was sort of brown.

Mrs. George William Clark, Sr., who was riding with Mr. and Mrs. Bellinger, her husband and son George W. Clark, Jr., on Ala Moana Road shortly after midnight of Saturday, September 12, 1931 and which car was hailed by Mrs. Massie after the alleged assault and carried Mrs. Massie to latter's home, in statement to our representatives June 22, 1932 said that on this occasion Mrs. Massie had explained her situation by stating that some Hawaiian boys had beat her up. Upon Mrs. Clark asking Mrs. Massie if she had been hurt in any other way, Mrs. Massie replied "No."

Mrs. Clark's statement as to this is borne out by the statement of George William Clark, Sr. (now deceased) made to Inspector McIntosh, September 17th, 1931 and by the statements of George W. Clark, Jr. in his statement to our representatives June 22nd, 1932; and by Eustace Bellinger in his statement to Inspector McIntosh September 18, 1931, and in direct testimony Mrs. Massie also says:

Q. When you left the scene of this attack, what did you do -- where did you go, do you know?

A. I was very much dazed. I wandered around in the bushes and finally came to the Ala Moana. I saw a car coming from Waikiki and ran towards the car waving my arms. The car stopped. I ran to the car and asked the people in it if they were white; they said yes. Then I asked them if they would drive me home. They said they would and I got on the front seat.

Q. What took place in the car?

A. They asked me what happened to me and of course they being strangers and I could not tell them; I just said some Hawaiians beat me up and left me in the woods. They asked me if I had not better report it to the police, but I did not want to report it to the police.

When considering the features of Mrs. Massie's statements regarding the alleged assault, it should be remembered that Mrs. Massie related these incidents to persons in the following order:

Bellinger, et al, upon being picked up on the road,

Lieut. Massie, at the Massie home.

Police Officers at the Massie home.

Dr. Lie and nurses at Hospital.

Inspector McIntosh at Police Headquarters.

Dealing with the various features of Mrs. Massie's statements immediately after the alleged rape and excluding her statements made subsequently to her statement of 3.30 a.m. September 13, 1931, at office of Inspector McIntosh, we have noted the following:

Number of
assailants

Eustace Bellinger in statement to Inspector McIntosh, September 18, 1931, said:

"She (Mrs. Massie) stated that she had been picked up by five or six Hawaiian boys who had beaten her up and thrown her out of the car."

George W. Clark, Sr., in statement Sept. 17, 1931 to Inspector McIntosh said:

"We asked her (Mrs. Massie) what had happened and she said she had been beaten up by a gang of hoodlums."

Mrs. George W. Clark, Sr. in a statement given to our representatives June 22, 1932, said:

"When asked what happened she (Mrs. Massie) said some Hawaiian boys had beat her."

George W. Clark, Jr. in a statement give to our representatives June 22, 1932 said:

"Mrs. Massie said she had been beat up by some boys."

Lieutenant Massie in statement to Inspector McIntosh September 21st stated Mrs. Massie, upon his arrival home immediately after the alleged assault, said:

"She told me that she had been dragged into a car by five Hawaiians."

William K. Simerson, traffic officer, testified at the trial of the accused in the Ala Moana case he was at the Massie home at the same time Detective Furtado was there questioning Mrs. Massie and Mrs. Massie said she was positive that they (her assailants) were all Hawaiian boys, four or five, she was not sure.

Dr. David Liu treated Mrs. Massie at Emergency Hospital, 2.35 a.m. September 13, 1931 and testified at trial of the Ala Moana case that Mrs. Massie told him that a number of men took turns at assaulting her, four, five of six or seven men.

Miss Agnes Fawcett, nurse who prepared Mrs. Massie for examination at the Emergency Hospital, 2.35 a.m. September 13, 1931 testified at trial of the Ala Moana case that Mrs. Massie told her six men had assaulted her.

At the police station, 3.30 a.m. September 13, 1931 Mrs. Massie gave a statement to Inspector McIntosh in which she said in reply to a question as to how many men were in the car when they stopped and picked her up on John Ena Road;

"At least four, two in front and two in back seat."

Nationality of
Assailants

Thruout the statements made by Mrs. Massie to the Bellingers and Clarks, to Lieutenant Massie and to police at the Massie home, to the hospital attendants and to Inspector McIntosh at the police station, early on morning of September 13th, she has said that her assailants were Hawaiians.

Thos whom Mrs. Massie later identified as her assailants are:

| | |
|----------------|------------------|
| Joe Kahahawai | Hawaiian |
| Henry Chang | Chinese-Hawaiian |
| David Takai | Japanese |
| Horace Ida | " |
| Benny Ahakuelo | Hawaiian |

Kind of auto
used by
Assailants

In George W. Clark's, Sr., statement to Inspector McIntosh, September 17, 1931 he states Mrs. Massie told his party that her assailants rode in either a Ford or a Chevrolet.

Detective Furtado at the Ala Moana trial testified that Mrs. Massie told him on the occasion of his visit to Massie home September 13th, a.m., 1931 that her assailants had used an old Ford, "an old model Ford or Dodge touring car."

George Harbottle, city detective, testifying at trial of Alanoana case stated he was present, Sept. 13th, a.m. at Massie home when Detective Furtado was questioning Mrs. Massie and the latter when asked what kind of car her assailants were riding in said:

"It was a Ford car with back flapping. She said she could not identify the car because she was thrown in the car and every

once in awhile she got a glimpse of it. The car was an open car and that the back, the top, was flapping and it might have been an old car. He asked her whether - what kind of a car it was, and she said it was either a Ford or a Dodge. She did not know what kind it was.

She said it sounded like an old car, between a Ford and a Dodge."

Traffic Officer William L. Simerson testifying in same proceedings said that on September 13th, a.m. at Massie home he asked Mrs. Massie if she could identify the car used by her assailants and she said the only thing she could remember is that it was some kind of an old touring car, either a Ford or a Dodge.

Frank Bettencourt, court bailiff, who arrived at Massie home with various other police officers early on morning of September 13, 1931, in an interview with Operative G.A.M. August 23, 1932 stated that when he asked Mrs. Massie for a description of the car in which she had been abducted she replied:

"It was either an old Ford or Dodge touring car."

Mrs. Massie in her statement to Inspector McIntosh September 13, 1931 stated:

- Q. What make was the car which they (the assailants) had?
A. It was a touring car. I can't say what make it was, but I think it was a Ford.
- Q. What color was it?
A. I don't know.

NOTE Mrs. Massie had been driving a Ford and it is reasonable presumption that she was familiar with the appearance of a Ford and the sound of a Ford motor.

It is also worthy of note that with the arrest of Horace Ida, early Sunday morning, September 13, 1931 for the Peoples incident the car driven Saturday night September 12th by Ida and his associates came into possession of the police. On Sunday, September 13th Inspector McIntosh took this car to the Massie home and displayed it to Mrs. Massie. Inspector McIntosh testified at the trial of these defendants that Mrs. Massie at that time failed to identify it. Mrs. Massie, however, testified at the trial that the car shown her by Inspector McIntosh was

"just like the car she had seen the night before."

The car was produced before the jury and proved to be a 1929 model A, Ford touring car in excellent condition, with nothing loose or flapping about the top or back and it was testified that the car was in the identical condition it was on the night of the assault, except for a wash and possible polishing.

license number
of car used by
assailants,

George William Clark, Sr., in his statement to Inspector McIntosh September 17th, stated:

"When asked about the car these boys rode in she (Mrs. Massie) said it was either a Ford or Chevrolet. She did not mention any car numbers."

NOTE Mrs. Massie had been driving a Ford and it is reasonable presumption that she was familiar with the appearance of a Ford and the sound of a Ford motor.

It is also worthy of note that with the arrest of Horace Ida, early Sunday morning, September 13, 1931 for the Peoples incident the car driven Saturday night September 12th by Ida and his associates came into possession of the police. On Sunday, September 13th Inspector McIntosh took this car to the Massie home and displayed it to Mrs. Massie. Inspector McIntosh testified at the trial of these defendants that Mrs. Massie at that time failed to identify it. Mrs. Massie, however, testified at the trial that the car shown her by Inspector McIntosh was

"just like the car she had seen the night before."

The car was produced before the jury and proved to be a 1929 model A, Ford touring car in excellent condition, with nothing loose or flapping about the top or back and it was testified that the car was in the identical condition it was on the night of the assault, except for a wash and possible polishing.

license number
of car used by
assailants,

George William Clark, Sr., in his statement to
Inspector McIntosh September 17th, stated:

"When asked about the car these boys rode in she (Mrs. Massie) said it was either a Ford or Chevrolet. She did not mention any car numbers."

Detective William Furtado in a statement given to J.C. Fraser and Operative G.A.M., August 13, 1932 stated:

"I asked her if she knew the number of the car in which she had been abducted and she told me she did not."

Although there is no testimony or statement by other officers or persons to the effect they hear anyone at the Massie home early on the morning of September 13, 1931 inform Lieutenant or Mrs. Massie of the license number of the car involved in the Peeples incident, yet various of those present did know of this number, it having been broadcast to the radio cars and Detective Furtado in his statement to J.C. Fraser and Operative G.A.M. August 13, 1932 stated that:

"About an hour before receiving the radio call to go the Massie home I received a call to be on the lookout for car 58-895 as the boys on this car were responsible for striking Mrs. Peeples on Dillingham and King streets and thinking that they had been implicated in the Massie assault I tried my best to pick up the car."

George Harbottle, city detective, testifying in the Ala Moana case, said:

"She Mrs. Massie, said she could not identify the car."

Harbottle further testified:

"He (Furtado) asked her whether she could identify the car, give the numbers, how could we get to the way of picking up this car, and she said the only way she could see was to give us the description of the car, which I stated a little while ago, the back of the car, the top lapping, it was an old car. She said it sounded like an old car, between a Ford and a Dodge. She did not remember that. That is the only way. She could not give us any number at that time."

Frank Bettencourt, court bailiff, who arrived at Massie home with other officers early on morning of September 13, 1931, in an interview with Operative G.A.M. August 23, 1932 stated both he and Detective Furtado asked Mrs. Massie if she obtained the license number of the car used to abduct her and she replied she did not.

William K. Simerson, traffic officer, testifying at the trial of the Ala Moana case stated he personally asked her (Mrs. Massie)

"If she realized that all local cars, Honolulu cars, had five numbers and could she give one or two of the numbers that were on the car and give us a lead on case, and she said no."

George Nakea, city detective, a witness at the same trial stated that he questioned Mrs. Massie at the Massie home Sunday morning, September 13, 1931 in the presence of Detectives Bettencourt, Furtado and Harbottle and Mr. Massie; also that Detective Furtado asked if she (Mrs. Massie) remembered the number of the car and she said all she knows was "55."

This statement respecting the license number is contradicted by Detective Furtado in his signed statement given to Messrs. J.C. Fraser and operative G.A.M., August 13, 1932.

In the statement of Officer William Seymour to our representative J.C. Fraser, Honolulu, August 10, 1932 he states:

"While at the Emergency Hospital (around 3 a.m. September 13, 1931, to which place Mrs. Massie had been taken by Inspector Jardine and others for examination and treatment by Dr. Liu, Lieutenant Massie was discussing the case with Jardine. When Jardine mentioned his suspicion of Lieutenant Branson, Massie said it was "Absurd." There were several parties or people who came to the Emergency Hospital with Massie and during the discussion between Massie and Jardine a radio car stopped in front of the Emergency Hospital. Shortly thereafter a dispatch was broadcast from headquarters in regard to automobile 58-895 having been picked up, said number having been given by Mrs. Peeples to the police due to an argument in a near collision whereby one of the boys in the car slapped her face. This number was broadcast several times and the signals from this car could be heard at least fifty feet from the car. Several members of the Massie party heard this broadcast and appeared to be much interested in same. I did not overhear any of their conversation.

After leaving the Emergency Hospital, we went to the Detective Bureau, which at that time was located upstairs in the Kapiolani Building which was temporary police headquarters at that time. I do not know what took place during the investigation in Captain McIntosh's office."

Dr. Liu, who examined and treated Mrs. Massie at the Emergency Hospital early on the morning of September 13, 1931, in a statement made in the office of City and County Attorney September 24, 1931 to Deputy City and County Attorney Wight and Inspector of Detectives McIntosh, relating what transpired in the hospital room where he was examining and treating Mrs. Massie on the occasion referred to, stated in reply to questions:

Q. Was any car number mentioned in your office ?

A. No. Not in the office, but they were talking about some number in the porch outside. I heard talking but I did not pay attention to that part. Several people and officers were there. I just stayed inside so nobody could talk to me."

A statement by A.W. McKecknie, U.S.N. in part is as follows:

Q. Did you see Mrs. Massie after she left the Emergency Hospital?

A. Yes.

Q. Where?

A. She was brought out to be put in a car to be taken to the police station.

Q. What car?

A. One of the radio patrol cars.

Q. At the Emergency Hospital, what did you hear about any other car?

A. First I tried to get information from the doctor. He also told me the case could not be discussed. Then Mr. Massie came out and told us what had happened and one of the detectives standing there said they had the number of the car they were looking for that had assaulted another woman.

Q. Did he say the number?

A. I thought he did. He said they had a Ford sedan or Chevrolet touring car.

Q. Did he mention the actual number?

A. I think he did but I don't know.

Q. Did he quote the number of the car we were looking for at that time?

A. I think he did.

After leaving the Emergency Hospital early on the morning of September 13, 1931 Mrs. Massie was escorted to the police station where she was interrogated by Inspector McIntosh. During the interrogation, according to the statement of Office John Cluney made to Messrs. Fraser and G.A.M. August 12, 1932, states:

"Captain McIntosh was in his office together with Mrs. Massie only a few minutes when he opened the door of his office and called me in. As I entered the office Mrs. Massie was still seated at desk and Captain McIntosh was sitting a little to the right of

Mrs. Massie. Captain McIntosh asked me the number of the car that I had brought in. I had this number written down on a card and I held it before me where the Captain could read the number himself without telling him and without Mrs. Massie being able to see it. I had the number 58-895 written in black lead pencil and after Captain McIntosh glanced at the number which I had on this card he called my attention and pointed to a number that was written on the blotter on his desk. I glanced at this number and noticed that the number was off one cipher. I would not be able to state at this time whether the number but it was close to the number I had and believe it lacked - that is the number he had - just one cipher from being or corresponding to the number I had."

Mrs. Massie, at Inspector McIntosh's office,
3.30 a.m. September 13, 1931 stated:

- Q. What was the license plate number, do you know?
A. I think it was 58-805. I would not swear to that being correct. I just caught a fleeting glimpse of it as they drove away.

Names mentioned
by assailants.

City Detective George Harbottle testifying at the trial of the Ala Moana case was asked if, when Officer Furtado questioned Mrs. Massie (at the Massie home September 13, 1931, anything was said at that time as to whether or not she (Mrs. Massie) had heard any names. Harbottle testified:

"Well, Officer Furtado asked her if she heard any names and she stated that she did not hear any names but there was only one name that she remembered and that was the name "Bull,"; that is the only name she heard."

Mrs. Massie was questioned by Inspector
McIntosh at Police Headquarters at 3.30 a.m. September
13, 1931:

- Q. Did you hear any names mentioned?
A. I heard the name "Bull" used several
times and some common name like "Joe"
or likened to that.

AS TO RAPE
HAVING OCCURRED

Statements and testimony as to fact.

George William Clark, Sr. in his statement
made to Inspector McIntosh, September 17, 1931 stated:

"We had asked her (Mrs. Massie) what had
happened and she told us that she had been
beaten up by a gang of hoodlums."

and

"My wife asked her (Mrs. Massie) if she had
been injured in any other way and she said
no."

Eustace L. Bellinger in statement he made to
Inspector McIntosh September 18th, stated:

"She (Mrs. Massie) was questioned by Mrs.
Clark as to whether they (the assailants)
had done anything other than beat her up.
She answered no."

Lieutenant Massie in a statement he gave to
Deputy City & County Attorney Wight and Inspector McIntosh
September 31, 1931 stated that upon reaching his home:

"I found Mrs. Massie in a state of collapse
and weeping hysterically. She explained
everything that had happened; that she
had been assaulted and had been raped. She
told me that she had been dragged into a
car by five Hawaiians; that they had taken
her to a place on Ala Moana Road and
criminally assaulted her."

George Harbottle, City Detective, testified at the trial of the Ala Moana case that early on morning of September 13th at the Massie home Mrs. Masse was questioned by Officer Furtado in his presence and replying to Furtado's question as to what had happened:

"She (Mrs. Massie) said that she was assaulted by a gang of boys and he asked her where it happened and she said it happened on John Ena Road."

City Detective George Nakea testifying at same trial stated that Mrs. Massie replying to his questions Sunday morning (September 13, 1931) said she was assaulted by some Hawaiian boys the other side of Ala Wai Inn.

Dr. David Liu, Emergency Hospital physician testifying at the trial of the Ala Moana case stated that on Sunday, September 13, 1931 when treating Mrs. Massie at the hospital (Hospital records show this to have been at 2.35 a.m.)

"She said while she (Mrs. Massie) was walking on the road a car came up and two men jumped off the car and took her to a lonely spot or brush and each took a turn assaulting her. A number of four, five or six or seven men."

Miss Agnes Fawcett, nurse at the Emergency Hospital who prepared Mrs. Massie for examination at the hospital, testifying at same trial said that Mrs. Massie told her six men had assaulted her.

Mrs. Massie gave a statement to Inspector McIntosh at Police Headquarters at 3.30 a.m. September 13, 1931, of which the following is a part:

Q. Will you relate what happened to you tonight?

A. -----I was assaulted six or seven times.

Q. You mean they raped you?

A. Yes.

PHYSICAL
EXAMINATION
OF MRS. MASSIE

Mrs. Massie alleged she was raped by five men a total of six times. These men had previously handled her very roughly, according to her statement, beat her with their fists about the head and face. It is therefore improbable that any consideration whatsoever would be shown to her or any care of her would be taken by these men while ravishing her. Mrs. Massie stated one of these men savagely struck her in the jaw while he was raping her. They were all young and athletic; and naturally would have hurried and been violent in their operations. The approximate minutes available for these raping incidents as determined by a check of the movements of Mrs. Massie and of these boys as far as can be determined would require very considerable haste in their accomplishing, so much so that it is highly improbable six rapists could have accomplished their purpose in the space of time Mrs. Massie states or within the time available for the accused, were they the rapists. It should not be overlooked that these accused boys, as far as is known, had no need to rush thru such proceedings within the few minutes in which the six offenses are stated by Mrs. Massie to have been committed.

Conceding that in the case of alleged rape there need be no signs whatever on the victim, on the other hand the signs of rape may be very obvious, for example:

The woman may have been heard to cry for help.

There may be signs of struggle at the spot where the rape is alleged to have occurred.

There may be damage to the woman's clothing.

There may be bruises of various parts of her body.

There may be other signs that she has been subjected to physical force.

The genital organs may be injured, such as the vulv bruised and perhaps bleeding, and in cases where the disparity in size between the man and woman is very great there may have occurred rupture of the perinaeum and injuries to the vagina.

Seminal spots may be found upon the woman's clothing. The characteristic element of semen is spermatozoon which may be found as readily in dried secretions as in fluid. The spermatozoa retain their form indefinitely in seminal stains that have been dried. Skillful examination for them with the microscope is therefore necessary. Blood spots also may afford evidence but not so conclusive.

The finding of spermatozoa within the vagina is proof positive of connection.

An examination of the person of the accused may afford some corroborative evidence. Blood or seminal spots upon the linen or clothing and injury to the person or clothing, all afford a degree of evidence of sexual act combined with violence.

Signs of violence on the person of the ravisher may be found in the form of scratches, bruises and wounds made by bites. The male genitals often present signs of slight or even severe injury.

It is a debatable point whether the rape of a woman of Mrs. Massie's size and strength is possible by one man or several men, unless she be rendered helpless beforehand, without the clothing of herself and the person and clothing of her assailants clearly showing the effects of her struggle to prevent the rape.

Such a woman possessing all her faculties is capable of offering resistance to the original force adopted to gain control and further to resist thru the raping operation, struggling with arms, legs and body, delaying, if not preventing the completion of the act.

It is the obligation of the woman to resist with all the force and power of which she is capable and when such resistance has been strenuous and adequate to her physical strength signs of violence are left not alone on her person but on that of her ravishers as well. The absence of such signs, however, cannot be taken as conclusive proof that full resistance was not offered to a violent attack for the obvious purpose of rape may cause a temporary psychic paralysis and account for the failure to make outcry and to use strenuous physical resistance.

Mrs. Massie states she screamed once when first struck, upon the attempt being made to force her into the car, and while being raped resisted as much as she could.

- If she screamed once, as she states, on John Ena Road as she struggled to prevent the kidnaping she was not heard although it is believed to be established that many automobiles were using this highway at the time.

Mrs. Massie in her statement to Detective Furtado at the Massie home early on the morning of September 13, 1931, shortly after the alleged rape, according to Detective Furtado in his statement to our representatives J.C. Fraser and Operative G.A.M. August 13, 1932, when asked by Furtado if she had been unconscious at any time from the time they picked her up to the time they (Mrs. Massie's assailants) finished assaulting her, said she was never unconscious at time.

Mrs. Massie in her direct testimony in the trial of the accused said, in part:

- Q. What was your physical condition when this was going on, as to strength?
A. They hit me so much that I was sort of dazed.
- Q. Had you any strength left ?
A. Not then. I had struggled as hard as I could.

Mrs. Massie under cross examination by Mr. Heen further testified as follows:

- Q. And he pointed towards the sea, did he?
A. I don't know just where he pointed, I was so confused.
- Q. Were you still dazed at that time?
A. I was very much upset, but I could see him and hear what he said. I could sit up and when they left me I could stand up alone.

Q. About how long were you down at this spot altogether?

A. I don't know.

Q. You have no idea at all?

A. Well, perhaps it was 20 minutes.

At the medical examination and treatment of Mrs. Massie by Dr. David Liu at Emergency Hospital, 2.35 a.m., September 13, 1931, but about 2 1/2 hours after the alleged rape, Mrs. Massie stated that she had douched following the rape. A careful examination was not made and accurate note taken of the exact condition of the genital organs and all original linen and garments obtained for the purpose of prompt microscopic examination although some garments were later obtained.

The presence of semen in or about the genitals of an alleged victim of rape is incontestable evidence of sexual contact. This proof must be sought in the secretions of the parts and in any dried secretions obtainable from the genitals or clothing. The physician did not remove a portion of any discharge in the vagina (a smear) for the same purpose.

In view of the fact that notwithstanding the victim of rape is a competent witness it is necessary to corroborate her testimony when guilt is denied. In a prosecution for rape invariably the examining physician is called upon to give evidence touching the question of whether penetration has taken place or not and whether force was used.

Penetration is an essential part of intercourse that needs to be established as an element of rape. Examination of the female genitals is the only means of determining physically whether penetration has taken place or not.

From the statement made by Dr. David Liu, the Emergency Hospital physician, at the office of the City and County Attorney, September 24th, 1931, the following is taken :

Q. What is your name?

A. Dr. David Liu (Emergency Hospital Physician)

Q. On Sunday morning, September 13, was Mrs. Thalia Massie brought into the Emergency Hospital?

A. Yes.

Q. And what statement did she make to you?

A. She stated that a car with four to six men drove up to her and two men jumped off the car and dragged her into the car and soon afterwards took her into the brush and each took a turn and raped her. She also stated that she was of the impression that these men had done it before and she could not recognize the men, it was too dark.

Q. Now describe any bruises she might have had?

A. Head - marked swelling of the upper lip. Right cheek markedly swollen. Left cheek moderately swollen.

Q. About what time was this examination made?

A. 2.35 a.m.

Q. Did you examine her whole body carefully or not?

A. No, I didn't examine her whole body.

Q. Did you make a pelvic examination?

A. Yes. Vaginal examination of hymen was old, lacerated at 5 and 7 o'clock position. No other abrasions or contusions noticeable. Patient was raped two hours ago and she douched herself before she came into the Emergency Hospital.

Q. Doctor, could this woman have had four men and not show any marks?

A. Yes.

Q. Why?

A. One reason is because she had been a married woman. The vagina opened quite a bit. I had a talk with Dr. Faus and he says it is possible.

Q. But she had a large opening and it was possible ?

A. Yes.

Q. Was she semi-conscious?

A. She got right up and walked and would limp if she were semi-conscious.

Q. Was she under the influence of liquor?

A. When I examined her I detected alcohol and she was under the influence of liquor.

Q. She would be sober enough to operate a car?

A. Yes, I think so.

Q. Was she in a dazed condition?

A. Well, she got right up and walked. They clear up and relapse again.

Q. You would not say that she was absolutely normal?

A. No.

Q. Was she hysterical?

A. She was crying.

Q. Was any car number mentioned in your office?

A. No, not in the office, but they were talking about some number in the porch outside. I heard talking but I didn't pay attention to that part. Several people and officers were there. I just stayed inside so nobody could talk to me.

Q. You say Mrs. Massie was crying. Was she in a hysterical state?

A. On a border to hysterics.

Q. Did you know her jaw was broken at that time ?

A. No. I examined it and it was tender. A fracture in the jaw is hard to find.

Miss Rawcett, the nurse who prepared Mrs. Massie for the examination, at the Emergency Hospital at 2.30 a.m. failed to see any indications of rape, and to use her own

expression, stated she was as "clean as a new pin."
Neither Dr. Liu nor Miss Fawcett observed any marks of or
bruises from the waist down at that time, however, Dr.
Porter in his partial examination of September 13th
found a contusion on the left elbow one half inch in
length, an abrasion six inches long on front leg starting
at the ankle extending upward, and contusion of right
wrist one half inch. His examination made on Sept. 16th
however, developed other bruises and abrasions which had
not been observed on the 13th.

John E. Porter, Lieutenant Commander, Medical
Corps, U.S.N., testified at the trial of the Ala Moana
defendants he had examined Mrs. Massie following the alleged
rape and described numerous body and head bruises and jaw
fractures but his report of Mrs. Massie's injuries did not
embrace vaginal injuries although he stated he had made a
vaginal examination.

Dr. Paul Withington, when interviewed August 9th,
1932 by J.C. Fraser, stated that neither he nor Dr. Porter
made a vaginal examination of Mrs. Massie following the
alleged rape believing this had already been done by Dr.
Liu at the Emergency Hospital.

Mrs. Massie was admitted to Queen's Hospital
September 13, 1931 at 3.23 p.m. and discharged September 20th,
1931, 4.37 p.m.

Copy of the hospital record of Mrs. Massie's
admission, diagnosis, treatment, etc. follows:

QUEENS HOSPITAL

DR. PORTER CLINICAL RECORD MRS. THALIA MASSIE

ADMISSION SHEET

Mrs. Thalia Massie, 2850 Kahawai, Room 235
Nationality, American, Birthplace, Washington, D.C. Age 20
Married.
Nearest relative, T.H. Massie (husband) Physician Dr. Porter.
Admitted Sept. 13, 1931 3:23 P.M. discharged Sept. 20, 1931,
4:37 p.m.

FINAL DIAGNOSIS

Fractures lower jaw Dr. (s) John A. Porter
Improved: Yes.

CASE HISTORY

Patient came into hospital with fractured jaw and contusions
of and abrasions. General condition fair, except patient quite
upset following accident.
Weight O.K. Appetite O.K. B.Ms. O.K. Frequency O.K. Nervousness
O.K.
Sleep O.K. Sight O.K. Hearing O.K.
Prev. Diagnosis (1) Fractured jaw.

Certified a correct copy.
THE QUEENS HOSPITAL
G.C. Potter
Superintendent.
February 16, 1932.

HISTORY AND PHYSICAL EXAMINATION

Patient well nourished. Female suffering from abrasions and
fractured jaw. Seen after jaw dressed. Condition good.
Fracture on the right side near 3rd molar.

PROGRESS RECORD

9/13/31 Patient has fracture lower jaw at the angle of the
right side. Considerable displacement. Contusion left el-
bow. Abrasion six inches long front leg.

Staring at ankle extending upward. Contusion right wrist. Patient in fair condition. Dr. Askin, dentist, called in to treat fracture jaw. Bandage applied. J.E.P.

9/16/31 Fracture splinted by Dr. Askin. Looks in good position. Patient general improvement better J.E.P.

9/16/31 The following injuries with discoloration not noted above were found on examination this morning. Leg below right knee front-bruise two inches, inner knee one inch. Bruise one inch front middle left thigh. Front right bruise one inch. Outer left thigh $1\frac{1}{2}$ inches. Left shoulder bruise 1 inch. Right upper chest $1\frac{1}{2}$ inches. J.E.P.

9/17/31 Under gas lower right third molar removed under gas by Dr. Askin.

9/17/31 Fracture left side thru mental foramen. No displacement. J.E.P.

9/20/31 Patient running temp. From infection jaw. Splints in place being treated by Dr. Askin. Wife and husband both wish that she leave hospital. I do not believe she should go, but since they accept all responsibility she is discharged from the hospital and my treatment. Jno. E. Porter.

Certified a correct copy.
THE QUEENS HOSPITAL
G. C. Potter
Superintendent.
February 16, 1932.

THE QUEENS HOSPITAL
OPERATIVE RECORD

Liholiho 2-235
9/17/31

Minor

Operative diagnosis complete: Fracture lower right jaw angle with lower 3rd molar in line of fracture.

Indications for Operation: Unerupted 3rd molar in line of fracture which will prevent healing.

Estimate of risk by surgeon before operation: Good.

Condition of patient: Temperature 98, Respiration 20, Pulse 92.

Anaesthetic: Gas 30 minutes. Pulse 100. Good condition.

Excellent.

Operation: Extraction lower 3rd molar. Began 9:30 closed 9:50 A.M.

What was done: Gum incised and unerupted. Lower third molar removed.

Postoperative diagnosis: Same as preoperative.

Immediate postoperative condition: Excellent.

Surgeon: Dr. Porter, Dr. Askin.

Anesthetist W. Wallace.

Instrument nurse, Miss Teshima

Sponge nurse, Miss Herr.

Signed Jno. E. Porter.

X-RAY REPORT

Ward #235

9/14/31

#24609

Roentgenological Findings Right jaw. Fracture right jaw through third molar.

G.C. Potter

(S) A.G. Schnack, M.D.

A.O.

9/16/31

Fracture of right jaw near symphysis and fracture at jaw angle.

Requested by Dr. Askins and Porter.

Lacking Anatomy Chart

On October 13, 1931 Mrs. Massie was admitted to the Kapiolani Maternity Hospital. Copy of the hospital record of her admission and treatment there follows:

KAPILANI MATERNITY HOSPITAL

DOCTOR'S ORDER SHEET

Mrs. Massie Room #2 Dr. Porter

Prep. for D. & C. Tel. order.

- 10/13/31 Dodeine gr. $\frac{1}{2}$ asperin gr. X
Soda Bicarb. gr. X for pain RR N
(If pain is not severe the asperin and soda may be sufficient).
Sodium amytol gr. III may be given for restlessness and at bedtime. P.W.
Liquid diet, plus such soft solids as can be taken without injury to jaw. P.W.
- 10/14/31 Ephedrin jelly for nose P.R.N.
Asperin gr. X soda bicarb. Gr. X. for headache.
Citrate of Magnesia Oz. VIII. P.W.
- 10/13/31 Patient has not menstrated since being assaulted on September 13, 1931 and in view of circumstances it is deemed wise to currotte her. Consultant, Dr. Porter.

(S) Paul Withington, M.D.

KAPIOLANI MATERNITY HOME
OPERATIVE RECORD

-
- 10/13/31 Postoperative diagnosis: Amenorrhea
Postoperative diagnosis Amenorrhea
Condition of patient: Good
Anaesthetic: Ethylene 25 minutes.
Findings: Cervix old bilateral tear. Contents of uterus negative. No enlargement.
Wat was done D. & C.
Surgeon: Paul Withington.
-

KAPILANI MATERNITY HOSPITAL

CLINICAL RECORD

Pt. admitted to Room #18 per wheel chair Prop. for D. & C.
Scipt.
Alcohol Rub. P.M. care. Ex. douche made comfortable. Mouth wash
Medicine: Hexyresouricinal Sod. Amytal gr. 3. Pt. crying-says
It's from the Amytal.

10/14/31 Awake. Refuse nourishment. Mouth rinse frequently.
Fairly comfortable nite. No complaints. Cl.sp.bath.
Alco rub. Cervical and vaginal packing removed by
Dr. Withington.

Asperin r. 19 for mouth rinse. ST 37 mouth wash. Mag.citr-te
oz. 8.
Asperin gr. 10 Sod.bicarb.Gr. 10. P.M. care Alco back rub.Pt.
made as comfortable as possible. Pt. thinks she swallowed
piece of wire from brace on tooth.

10/15/31 Very much upset. Aspirin r. 10 given for headache.
Dr. Withington visited "L.O." Sod. Amytol Cap. 2
dissovled in H2O, taken for mouth wash. General night care
comfortable.
Given hot milk Sod. Amytol Cap. 2 Hot H2) bag to lower abd.for
cramps. Listerine for mouth wash. Slept well. Liquid diet.B.M.
Sponge bath. Alco rub. Very little flow. Seen by Dr. Withington
Discharged 10:00 A.M. Uterus not enlarged. Currettings meagre.
Diagnosis: Amenorrhea. Discharged in fair condition; no flowing.

(S) Paul Withington.

Dr. Paul Withington, Mrs. Massie
who performed the curetment on her at the Kapiolani
Maternity Hospital October 14, 1931 sent the curetment
scrapings to Dr. N.P. Larson in charge of Laboratory
at Queen's Hospital for microscopic examination. Dr. Larson
informed J.C. Fraser at interview July 9th, 1932 that the
examination disclosed no evidence of pregnancy.

EXAMINATION
OF MRS. MASSIE'S
CLOTHING

In reviewing Mrs. Massie's testimony the follow-
ing questions were asked on cross examination:

- Q. Did they drag you along the ground, or
hold on to you and force you to walk
with them?
A. They were holding me and dragging me.
Q. Were your feet dragging on the ground
as they took you there?
A. Yes.

When Mr. Fraser examined the shoes she was
alleged to have worn that night he failed to find a single
mark that would bear out this statement.

A careful examination of the clothing worn by
Mrs. Massie on the night of the assault failed to show any
evidence of an attack such as she described; the garments
being in perfect condition, no rips or tears, except on
one stocking. It seems improbable that an attack such as
described by Mrs. Massie would not show some evidence on
clothing of such flimsy material, and if the clothing were
to have been turned up above the hips there would certainly
be some indications of some nature caused by the character
of the ground on which she lay.

Inspector McIntosh on the occasion of an interview by J.C. Fraser, August 3, 1932 stated he is under the impression that Lieutenant Massie brought to Police Headquarters the clothing Mrs. Massie had worn on the night of the alleged rape, but did not know how thorough the examination of each garment had been. He said he had seen no spots on the garments when he had examined them, excepting on back of the dress which may have been caused when she sat down in the car as these marks appeared to be grease marks.

We quoted the following from statement made by Officer George Nakea of the radio patrol to J.C. Fraser and Operative G.A.M. August 18, 1932:

"About 3 a.m. Lt. Jardine and Mr. Massie came back to the house and I walked into the house with them. Lt. Jardine picked up Mrs. Massie's dress, the one she had worn to the Ala Wai Inn. This dress was in Mrs. Massie's bedroom hanging over a chair back. Lt. Massie picked up the dress and handed it to Lt. Jardine who took charge of it. Lt. Jardine asked Mr. Massie if that was the dress and Lt. Massie told him yes. I did not see Lt. Massie hand Lt. Jardine any other clothes. The color of this dress was green but I did not notice if there was any fur on it. They only stayed long enough to get the dress, then left the house, after turning out all the lights. Lt. Massie drove away alone in his Ford roadster. Frank Bettencourt drove away with Lt. Jardine in Jardine's car and I followed in my car."

and

"I saw Mrs. Massie's dress, the one Mr. Massie handed to Lt. Jardine, first before Massie handed it to him and it was not rumpled and appeared to be in good condition. This dress was in the back bedroom on the chair back."

The report of R.O. Griffin, Captain of
Records and Instructor of the Police Department, which
follows is self explanatory:

Police Department
Honolulu, T.H.
September 10, 1932

The following is an exact transcription
of shorthand notes made by R.O. Griffin, Captain
of Records and Instructor of the Honolulu
Police Department, while examining the clothes
and other articles of Mrs. Massie in the office
of the clerk of the First Circuit Court, First
Division (former Judge Steadman, now vacant),
between 11 A.M. and 12.15 P.M. August 23, 1932,
in the presence of Harry A. Wilder, clerk of the
court, and J.C. Fraser, Pinkerton Agency, the
latter also examining:

SLIP: From about the buttock down there are several
stains on the outside that resemble those of
vegetation. At the bottom outer edge is one or two
particles that look as if it might be dried seminal
material. About three inches from bottom, at same
place, a piece about two inches in diameter is cut
out - this was the piece undoubtedly examined by
Dr. Larson which was reported as negative. Near
this hole is a small spot about one half inch in
diameter which is considerably darker than other
stains - might be blood or partly blood.

A LITTLE SLIP-OVER OR STEP-IN WITHOUT BOTTOM

A little flowered article. Little ribbon
shoulder straps, the left one being disengaged from
the front. A draw string in front edge. No stain or
mark on this article.

GIRDLE, De Bevoise, Made in U.S.A.

Directly at back and bottom, inner side,
which would come just between cheeks or buttock, is
a smooth, stiff coagulation of some material which
might well be seminal material. There are two or
three shiny particles in this stain which is undoubtedly
organic but not vegetal. The girdle hooks on left side.
The center attached to left side for left leg has
been worn off at some time and re-sewed. There is a
little dark stain on buckle on this one. The inner
leg supporter for left leg bears on its outer side
a dark stain such as might be made by grass.

It does not seem to be similar to semen - there being no stiffness or trace of organic particles - more like rust stain or grass. It might be even perspiration stain as a little shows on the inner right supporter. Girdle is elastic on each side immediately above and front of thighs.

STOCKINGS

One is entirely intact without hole or run. The other has a place torn about four inches above heel of sock on one side - difficult to determine now whether right or left stocking, or whether hole is merely torn apart or some of the material missing. There is a dark stain just above in same line about six inches below hose top. Several pieces of foliage of the ironwood tree found sticking to these silk stockings. (The ground at the spot at which the attack is alleged to have occurred was examined by me and Mr. Fraser just prior to examining this clothing and it was thickly covered with the fallen "leaves" which resemble in distant appearance the needles of pine trees but which are hollow and jointed and much like a variety of water grass)

JACKET

Green silk material, apparently strong material which I believe would be termed crepe. Short sleeves with brown fur trimming about one and one-half inches in width around edges of sleeves. On right sleeve upper just above fur is a blood smear about two inches long showing clear thru to under side. Just above right breast is another small blood stain (or so these stains appear to be) as if dripped. Very small dark stain on left part of sash which is a part of jacket and ties around. No tear of any sort in this garment. (notes don't indicate whether tying in front or rear.)

DRESS

Of same material as jacket with white silk upper. What appears to be blood stain about one-half inch in diameter on front of dress, right side, a little below waist. Just below this and to the right is an indefinite stained area about four inches in diameter, giving the cloth at that point a rather stiff texture. It does not resemble blood. But below it again are a couple of small dark stains resembling blood. In flare on left side of dress about three inches from bottom is an area somewhat stiffened and stained. Directly above it at point of gore is a smaller similar but stiffer stain. At back of dress at right bottom are a couple of small dark stains, probably blood. Up about buttock, outer side, are several dark marks. They are horizontal marks, none longer than two inches, running up about an area of twelve inches, beginning at buttock. Some of the same discoloration appears on inside of a little hagover portion of the dress which hangs at rear from top part of dress, and a little of this stain on the outside. The whole area around the back shows water marks.

LEFT SLIPPER

Heavy rough reptile or imitation reptile. No scuffing or marks excepting on outer part of heel where there are three small scuffings. No indication to show that slipper had been dragged along ground.

RIGHT SLIPPER

Shows no scraping or scuffing at all.

BEADS

About one-third of string which had been tied after being broken. All about the same size - slightly smaller than peas, though slightly graduated. In two or three other envelopes were other beads of the same material - green cheap stone material - two or three of these beads being more than twice the size of the others. String unknotted excepting where ends tied.

PURSE, CIGARETTES, MIRROR

Also shown at this time were a package of Lucky Strikes opened at one corner, about 15 remaining. A folding tapestry patterned green purse containing a small mirror.

(signed) R. O. Griffin
1.30 p.m. 9-10-32

Dr. Robert B.
Faus

Dr. Robert B. Faus, City and County Physician

when interviewed by Operative G.A.M. Augst 8, 1932 stated he had done nothing officially in connection with the Ala Moana case; made no examination of Mrs. Massie and at no time conversed with her. He conducted no investigation after Mrs. Massie's examination at the Emergency except to look at pieces of her clothing which had been brought to the Queens Hospital Laboratory for examination.

He said Dr. Larson and Dr. Liu were in the laboratory at the time the examination was being made. That the only articles of wearing apparel of Mrs. Massie's he saw

were a slip, green dress, and step-ins and believes there was one stocking which had a runner in it, but is not sure about the stockings. He said he only made a superficial inspection of the Massie wearing apparel and that he saw no blood or traces of sperm and that none of the articles were torn or appeared to have been abused and were in good condition.

He said he examined at the same time other clothing in connection with other rape cases and is not sure if the slip shown him belonged to Mrs. Massie or not, but believes it did. He said Dr. Larson made a microscopical examination of the Massie wearing apparel but found no sperm or blood stains. He stated he did not know whether this examination was made a day or so after the assault or whether it was a week later, but was inclined to believe it was some days later. He said Dr. Larson's examination of the Massie garments was negative. Said he thought it peculiar Mrs. Massie should have been wearing a cotton slip with an evening gown.

Dr. Faus was of the opinion that it would be possible for a woman who had borne a child to be raped and not show the effects of any mistreatment but that one would naturally suppose the woman's clothes would be badly rumpled, dirty or torn, which he said was not so in this case. Said he had no reason to believe the garments shown him were not those worn by Mrs. Massie on the night of the assault and on second thought believed they were brought to the hospital by either the doctor or Inspector of Detectives McIntoch.

Dr. N.P. Larson Dr. N.P. Larson, in charge of laboratory at Queens Hospital when interviewed by J.C. Fraser July 7, 1932 stated the only thing he had to do with the case was to examine the slip and step-ins with microscope and no signs of sperm was found.

He said slik skirt was not examined under microscope as there was nothing in same to examine. Speaking of the almost invisible marks on skirt, said that may have occurred from being laid away for some time. Said nothing was on stockings to examine. When asked who cut the piece from the slip for examination said perhaps Dr. Faus did.

EXAMINATION
OF PERSON
AND CLOTHING
OF ACCUSED

Dr. Thomas M. Mossman, City and County Emergency hospital, at an interview with Operative G.A.M. August 8, 1932 said he examined the defendants in the Ala Moana case in relation to their genital organs and looked for evidence of traumatism, presence of blood and genital secretions and that the examination was made about noontime on the 14th of September 1931 at the Emergency Hospital, the defendants having been brought to him by Officer Finnegan. Dr. Mossman's report of his findings are as follows:

| | |
|------------------|--|
| Henry Chang | Essentially negative |
| Ben Ahakuelo | " " |
| Joseph Kahahawai | " " |
| Horace Ida | Papular rash of glands, otherwise negative |
| David Takai | Skin along raphe appears to be reddened. There are no abraded areas, lacerations or bruises. |

Dr. Mossman stated Detective Finnegan advised that the defendants were wearing at the time of the assault the clothing they were wearing the night of the assault. He said that the

and underclothing were examined for sperm and found negative and that but a superficial examination was made for venereal infection.

Although the purpose of a group of men or boys kidnaping a strange woman late at night and violently removing her to an isolated and unfrequented spot may be obvious, and marks of violence upon her body would tend to support the woman's narrative that the purpose of the kidnaping had been rape, yet if rape had been committed and was to be established, there are certain essential ingredients of the offense which are required to be proved.

We have found nothing in the record of this case nor have we thru our own efforts been able to find what in our estimation would be sufficient corroboration of the statements of Mrs. Massie to establish the occurrence of rape upon her. There is a preponderance of evidence that Mrs. Massie did in some manner suffer numerous bruises about the head and body but definite proof of actual rape has not in our opinion been found.

ability to
identify
assailants

George Harbottle, city detective, testifying

Geo. Harbottle in the Ala Moana case:

Q. On John Ena Road?

A. Yes, and he (Officer Furtado) asked her if she (Mrs. Massie) could identify the boys when she saw them. She said she could not at that time.

Q. She could not at that time?

A. No. -----

Then he questioned her further and he said if she really could identify the boys and she stated that she could not, and he asked her if she could tell them by their voices, and she said yes, that is the only way she could identify them, is by the voices.

Q. By the voices?

A. By the voices, if she heard them again.

William K. Simerson Traffic Office William K. Simerson, at the trial of the accused, in direct examination testified:

Q. Did Mrs. Massie say anything about the nationality of the men who assaulted her?

A. Yes, she said she was positive that they were Hawaiian boys.

Q. Did she say how many Hawaiian boys?

A. Four or five, she was not sure.

Q. Did she attempt to name any of them at that time?

A. She did not mention any names at that time.

Q. At that time, Mr. Simerson, did Mrs. Massie attempt to describe any of those boys or any of these men.

A. She did not.

and, under cross examination:

Q. Now what were her words when she said or

described what nationality these boys were?

A. She said they were Hawaiian.

Q. You tell me her exact words.

A. She said that the boys were Hawaiian, positive they were Hawaiian by the way they spoke.

Q. What is exactly her words?

A. Well, I could not say it word for word but it sounded something like that.

Q. What were the words, word for word?

A. I can not remember.

Q. As near as you can remember.

A. Something like that.

Q. She did not use the word "She," did she?

A. She did not use the word "She." She said, "I am positive they were Hawaiians because of the way they spoke."

Traffic Officer Simerson, testifying at the same trial, said he was at the Massie home early on the morning of September 13, 1931, when Office Furtado was questioning Mrs. Massie, and:

"She (Mrs. Massie) said in answer to question about being able to identify the persons who assaulted her she said she could not."

and

"She said she was positive they were all Hawaiian boys, four or five, she was not sure. She did not attempt to describe any of the boys."

George Nakea
City Detective George Nakea, testifying at the same trial, stated he was at the Massie home early on morning of September 13, 1931, and in presence of Detectives Bettencourt, Furtado and Harbottle and Mr. Massie questioned Mrs. Massie and that Detective Furtado asked Mrs. Massie if she could identify the boys (her assailants) if they, the police, were to go out and pick them up, and she said, "No," she could not identify. All she knew was they were Hawaiian boys.

Detective Nakes, at the trial of the accused, in direct examination testified, in part, as follows:

Q. What did you say to Mrs. Massie?

A. I asked Mrs. Massie, -- I went to her, right at her head, (witness previously testified Mrs. Massie at the time was lying on a couch, at her home) and she was looking at me; she was holding a handkerchief over her mouth, and I told Mrs. Massie, I said "What is the matter?" So she said, "I have been assaulted." I says, "Who was you assaulted by?" And she says, "Some Hawaiian boys," and I asked her, I says, "Do you remember where the place you been assaulted at?" And she said, "Yes, the other side of Ala Wai Inn." That is all she asked me. Then I told Mr. Massie to come out with me and with Furtado.

Q. Did she tell you or say anything about who assaulted her?

A. No she just told me it was Hawaiian boys.

And:

Q. ^{What} What else, if anything, did she say as to the identity of the boys if anything, of the Hawaiians, rather?

A. She did not make no identification about the boys to me, but all she said was Hawaiian boys and that is all she said.

Q. Did she say anything at that time as to whether or not she could identify these Hawaiians?

A. She says she could not, because I asked her at that time if she could identify the boys if we were to go out and pick up the boys and bring them in and she say no, she could not identify, all she knew was Hawaiian boys.

Frank Bettencourt
Bettencourt

Bailiff, Frank Bettencourt, at trial of the accused, testified in direct examination, in part, as follows:

Q. What did you ask her? (Mrs. Massie)

A. I asked her if, in event we should find these boys if she could identify them.

Q. What did she say?

A. She says no; she says all she knew they were Hawaiians. I then asked her if she took the car number down, She says, "No, I didn't take any car number down."

Dr. David Liu of the Emergency Hospital, who treated Mrs. Massie a few hours after the alleged rape, testified at same trial;

"She told me she did not know who they (her assailants) were. The place was dark and she could not recognize them."

Miss Agnes Fawcett, the nurse at the Emergency Hospital, who prepared Mrs. Massie for Dr. Liu's treatment at 2.35 a.m. September 13, 1931, testified at the same trial that Mrs. Massie told her that six men, Hawaiians, had assaulted her; that it was dark and she could not recognize them.

Mrs. Massie was questioned by Inspector McIntosh at 3.30 a.m. September 13, 1931, at headquarters, in part, as follows:

- Q. Do you think you could identify these men Mrs. Massie?
A. I don't know.

Mrs. Massie's testimony at trial of accused with respect to her opportunities to see and identify.

The testimony of Mrs. Massie at the trial of the accused, with respect to her opportunities to see and identify them while in their control and the apparent close and careful observation she took of these details, in view of her lack of knowledge of these same important details when interviewed by numerous persons immediately after the alleged rape, must of necessity give rise to grave doubt as to the accuracy of any of her statements with reference to the accused and it seems to be entirely within reason to believe that Mrs. Massie's knowledge

of the appearance, dress and other identifying marks of the accused was acquired through events in the interim.

Mrs. Massie's testimony, in part, sufficient to illustrate this point is herewith quoted:

Cross-examination by Mr. Heen-

Q. Was there a street light at the place where the car stopped?

A. I think there was a street light near there. I am not so sure.

Q. You are not sure?

A. No.

Q. Was there light enough there at that time for you to see?

A. Yes, it was quite light because there was another lamp nearby.

Q. Did you notice what Kahahawai had on at that time?

A. Yes.

Q. What kind of clothes did he have on?

A. He had on blue trousers and a short sleeved blue polo shirt.

Q. Blue trousers?

A. Yes.

Q. Blue short sleeved polo shirt?

A. Yes.

Q. Did you notice that before or after you --

A. As he jumped from the car and when he got me in the car; I guess I noticed it more after.

Q. What kind of shoes did he have on?

A. I haven't the faintest idea.

Q. What kind of hat did he have on that time?

A. He wore no hat.

Q. No hat?

A. No.

Q. Did you notice that he had black hair at that time?

A. Yes.

- Q. He had nothing on his head at all?
A. No.
- Q. What kind of clothes did Chang have on at that time?
A. He had on dark trousers and I think a white or blue shirt. He wore no coat and no hat.
- Q. Did you notice that before you were struck by Kahahawai?
A. No. I noticed it when he was pulling me into the car.
- Q. Was the shirt that Chang had on at that time short sleeved or long sleeved.
A. He had long sleeves, but I think they were rolled up.
- Q. You are not sure about that?
A. Yes, they were rolled up.
- Q. Was it unbuttoned at the collar?
A. Yes.
- Q. This other boy that was in the back seat, what kind of clothes did he have on?
A. I don't know. I couldn't see.
- Q. You couldn't see him?
A. No. Chang was sitting like this (indic.) and this boy was over here. All I could see was his general figure.
- Q. You said Ida was in front driving the car at that time?
A. Yes.
- Q. Who was the other boy alongside of him?
A. Ahakuelo.
- Q. What kind of clothes did Ahakuelo have on at that time?
A. He had on a blue shirt.
- Q. What kind of trousers?
A. Since he was sitting in the front seat I couldn't see his trousers.
- Q. Did you later on notice what kind of trousers he had?
A. I think he had on blue trousers.
- Q. At what point of time was it that you think you noticed that he had on blue trousers?
A. It must have been later.

- Q. While you were still in the car?
A. No. I couldn't see his trousers. It must have been after I got out. I am not sure about his trousers -- that's just my impression.
- Q. Then what kind of clothes did Ida have on?
A. He had on a brown leather coat, then later I saw he had on dark trousers.
- Q. When you say later, what time would that have been?
A. When he assaulted me.
- Q. When he assaulted you?
A. Yes.
- Q. When they got you into the car did you try to scream again?
A. I spoke to them and he struck me. I said, "Let me go" and he hit me again. He said "shut up" and he kept on hitting me just for no reason at all.
- Q. What else was said at that time?
A. I offered them money if they would let me go.
- Q. You had your purse at that time?
A. Yes.
- Q. Then what happened to that purse?
A. They took it away from me.
- Q. Do you remember who it was took the purse away from you?
A. It was Chang, I think. He was on my left and I had my purse there.
- Q. After they took the purse away from you what did they do with it.
A. I don't know.
- Q. Now, you stated that you saw Ida's face that one time or later -- half his face?
A. Yes.
- Q. When was that you saw part of his face?
A. While driving the car he turned to see what was going on.

and

- Q. You stated, I believe, it was at one point that Ahakuelo turned around and laughed?
A. Yes.
- Q. Do you recall that?
A. Yes.

Q. Did you see his facial characteristics at that time?
A. Yes.

Q. And you also saw a gold tooth or gold filling at that time?
A. Yes.

Q. Did you see the gold filling more than once?
A. I only remember seeing it once.

Q. Then you saw him again. Did you see his face later on?
A. While in the car he turned several times. I got several good looks at his face.

Q. And from what you saw of his face that night you are able to identify him?
A. I am now able.

Q. How many times were you struck by these boys while you were in the auto?
A. I was struck repeatedly.

Q. Where were you struck?
A. I don't know. They just kept hitting me around the face.

Q. On the face all the time?
A. Yes.

Q. Did you at any time lose consciousness?
A. I don't remember so.

Q. You don't remember that?
A. To the best of my knowledge I didn't lose consciousness.

and

Q. You stated that these boys repeatedly struck you with their fists while driving you from the spot where they picked you up down along the Ala Moana Rd. Were you still conscious at the time they turned off Ala Moana Rd. up to the place where the bushes were?
A. Yes.

Q. But at that time you were still frightened?
A. Of course I was frightened.

Q. And excited?
A. Yes.

Q. Then as they got into this place where the trees were they stopped the car and took you out of the car?
A. Yes.

Q. When they stopped this car was it facing towards the mountains or towards the sea or towards town or Waikiki?

A. Turned so that it faced towards the sea.

Q. Could you see?

A. At least I think it was towards the sea; it must have been.

Q. Then they dragged you out of the car, did they?

A. Yes.

Identifying
Auto
Used by
Accused

Interest in the car of Horace Ida arose from the fact that on the night of and at approximately the same time the police were looking for a touring car license #58-895, the occupants of which had an altercation with a Mrs. Peeples and had struck her in the face at Liliha and King Streets. The police, because of Mrs. Peeples' description of the car, and of the nationality of the occupants of the car involved in the altercation with her, hastily, upon receiving report of the Massie rape, reached the conclusion the same group of native youths were responsible for both affairs.

Horace Ida was first apprehended at his home and with his car was brought to the police station and questioned about the Massie case as well as the Peeples' complaint.

Mrs. Massie's statement as to the direction
Claude F. Benton. she had been driven by the kidnapers, the time
consumed, etc., caused radio car officers Bond
and Benton to believe the rape had occurred on the grounds
of the old animal quarantine station and they went there
early on the morning of September 13, 1931.

Assistant Chief of Police Hoopai and Officer
William Hoopai Cypher visited the scene later, viz., at 6 a.m.
George Cypher September 13th. They report they found there
some jade beads and a celluloid barrette which were later
identified by Mrs. Massie as her property.

Benton later testified he found tire marks in
the earth of three worn Goodrich Silvertown Cord tires and
one Goodyear all weather tire on left rear.

Officer Benton on Sunday, September 13, 1931,
accompanied by Horace Ida and police photographer Samuel
Lau took Ida's car to this spot and drove Ida's car along-
side one of the marks which he had previously seen. He
said only one such mark was then visible. He said the
marks were identical.

Officer Lau, However, when testifying for the
Samuel C. Lau defense at the trial of the defendants, said
when he arrived at the quarantine station
with Benton the marks of tires were quite obliterated
and not worth photographing.

It was later developed that earlier the same day Inspector McIntosh and Officer Sato, without the knowledge of Ida had driven Ida's car several times around the same road within the quarantine grounds.

Inspector McIntosh at interview with J. C. Fraser August 5, 1932, said that when he drove in Horace Ida's car to the animal quarantine station, Sunday, September 13, 1931, he found many tracks all over the place and may have driven over the one Benton claimed, but if so did not see it.

On September 13th Inspector McIntosh drove Ida's car to the home of Mrs. Massie for the purpose of providing opportunity for her to identify it, she having previously stated she believed she could identify the car if she could see the back seat and rear of the car. Inspector McIntosh testified that when shown this car on the above occasion Mrs. Massie failed to identify it, but Mrs. Massie in her testimony stated;

"It was just like the car she had seen the night before."

Ida's car was produced for view of the trial jury and was shown to be a 1929 Model A, Ford touring car in apparently good condition with nothing loose or flapping about the body. It was testified at the trial that the car was in the same condition as it had been on the night of the assault with the exception that it had received a wash and possibly polishing, as it was on the night of the alleged assault.

Detective Furtado, in his presence, early on morning of September 13th at the Massie home that the car was an old black Ford or Dodge touring car. Furtado in his statements and testimony mentions nothing about the color of car and none of the others who talked to Mrs. Massie immediately following the assault mention that Mrs. Massie had referred to the color of the car of her assailants.

Arrest
of
Suspects.

On September 13, 1931, at about 12:40 a.m., an auto occupied by Mr. and Mrs. Peoples, the latter an Hawaiian woman, at the intersection of King and Liliha streets, was involved in a near collision with an open Ford car containing four young men. An argument ensued between the occupants of these cars with the result that one of the occupants of the Ford car, named Joe Kahahawai, struck Mrs. Peoples. The Ford car then drove off. The Peoples immediately drove to the police headquarters at King and Alakea and reported the occurrence to Officer C. A. Rickard. The latter fixed this time at 12:48 a.m. Mrs. Peoples reported the car occupied by the young men to have been a Chevrolet touring car #58-895. Officer Rickard at 12:50 a.m. broadcast a description of this car to the two radio patrol cars with instructions for them to pick it up.

Officer Rickard states that about 1.47 a.m. he received a call from the desk to send a radio car to 2659 Kahawai street; that an assault had taken place. He

place. He states he immediately broadcast this order to radio patrol car #2. This was broadcast at 1.50 a.m. September 13, 1931, and the officer in charge of patrol car #2 was instructed in the broadcast upon arrival at the scene to notify the radio office as to his investigation so that Inspector Jardine could be notified. Inspector Jardine, Detective Bettencourt and Nakoa later went up to same address to make further investigation.

Officer Rickard upon checking auto license 58-895 with official records ascertained that it was a Ford Phac-ton belonging to Ida living at Cunha Lane, and notified Detective Black and Detective Cluney to proceed to this place and pick up said car.

Detective Cluney states that before going to Cunha Land and while on telephone with Officer Rickard at Police headquarters he was informed that a bunch of boys had picked up a white woman on John Ena Road and had taken her down Ala Moana Road and assaulted her. Officer Cluney states that Rickard suggested that the boys in the car who struck Mrs. Peeples might be the same boys responsible for the assault on this white woman.

Detective Cluney apprehending Ida at the latter's home also secured the Ford auto, license 58-895 at 3 a.m. September 13, 1931, and a report of this was broadcast by Officer Rickard to radio patrol cars #1 and #2.

In the statement of Detective Cluney made to our representatives J. C. Fraser and Operative G.A.M. August 12, 1932, Detective Cluney relates his conversation with Ida from the time he apprehended her at the latter's home until

his arrival at police headquarters and there is no reference therein to Ida having stated enroute

"I admit one of the boys hit the Hawaiian woman but we do not know anything about the white woman."

Detective Cluney's statement, however, which Ida made this statement after he had arrived at the station and after he had been for a time in the presence of officers Rickard and Black.

Officer C. A. Rickard in his statement dated 1/11/32, representatives J. C. Fraser and Opt. G.A.M., 1/11/32, 1932 states;

"I asked him if he had assaulted a white woman and he told me they had not assaulted any white woman. I asked him if he was positive of it and he said they did not assault any white woman, but that one of them had struck this Hawaiian woman."

"At the time I asked Ida these questions I believe that officers Cluney and Rickard were in the room and they were asked the questions also. I do not know if Officer Black asked Ida if Ida had assaulted a white woman unless they asked him what they were bringing him in."

Detective Cluney in his statement dated 1/11/32 states that when he and Detective Black arrived with Horace Ida that officer Rickard was the only officer he saw in the Detective Bureau. Detective Cluney states further;

"After placing Ida in the detective room I walked through the door into the office of Capt. McIntosh and then through a door into the office of Deputy Sheriff David Hao. I remained in Deputy Sheriff Hao's office for only a minute or two. I returned to the assembly room where I left Ida with Tom Black. Arriving there I saw Cecil Rickard, Horace Ida and Robert

I then motioned for Ida and we both walked to the corner of the assembly room near the window where I said to him that it looked pretty tough for him, or words to that effect.

Then Ida said:

"I was driving my car. I'll tell you the truth."

Ida then went on to say,

"I was driving my car when the Hawaiian boy who was with me struck that Black Kanaka woman in the face but I don't know nothing about a white woman."

At this moment I concluded talking to him. Black and Rickard could have heard the conversation between Ida and me but I do not know if they did or not and they did not tell me if they did."

Three of the other boys, Joe Kahahawai, Henry Cheng, David Takai, occupants of Ida's car when involved with the Peeples' were arrested early Sunday morning, September 13th, 1931 at the Kauluwela playgrounds and the remaining one, Ahakuelo was arrested that afternoon at the same place.

The arrests of these boys for the Peeples' occurrence warrants quoting herewith the portion of Mrs. Peeples' statement relating thereto;

Mrs. Agnes Peeples made a statement to Inspector McIl... September 19th, 1931, in part, as follows:

- A. When we got to the intersection of King and Dillingham Boulevard, three cars proceeding towards Kalihi on King St., the 1st car turned into Dillingham and the 2nd and 3rd proceeded along King going Ewa. My husband blew the horn when he came to that intersection a Ford car bearing the number 58-895 coming from Liliha into King St. failed to make a Boulevard stop and almost hit our car as they got into King St.; the driver almost hit the back end of our car. To avoid being hit my husband stepped on the gas and turned to the middle of the road; the car then went to our right; my husband

our car and I sang out to the driver of 58-895, why don't you look where you are driving; when I said that, my husband started his car to go. One of the fellows in the car 58-895 swore at me. They also stopped their car not abreast of us, but a little to the rear of our car. My husband stopped his car again. One of the men the one sitting beside the driver, an Hawaiian, got off the car, came to our car and said get that damned hooie off the car and I'll give him what he is looking for. Instead, I got off the car and pushed him away, he was standing on the right of our car as I pushed him, the driver got off the car, he was a Japanese. As I turned around to see who he was, the Hawaiian hit me on the left ear with his clenched fist. I staggered back when I regained my balance I grabbed him by the throat with my left hand and struck him in the face once with my right. I then got on our car and went to the Police Station and reported to Detective Rickard who was downstairs. I told Rickard all about the fight I had had and gave him the number of the car in which these boys were driving. I memorized the number of the car as we drove off.

- Q. Where did the other car go to?
A. I don't know, we didn't even stop to see.
- Q. As near as humanly possible can you say what time it was when you had this altercation and near collision with these boys?
A. I don't know. I would say 12.35 and 12.40 a.m. I can't say as my watch was broken.
- Q. Did your husband take any note of the time?
A. No.
- Q. Were you drunk or sober at this time?
A. I was neither. I was feeling good. Had all my senses and knew everything I said and did.
- Q. What model car is your Hudson?
A. 1924 I think.
- Q. What was your average rate of speed from Robinson's house to Liliha and King Sts.?
A. About 25 miles an hour.
- Q. Did you know any of the boys in the car?
A. No.
- Q. How many were in it?
A. Four.

Q. Were the two who got off the car, drunk or sober?
A. Sober.

Q. How about the two in the back seat?
A. I don't know. I did not even see who they were.

It will be noted in the foregoing that Officer Rickard broadcast the call for locating license car 58-895 at 12.50 a.m. and broadcast the notifications of the call to 2850 Kahawai St. (Massie Home) to radio patrol car #2 at 1:50 a.m. September 13th, 1931.

Police officers and detectives at the Massie home immediately after the assault were aware of the broadcast for car, license 58-895 and several had at the time the thought that the occupants of car, license 58-895 may have been involved also in the Massie assault and rape.

Detective Cluney, who apprehended Ida at the latter's home at 3:00 a.m. had previously received by telephone information from Officer Rickard at police headquarters of the rape of a white woman by a crowd of boys and Rickard at the time suggested that the boys in car license 58-895 may be the same boys who assaulted the white woman.

Throughout all police activity on the morning of September 13th, 1931 at the Massie home immediately following the rape and later at police headquarters at the time of the visit of Mrs. Massie for questioning and the arrest of Ida, the police personnel and others evidently were proceeding exclusively on the theory that the boys involved in the Peeples' affair were the same ones who had assaulted Mrs. Massie. Hasty efforts were at once made to secure identification of Ida and her

companions of the night of September 12th and by the afternoon of September 14th all of the accused had on one or more occasions been brought before Mr. Massie under circumstances which, it is believed, precluded the chance of fair and safe identification. Likewise, the car 58-895 was driven to Mrs. Massie's house on the morning of September 14th that she might see it. That Mrs. Massie failed to identify Takai, one of the defendants and failed, at the time to identify the car, license 58-895 is unexplainable.

Notwithstanding Mrs. Massie's denial that she had been furnished with the license number of Ida's car, saw it while the car was at police headquarters at the time she also was there, 3:30 a.m. September 13th, 1932, or heard it mentioned by others or broadcast over police radio while she was in the Emergency Hospital shortly before 3:00 a.m. September 13th and while a police car with loud receiver was standing outside hospital, receiving this broadcast, it has been established that the license number of Ida's car was known to a number of persons who were in contact and conversation with Mrs. Massie prior to Mrs. Massie giving her statement to Inspector McIntosh at 3:30 a.m. September 13th, 1931, at which time she told Inspector McIntosh the license number of her assailant's car was 58-805.

It is obvious that the circumstances related above brought the accused into police custody and attached police suspicion to them as assailants of Mrs. Massie.

IDENTIFICATION
OF
SUSPECTS

At about 3:30 a.m. September 13, 1932 while Mrs. Massie was in the office of Inspector McIntosh, Horace Ida, one of the suspects, was brought before her for identification. The method pursued is best described in the statements and reports of the detectives themselves and in the testimony of Mrs. Massie.

Detective John C. Cluney made a statement, in part, as follows to J. C. Fraser and Opt. G.A.M. Friday, August 12, 1932.

"Capt. McIntosh again came to the door and told me to bring in the man. I called to Ida and he walked toward me where I opened the door to Capt. McIntosh's office and we both walked in. I brought Ida within six or seven feet of Mrs. Massie and told him to stand there. I stood at one side. Capt. McIntosh then said to Ida: "Now look at your beautiful work" (or piece of work or words to that effect.) Ida then stated that he did not do it, or words to that effect. Mrs. Massie then looked Ida over carefully and at the same time nodded her head several times as though to infer that Ida was one of the men who had assaulted her. She then started in to question him, asking him if he knew a boy by the name of "Bull" and said something else but I was unable to get what she said, but it was my opinion that she was trying to get Ida to talk so as to get his voice and to learn the identity of "Bull". At this moment I was excused from the room by Capt. McIntosh."

Mrs. Massie did not mention the fact that one of the young men who assaulted her was wearing a leather jacket until Sunday, September 13th after she had had opportunity to see Ida at the police headquarters wearing his leather jacket. Neither did she mention the description of any of the others of the accused although full opportunity was afforded. Her statement to Inspector McIntosh relates the following:

Q. Do you think you could identify those men, Mrs. Massie?
A. I don't know.

Mrs. Massie at the trial of the accused testified in direct examination by Mr. Wight in part, as follows:

Q. When did you next see anyone of these five men?

A. I saw Ida down at the police station that night.

Q. When after that did you see any of them?

A. The day afterwards they brought 3 of them to my house.

Q. You mean Sunday or Monday?

A. I mean Sunday.

Q. Were you able to identify any of them at that time?

A. I absolutely identified 2 of them.

Q. Which 2?

A. Chang and Kahahawai.

Q. Have any trouble at all identifying them?

A. No.

Q. Did you tell them at that time that you identified them?

A. No.

Q. Why?

A. The officer told me not to say.

Q. Where did you first see Ben Ahakuelo?

A. I saw him later that day I think at the hospital.

Q. Who was present?

A. My husband and my friend Mrs. Rainier and Com. Bates and one of the detectives.

Q. How many times was Mrs. Rainier with you when the defendant Ahakuelo was brought in?

A. That was the only time.

Q. When did you identify the defendant Ida?

A. He was brought in when I was at the hospital too and they brought up his coat and put his coat on and put him in the same position as he was that night.

Q. When was that, do you know?

A. I don't remember. I had had a lot of drugs.

Q. Later that day?

A. Yes.

Q. Did you think clearly?

A. Yes. Later I could think more clearly about it all.

Q. But you identified these two men within two hours after the rape?

A. Yes.

- Q. By what means did you identify Ben Ahakuolo besides his face?
- A. With that gold filling on his tooth, and when they brought him to see me he was dressed as he was dressed on the night of the 12th.
- Q. Are any of them dressed today as they were dressed the night of the 12th?
- A. No.
- Q. Can you tell us how they dressed that night?
- A. Kahahawai had on a short sleeved polo shirt, blue trousers; Ahakuolo, blue trousers, blue shirt; Ida, dark trousers, leather coat; and Chang - I think Chang had on dark trousers.
- Q. That time when Mrs. Ranier, Com. Bates and defendant Ahakuolo were present, do you remember what you said yourself?
- A. No. I had had these drugs, I remember talking to them, that's all.
- Q. How many defendants were present at that time?
- A. Three.

Detective Thomas J. Finnegan made a statement to Deputy City and County Detective Wight and Inspector McIntosh in the office of Mr. Wight, September 13, 1931, in part, as follows:

- Q. What boys did you first take to the hospital for identification by Mrs. Massie?
- A. The small Japanese boy, Ida, Henry Chang, Tony, Joe Kalani. I didn't take them to the hospital, I took them to her home.
- Q. Who was with you?
- A. Stagbar, Commander Bates. Commander Bates and I were with Mrs. Massie when she identified them -- and Corporal Feeley.
- Q. You and Commander Bates --
- A. We went in to Mrs. Massie in the bedroom and had her to have a conversation with these boys, but we make no comments as to whether or not they were the men until she was through talking -- then she could learn if she could tell. The shades were drawn in the sitting room, making it as dark as possible. Mrs. Massie came out and sat in a chair, those four boys were standing up on the other side of the room. She talked to them; asked them some questions; where they were last night, etc.
- Q. Who did she speak to first?
- A. Henry Chang and the small fellow. She held the conversation with them about where they were last night, then she said she was all thru.
- Q. She talked to Benny Ahakuelo last?
- A. Yes.
- Q. Didn't she say "And they call you Benny"?
- A. I don't remember.
- Q. Did she ask each and every one their names?
- A. Yes.
- Q. These boys were the ones you had in custody at the time?
- A. Yes.
- Q. These boys were looked over and spoken to by Mrs. Massie?
- A. Yes.
- Q. What did she say?
- A. Mrs. Massie said she was positive Henry was one of the boys, and the Hawaiian boy -- Joe Kahahawai. The other two she wasn't sure.

(Detective Finnegan's statement)

- Q. Was her identity of these boys spontaneous?
A. She talked to them, then she got up and went up to talk to them; there was nothing excitable about her condition at any time; she was normal.
- Q. As she told you Henry Chang and Joe Kalani were two of the boys, was there any hesitation?
A. No.

Detective Thomas J. Finnegan was interviewed by J. C. Fraser August 28, 1932 and Mr. Fraser's report of this interview is as follows:

"Mr. Finnegan was the officer who went to the Massie home, Sunday afternoon about 2:00 o'clock with Joe Kahahawai, Horace Ida, David Takai and Henry Chang to see if Mrs. Massie could identify any of them.

"These defendants were brought to the house by Detectives Finnegan and Stagbar, Corporal Feeley of the Marine Corps, on shore duty and Commander Bates, leaving the defendants in the two cars while Finnegan entered the house, where he met the wife of Lt. Pace and stated he would like to see Mrs. Massie, who at that time was in her bedroom preparing to go to the Emergency Hospital. Mrs. Pace stepped into the bedroom and spoke to Mrs. Massie, then said, "Come in."

"He told Mrs. Massie they had some suspects in regard to her case and wanted her to look them over and see if she could identify any of them as her assailants. Also told her to have a talk with them, as she had stated she could identify them by their voices, and if she could identify any of them not to say anything until after they had gone out and she could tell him later. She then came into the sitting room where the shades had been drawn so the room would be a little dark. She occupied a chair facing the four boys who were lined up as follows: from her left to her right, Ida, Takai, Chang and Joe. She asked their names, where they had been the night before and other general questions. There was no preceptable reaction and no hesitation in answering her questions, but these boys had been grilled thoroughly for twelve hours and were on their guard, besides they had been arrested before.

"Finnegan further states that after Mrs. Massie had talked to each one, they were taken out to the car, and that Commander Bates and he remained in the house; that he then asked her if she could identify any of them. She replied she was positive of Chang, but gave no particular reason for being positive of this, and owing to her condition did not want to question her. He said she also identified Kahahawai and Ida, but was not as positive of them as she was of Chang, and Takai she could not say whether he was one of them or not.

"Finnegan stated that on Tuesday, Sept. 15th, 1931, he was instructed to go to the Emergency Hospital with the five defendants so that Dr. Mossman could examine them. Said he was present when the examination was made and that a card was made out for each one of the boys and that their under clothing was taken away from them for examination. As far as he knew the examination showed nothing. Said he was quite sure he did not discuss the car number with Mrs. Massie, but may have said something about it to Commander Bates, as they talked some about the car; however, the number of the car was known long before he went to the Massie home in the afternoon."

Lieutenant Thomas H. Massie, made a statement to Deputy City and County Attorney Wight and Inspector of Detectives McIntosh, 3:20 p.m., September 21, 1931, at Mr. Wight's office, in part, as follows:

McINTOSH: On Sunday afternoon, were any of these boys brought up for identification by Mrs. Massie?

A. Yes.

Q. How many?

A. Three.

Q. What happened when they walked in, that you saw?

A. The boys were lined up in front of Mrs. Massie.

Q. Before you went in the room?

A. No, when I was in the room. She questioned them; asked the first one on her right what his name was (near the door.) He gave her his name. She asked the middle one what his name was and he told her, then she said to the third one: "Don't they call you Benny?" He said "Yes, that's my name."

Q. Do you remember what Benny's last name is -- have you since learned?

A. No.

Q. It is Ahakuelo.

Detective A. H. Stagbar, who accompanied Detective Thomas J. Finnegan to the Massie home the afternoon of September 13, 1931, gave a statement to Operative G.A.M. August 22, 1932 which is in part herewith quoted:

"About 3 p.m. I accompanied Finnegan, Commander Bates, U. S.N., Chief Petty Officer Cook, Corporal Feeley to the Massie home with the defendants Joe Kahahawai, Horace Ida, Henry C. and David Takai. Upon arriving at the Massie home, Finnegan and Commander Bates went inside. Cook, Feeley and I remained outside with the defendants and in a very few minutes Finnegan, who at that time was an inspector in the Police Department, called to me to bring the defendants into the house.

"Upon entering I saw Mrs. Massie sitting in either an arm chair or a rocker. She was with another woman whom I believe was a Mrs. Pace, who was the wife of Lt. Pace of the Navy. The defendants were lined up in front of Mrs. Massie at a distance of about eight feet in a semi-circle. I cannot recall exactly the way they were lined up but my best recollection is that Joe Kahahawai was on the right near the front door, and just how the others were standing in relation to Joe Kahahawai I cannot recollect. The room was in semi darkness, due to the fact that the shades were drawn. Mrs. Massie then asked each one of the defendants their name and I recall that she asked Kahahawai if he wasn't called "Bull". He replied he wasn't. And I believe she also asked their movements on the night before. I do not recall if they gave an account of their movements or not. I was called to the Massie home about 3:00 P.M.

"Later that afternoon I accompanied John Jardine, now Lt. Jardine, to the Queen's Hospital. Lt. Jardine and the defendant Bennie Ahakuolo and two other boys, suspects at the time, for to be identified by Mrs. Massie. I do not recall what room she was in at the time or the number of it. At that time she asked each one their names and asked Bennie as to whether or not he was called Bennie. I believe his answer was that he was called Bennie. There was some conversation between Bennie and Mrs. Massie at the time but I do not recall just what it was. She did not identify Bennie in my presence, it having been pre-arranged that she was not to identify Bennie in his presence and I believe Lt. Jardine later returned to the Massie home but what she told him I do not know. The three were then taken back to the Police Station.

"Monday or Tuesday morning I accompanied Capt. McIntosh, Mr. Wight of the City and County Attorney's Office, Ed. Sily from the same office, Detective Machado and someone else, whom I cannot recall, to Mrs. Massie's room at the Queen's Hospital together with the defendants Bennie Ahakuolo, Horace Ida and Joe Kahahawai, for further identification. At this time they wore a leather jacket, sort of a chamois skin texture. It was of brownish color. Ida was then asked to stand alongside Mrs. Massie's bed, whereupon Mrs. Massie felt of the jacket

After touching it she quickly withdrew her hand and stated that that was the sort of jacket that the driver of the car that had abducted her wore. There was some conversation as to Ida's movements on the night before between Mrs. Massie and Ida and he was also placed in a sitting position on a chair at the foot of Mrs. Massie's bed with his back towards her, in order for Mr. Massie to get a look at the back of his head, just as she had seen the driver that night.

"Ida was then taken out into the corridor and set on his haunches or as a catcher on a ball team stands behind homeplate, directly across from Bennie Ahakuelo. It was at this time that Ida made a motion or signal to Bennie Ahakuelo which I interpreted as motions to designate the route they had driven from the Waikiki Park to the Luau on School Street, as some of the defendants stories had differed as to the route taken. And after leaving the Hospital I asked Ida what he meant by the signal and he told me that some of the boys were mixed up as to which way 'we turned or the route we took from the Park that night.'" "

OTHER
EVIDENCE
OPPOSING
MRS. MASSIE'S
RECITAL

Analysis of Mrs. Massie's stories

irrespective of conflicting and unsupported statements shows clearly;

- (A) Mrs. Massie states she left Ala Wai Inn a few minutes after 11.30 P.M. September 12, 1931, and was then uninjured.
- (B) Mrs. Massie hailed and stopped the Bollinger auto on Ala Moana Road at approximately 12.50 a.m. September 13, 1931.
- (C) At time Mrs. Massie was picked up by the Bellingers and Clarke on Ala Moana Road at 12.50 A.M. September 13, 1931 she was bruised about the face and head.

The tracing of Mrs. Massie's movements during the interval mentioned has been most difficult. The police and other investigators who undertook to do this immediately following the assault appear to have failed to locate anyone who saw the kidnaping, or the movement of the kidnapers' car to or from the point of rape on Ala Moana Road, or any persons who saw Mrs. Massie enroute from the Ala Wai Inn to the point on John Ena Road where she alleges she was kidnaped, with the possible exception of the following:

Mr. and Mrs. George Goeas,
Alice Aramaki
Eugenio Batungbacal
Roger Liu
Charles Chang
James Low.

The information furnished by Mr. and Mrs. George Goeas appears to be most important and if the woman they report as having been on John Ena Road shortly after midnight of September 12, 1931 was Mrs. Massie the time factor as involved in the accusation of the present defendants so completely altered as to eliminate those defendants as possible offenders in the Massie alleged rape.

George Goeas, employed by the Dillingham Company in their Insurance Department, a completely disinterested person, unacquainted with either Lieutenant or Mrs. Massie or any of the defendants in the Ala Moana assault trial, not of the blood or nationality of any of the defendants and generally believed to be a dependable and reputable citizen, attended the dance at Waikiki Park Saturday night, September 12, 1931 and believing he had information of value to the authorities in solving the alleged assault in the daily papers immediately reported to the Police Department the information he possessed. In view of the fact that there was a discrepancy of twenty to thirty minutes between the time that Mr. and Mrs. Goeas saw a woman of the general description of Mrs. Massie on the John Ena Road and the time that the prosecution had concluded that Mrs. Massie, according to her own statements would have reached that approximate point, the prosecution evidently decided not to use the testimony of Mr. and Mrs. Goeas.

However, Mr. and Mrs. Goeas were used as witnesses by the defense and when attempting to evaluate the following factors should be properly considered:

- (A) Mr. and Mrs. Goeas are intelligent, bear excellent reputations and have no interest whatever in this situation, excepting that of public spirited citizens.
- (B) The amazing improvement in Mrs. Massie's recollection is highly important, in fact vital particulars, successively occurring and following inferential information and insufficiently supported alleged collateral facts prematurely and unwisely brought to

her attention is so confusing that it would seem no credence can be placed in her statements with respect to these incidents without competent confirmation by others.

(C) That Mrs. Massie left the Ala Wai Inn at 11.35 P.M. has never been confirmed, notwithstanding strenuous efforts by the investigators of the Attorney General's office, City and County Attorney's office, Police authorities and ourselves. That she was last seen at the Ala Wai Inn at around 11.30 P.M. cannot be accepted to prove that Mrs. Massie left the Inn at that time. She was last seen with Lieut. Massie in the room just vacated by Lieut. Fish, Lieutenant Commander Miller and Lieut. Stogsdall and their wives.

Whereas, a minimum space of time is necessary for Mrs. Massie to walk from the Ala Wai Inn to a point on John Ena Road, there is scarcely any limit to the time she could have consumed. There have been many inaccuracies in Mrs. Massie's statements as have been pointed to in the forepart of this report. Whether Mrs. Massie left the Inn at 11.35 P.M., as she stated in her trial testimony, or at about midnight, as she originally stated, is immaterial at this stage of the investigation. It is important, however, to as accurately as possible fix her time at the point on John Ena Road where a woman or women of her general appearance and dress was seen by Mr. and Mrs. Goeas, Alice Aramaki, Batungbacal, et. al.

George Goeas, on September 17, 1931, made a statement to Detective Jardine at Headquarters as follows:

- Q. What is your name?
A. George Goeas.
- Q. How old are you?
A. 26 years.
- Q. Where do you live?
A. 663 Captain Cook Street.
- Q. What is your occupation?
A. Assistant Cashier, Dillingham Insurance Co.
- Q. Are you married or single?
A. Married.

- Q. Tell me what you know in connection with the Mrs. Thomas H. Massie Assault Case.
- A. I and my wife left the Waikiki Dance Hall about 12.10 p.m. Before going home, she asked me to eat noodles with her. We took the entrance of the John Ena Road when we left the park. I got my car which was parked opposite the entrance on John Ena Road and drove about seventy five yards down on John Ena Road from the entrance to the park. We ordered some noodles, and while waiting for the noodles, I noticed a white woman walking down with her head bent down, and the way she walked seemed as if she was under the influence of liquor. About a yard and a half from her we saw a white man following directly in the back of her. He kept this pace for about twenty five yards and from there on I could not see as there was a store blocking the view.
- Q. How far before they got to the noodle shop did you see them?
- A. About fifteen or twenty yards.
- Q. And what time was that?
- A. About 12.15 A.M. (Sunday, September 13.)
- Q. How far past the noodle shop did you see them?
- A. About fifteen to twenty feet.
- Q. Were they talking among themselves when they passed you?
- A. I couldn't hear any talking.
- Q. Can you give me a description of the woman and how she was dressed?
- A. I believe she was about five feet four or five inches tall, medium build, and she wore a green gown.
- Q. Did she have anything in her hands?
- A. I don't know.
- Q. What about the man, how was he dressed?
- A. He was a white man, about five feet nine inches tall, weight about 165 pounds, was bare headed, and wore a dark brown suit. He looked like a soldier to me.
- Q. Was there any cars following back of them?
- A. I didn't see any following from the time I saw them to the time I last saw them.

- Q. Was there any others beside you and your wife at the noodle shop?
- A. No, nobody else was there except the Japanese man and lady of the noodle car.
- Q. How long did you and your wife remain at the noodle car?
- A. About five to eight minutes.
- Q. When you left the noodle car, what direction did you go?
- A. I turned my car around and went up John Ena Road toward Kalakaua Avenue.
- Q. Was there any cars parked along John Ena Road at the entrance to the Waikiki Park?
- A. Yes, there was two cars, one was at the entrance and the other by the little store about thirty feet away from the entrance toward Kalakaua Ave.
- Q. What make of cars were these?
- A. One looked like an Essex touring and the other looked like an old Ford touring.
- Q. Where was the old Ford parked?
- A. Near the noodle store.
- Q. Was this car facing Kalakaua Avenue?
- A. No. It was facing John Ena Road toward the park. The Essex was facing Kalakaua Avenue.
- Q. Was there anyone in the Ford car when you left?
- A. I didn't notice it.
- Q. Would you be able to identify either the man or woman if you saw them again?
- A. I am not so sure on the man, but the woman I think I could.

Mr. Goeas, under direct examination by defense counsel, stated substantially as follows:

At the Waikiki Park dancing pavilion Saturday night, September 12, 1931 the last dance was announced at about thirteen minutes to twelve, which time was fixed by his wife's wrist watch which he examined. He said the last dance usually is longer than the others and consumes about eight to ten minutes. At the end of the last dance he and his wife walked slowly and entered their car, which they had parked on the right side of the John Ena Road, opposite the side entrance to the park.

Considerable discussion appears in the testimony concerning the fixing of the time consumed by Mr. and Mrs. Goeas walking from the dance pavilion to their car and the time, by agreement, was finally fixed at five minutes walking to their car and one minute in their car driving to the noodle wagon. The following is quoted from the testimony of Mr. Goeas;

Q. As you were driving down where the noodle stand was, did you observe anybody walking on the sidewalk?

A. Yes, I saw a man and woman walking.

Q. About where were you at the time you first observed this man and woman?

A. I was just going out, just about starting the car when they first passed down and then I turned into Ena Road where the noodle stand was and at the angle I parked I could see them coming right down.

Q. Were they still at some distance from you when you saw them coming down, after you parked?

A. When I first saw them they were, I believe, about 15 yards away.

Q. Away from you?

A. Away from me.

Q. In which direction, ahead of you or behind you?

A. They were coming down Ena Road when I first saw them. The first time I saw them they were about fifteen yards away from me and they came down and the closest they came to me was about six yards, five or six yards, I think.

Q. What is your estimate of five or six yards?

A. About from here to Mr. Wight there. (Indicating from witness stand to Deputy City and County Attorney).

Q. Was there any light there at that time?

A. There were lights.

Q. Where did the lights come from?

A. They had light from the store right above saimen wagon and then there was a store on the other side of the street, the road that branches.

Q. You mean the makai side of that street?

A. Yes.

Q. Do you remember whether that store was open or closed at that time?

A. I didn't notice at the time.

Q. What was the relative position of this woman and this man as they walked down?

A. You mean distance apart?

Q. Whether one was ahead of the other or what?

A. When I first saw them she was on his right about a yard in front of him. They kept that distance all the way until they passed the side street. Then I turned around toward my left and he looked back again and he just at that time took the opposite. He walked about a yard in the front of her.

Q. At that point had they passed that little side street?

A. They did.

Q. They were on the other side?

A. Just going over the curb on that road there.

Q. How did you happen to turn around and look?

A. I noticed the way she was walking at the time. It seemed kind of funny to see a white woman walking in that kind of condition and I thought she might be under the influence of liquor. I noticed the way she held her head down, and that made me think they had a quarrel or something.

MR. WIGHT: I move strike the past para, which is irrelevant.

THE COURT: The motion is granted. The jury is not to pay any attention to that.

Q. Did you make any remark to your wife at that time?

A. Yes.

Q. You say this was white woman?

A. She was.

Q. Will you please step down and walk as near as you can the way she walked, as you observed her walk that night?

A. How fast she walked, you mean?

Q. The style of walking you noticed at that time?

A. (Witness leaves stand and goes to rail in rear of court room and walks back to the jury box. She was walking with her head on the side like this (illustrating) and very stooped over, at a very slow pace like this, going down the road (illustrating.)

- Q. This man who was following her, did you notice his complexion, whether white man or Hawaiian or what nationality?
- A. He was a white man.
- Q. How was he dressed at that time? Do you remember?
- A. He had dark trousers and he had a brown sweater or slip-over coat.
- Q. Did he have a hat on?
- A. He had no hat.
- Q. Did the lady have a hat on?
- A. I don't remember that. I don't think she did.
- Q. What kind of hair did she have, what color?
- A. Her hair seemed to be a little brownish color.
- Q. How was it fixed, do you remember?
- A. It was hanging down in the back, I don't just know what they call it.
- Q. What kind of dress did she have on?
- A. She had a green dress that came almost to the ground.
- Q. About how tall was this white lady?
- A. I believe she was about 5-6.
- Q. About how tall is your wife?
- A. My wife is 5-8- $\frac{1}{2}$ I think.
- Q. She is shorter than your wife?
- A. Yes and smaller build.
- Q. About how much of the distance did you observe them after they passed your car?
- A. About eight yards, I believe it was about eight yards.
- Q. Did you lose sight of them or just simply turn around?
- A. When they passed me and lady brought my noodles we kept on eating and forgot about everything.
- Q. Did you go down to the police station a few days after that?
- A. I did.
- Q. At whose request?
- A. My own request. I read in the papers where this case happened, so I wanted to do my bit and try to see if this was the right party, so I just wanted to say what I saw to help get the real party, so I went down and talked to Detective Jardine.

- Q. You made a statement at that time?
A. I did. I signed four or five copies, I think.
- Q. Did they show you the dress at that time?
A. Not at that time. They showed me the dress on Friday.
- Q. Showing you this green dress top and also the skirt part, which is included in Exhibit C in this case, is that the dress that they showed you?
A. That is.
- Q. And do you recognize that as being the dress you saw that woman?
A. It is, that is the very color I explained to them.
- Q. About what time would that be when you saw this lady walking down?
A. When I saw her walking down?
- Q. Yes.
A. It was about five to ten past twelve.
- Q. You mean five or ten minutes after twelve?
A. Yes.
- Q. That is your best judgment?
A. Yes.
- Q. This white man whom you saw walking near this lady, about how tall was he in relation to this lady?
A. He was about two or three inches taller than she was.
- Q. As they were walking down towards this side street near Kalakaua Avenue way after you observed them, did you notice if there was any change in the distances between the man and the woman?
A. When I first saw them she was on his right, about one yard ahead of him and as they passed my car I turned around and while I looked back he just went the opposite way, - he moved one yard or yard and a half ahead of her.
- Q. Before they reached that point when they changed their positions, how about their positions as they came down, did they keep the same distance apart?
A. They kept the same stride all the way.
- Q. How was he walking?
A. He kept straight all right. He was in a different position from her altogether.
- Q. I mean as to his gait, as to whether or not he was walking slow or fast?
A. He had the same pace as she; kept it all the way until he passed the car and then he went a yard ahead.
- Q. Does this dress appear similar to the one that you had on that night that you have just seen?
A. Yes sir.

Mrs. George Goeas likewise testified as a defense witness and her testimony supported that of her husband's with respect to their joint presence at the dance pavilion, the time of their leaving, walking to their automobile and driving to the noodle wagon. Her testimony, in part, was as follows:

Q. At the time you approached your car did you observe anybody walking on the sidewalk?

A. Yes, a lady and a man.

Q. About how near were you to the car at the time you saw this lady and man walking?

A. Well, I was walking around the front of the car to get in on the other side, on the sidewalk side, when I saw them. I couldn't say how close they were, but they were close enough to be recognized.

Q. Your car was facing in what direction?

A. Facing the beach.

Q. And when you saw this woman and man walking, in what direction were they walking?

A. They were walking down towards the beach.

Q. About how far were they from you when you first observed them? Give us your best judgment on that.

A. About five yards, three to five yards away.

Q. What were their positions as they came towards you?

A. The man was walking about a yard in back of her, keeping at the same pace.

Q. Was the man directly in back of her?

A. A little to her right, I think.

Q. I will ask you whether or not they passed you before you got into the car?

A. They came alongside of our car and they were just about the length of the front part of the car when we drove off.

Q. Did you notice how she was walking at the time you first observed her up until the time you drove off?

A. To me she looked like she was kind of mumbling like and she had her head hanging on to the right side.

Q. What kind of a dress did she have on?

A. It was a dress with sleeves to the elbow, tight at the waist, full around the skirt and ankle length.

Q. Did she have any hat on?

A. No.

- Q. When your husband drove off in the car you went to the saimen place?
A. Yes.
- Q. Did you drive into that place?
A. There is a road right there, a side road. We drove right in that road and shot off to the right and parked in an angle.
- Q. After the car was parked at an angle, as you have just stated, I will ask you whether or not you again observed this man and this woman?
A. Yes.
- Q. Were there any lights there at that time?
A. Yes, the store lights and the saimen wagon and lights too.
- Q. When you observed this man and woman from the car while it was parked at the saimen place, what was the gait of the man and woman as they walked along?
A. Very slowly; just about the same pace.
- Q. What was the distance between the two?
A. About a yard.
- Q. Who was in front and who was behind?
A. The woman was in front and the man in the back.
- Q. How was she holding her head at that time?
A. It was still stooped to the right.
- Q. How about her shoulders?
A. It was stooped.
- Q. Did your husband make any remark to you at this time about this man or woman? Answer that "Yes" or "No."
A. Yes.
- Q. Then did the man and woman continue to walk down towards makai?
A. As much as I could see of them they continued at the same pace, one in back of the other.
- Q. Did they pass the car?
A. They passed in back of our car.
- Q. Did you turn around and observe them again on the other side?
A. No.
- Q. Did you observe how her hair was fixed?
A. To me it was about three quarters length, but it was tied in the back. I didn't know by what it was tied with.
- Q. About what color was her hair, if you observed that?
A. A light brown.
- Q. You stated that the woman passed your car before you drove off from where you were parking?
A. Yes.

- Q. About how far in front of you did she pass before you drove off?
- A. She must have been a little past the front fender as the sidewalk side.
- Q. Did you notice the back part of her dress at that time?
- A. I think it had a bow in the back at the waist.
- Q. What was the color of that dress?
- A. When we first saw it I couldn't tell more or less what it was, until she got into the light and then I knew it was green.
- Q. Were you questioned by police officers about this matter?
- A. Yes.
- Q. Where?
- A. At our home.
- Q. When?
- A. I think it was a few days after the accident.
- Q. Who came to your home in that connection?
- A. About five men. I didn't remember all of them - what I mean, their names, but Stagbar and I think this man with the blue tie.
- Q. Mr. Wight, this gentleman here? (indicating)
- A. Yes, and I didn't know the names of the others. McIntosh was there too.
- Q. Any naval or military officers?
- A. I don't remember whether they were any military officers.
- Q. At that time did they show you a dress similar to this?
- A. After they had asked us questions they showed us the dress.
- Q. When you say "Us" what do you mean by that?
- A. My husband and I.
- Q. Your husband was there at that time?
- A. Yes.
- Q. Did you examine the dress at that time?
- A. We looked at it when the man placed it in front of him.
- Q. Placed what part in front of him?
- A. He set the whole dress up in front of him.
- Q. Including the top, like this?
- A. Yes.
- Q. Did you recognize that dress as being the dress this woman had on that night?
- A. Yes.

- Q. This man that you saw at that time, what nationality was he?
A. A white man.
- Q. Do you remember what kind of clothes he had on, as to Color?
A. He had on dark trousers and a slip-over sweater that buttons down the front.
- Q. What color was that sweater?
A. To me it looked like a dark brown.
- Q. Do you think you can illustrate the way this woman was walking, Mrs. Goeas, by walking yourself?
A. To me she was stumbling.
- Q. Suppose you show us about how she was walking, starting from this side and walking down. How was she holding her head?
A. (Witness leaves stand and walks to central rail of the court room) She had her head down this way (illustrating) and she was walking as though she was swaying a little bit, and she continued at that pace as far as we could see her.
- Q. About what time was that, according to your best judgment, when you first observed this woman walking down that way?
A. The dance must have gotten through close to 12 o'clock and by the time we walked out to the car it must have been close to ten past 12 when we first saw her.
- Q. Did you sign any written statement at all?
A. No.
- Q. Prepared by the police officers?
A. No.
- Q. What were the heights of the man and woman relatively, which was the taller?
A. The man was a few inches taller than the woman.
- Q. Was this woman of the same build as you or bigger or smaller?
A. I think she was smaller.
- Q. What was the nationality of that man?
A. A white man.
- Q. Did you notice whether or not this woman had a pocketbook in her hand or under arm?
A. No. I didn't recognize any pocketbook.

The cross examination by prosecution and the re-direct examination by defense did not develop any material changes in the witnesses' original testimony, other than agreement as to time consumed walking from dance pavilion to Goeas' car and driving to the noodle wagon.

Mr. and Mrs. Goeas prior to appearing at the trial as witnesses for the defense, had been variously interviewed by representatives of both prosecution and defense and felt very much annoyed with the importunities of interested persons to have them repeat their story and be subjected to close interrogation. Our representatives, J. C. Fraser and Operative G.A.M. made many efforts to obtain interviews for the purpose of questioning Mr. and Mrs. Goeas more carefully as to essential parts of their testimony, but Mrs. Goeas was reported at the time not to be well and Mr. Goeas seemed determined not to be further bothered with this investigation and obviously avoided our calls and when an appointment was made for an interview at his home and our representative called in consequence thereof, Mrs. Goeas refused positively to talk and Goeas likewise refused to talk further.

Mr. Goeas, however, did accompany our Operative G.A.M. to the point where he states he saw the woman described in his testimony and enabled us to check up distances, time, etc., which, in our opinion, bears out his testimony.

There has been injected into the testimony the possibility that the man and woman seen by Mr. Goeas on John Ena Road, as described in the foregoing abstract of testimony, were Mr. and Mrs. McClellan of Honolulu. Both Mr. and Mrs. Goeas

know Mr. and Mrs. McClellan and have definitely stated that the man and woman they saw and described in their testimony were not Mr. and Mrs. McClellan and were persons unknown to them.

The statements and testimony of Mr. and Mrs. George Goeas have the appearance of incidents carefully observed and accurately reported and although, after a lapse of about ten months, it has not been possible to obtain confirmation of their statements, yet absence of confirmation of essential parts of Mrs. Massie's statements as relating to the present defendants gives added importance to the reported observation of Mr. and Mrs. Goeas.

Alice Aramaki, in a statement made at Detective Bureau, 11.24 a.m. September 16, 1931, in presence of Attorney General Hewitt, Deputy City and County Attorney Wight, Inspector McIntosh, Detective Stagbar and Lieut. Massie, stated:

Q. Where do you work?

A. At the barber shop, but I am not there now. I live at my sister's place.

Q. Where is your sister's place?

A. Next to my father's store.

Q. Where is your father's store?

A. John Ena Road.

Q. Do you know the number?

A. I don't know. It is right next door to the John Ena Auto Stand.

Q. Now, what time did you go to bed on Saturday night, September 12th?

A. 1.30

- Q. Where were you from eleven o'clock on?
A. I was in the barber shop; I closed the barber shop and went in my father's store.
- Q. What time did you close the barber shop?
A. Right before twelve.
- Q. How much before twelve?
A. I can't tell.
- Q. As early as 11.30?
A. No, maybe about 10 to 12.
- Q. Did you see any woman walk by the barber shop that evening?
A. Yes.
- Q. Where were you?
A. I was in the store.
- Q. Was it after 12?
A. Yes.
- Q. How much after 12?
A. I can't tell.
- Q. Was it 12.30?
A. No, between 12 and 12.30.
- Q. Nearer 12.30 or 12.00?
A. Maybe 15 after 12.00 because it was after the dance.
- Q. How soon after the dance -- if the dance closed at 12.00?
A. Well --
- Q. Right after the dance closed, or a minute or two?
A. No. Maybe at 10 after 12.00. The crowd was coming out.
- Q. Did you pay particular attention to this woman as she passed? How was she dressed?
A. I think a long evening gown.

McINTOSH

- Q. Would you know the dress if you saw it?
A. I know the color.
- Q. What color?
A. Green.
- Q. Did you notice anything else?
A. She had blonde hair.
- Q. Did you notice anything about her dress?
A. No. She passed by and I seen her, that's all.

- Q. Was there any fur on that dress?
A. I didn't see. I seen the dress and hair, that's all.
- Q. Did you notice anything about her eyes?
A. No. I didn't see her face. She passed by and I seen her back.
- Q. Was there any person with her or following her?
A. I don't know if he was following her.
- Q. How big was this fellow -- as big as I am (standing)?
A. No, not so very.

MASSIE

- Q. As tall as I am (standing)?
A. Yes. Maybe bigger or smaller.

McINTOSH

- Q. Was he a haole?
A. Yes.
- Q. Sure?
A. I think he is a haole.

WIGHT

- Q. If you saw him again would you know him?
A. I can not tell.
- Q. Did this woman have glasses on?
A. I did not see her face.

McINTOSH

- Q. Was she walking fast or slow?
A. Slow, with bowed head (indicating).
- Q. Was she staggering?
A. Just had her head down and was walking slow.
- Q. Was she walking straight?
A. Very slow, just like that (rising and walking)
- Q. How was this man dressed?
A. He had on a white shirt, this kind of suit (indicating navy blue suit worn by McIntosh) no coat and no tie.
- Q. No hat?
A. No.
- Q. What color hair -- black or blonde?
A. I don't know.
- Q. How far away from you were they when they passed?
A. I was standing in the doorway --
- Q. About how far away from you were they as they passed?
A. Well, I was facing this way (indic.) and she went that way.
- Q. About how far away?
A. About that much from here to the door (indic. distance about 12 feet).

WIGHT: (Demonstrating with witness manner in which she walked)

Q. Is that it?

A. I was standing by the ice box and the crowd was coming from the Waikiki dance, when she passed by and I seen her.

McINTOSH:

Q. Which direction did she come from and where did she go?

A. She went straight towards Fort DeRussy way.

Q. How far behind her was that man?

A. As near as that (indicating distance about 6 feet)

Q. About 6 feet behind?

A. Yes.

Q. About 6 feet behind?

A. Yes.

WIGHT:

Q. Did you notice after they passed by if the man passed her?

A. I stopped looking.

Q. Did the man pass by her?

A. I don't know, I seen he was behind her.

Q. Did you see him pass her/

A. I didn't see.

McINTOSH:

Q. Was he talking to her?

A. No.

HEWITT:

Q. Was he walking slowly about the same gait she was walking?

A. He was walking faster than her.

WIGHT:

Q. Did you hear a yell?

A. No.

Q. Did you see an automobile come out of the park from the dance?

A. There was plenty of cars.

McINTOSH:

Q. A lot of cars coming out?

A. Yes.

STAGBAR:

Q. Did you notice whether one of the cars stopped?

A. I didn't notice.

WIGHT:

Q. She was a tall woman, wasn't she?
A. Yes.

Q. As tall as Mr. McIntosh?
A. No --

Q. As tall as this lady (indic. about 5 feet 8 inches)
A. She was a big girl -- rather fat.

McINTOSH:

Q. What particular green was it -- like the shade in this dress you have on?
A. I don't know.

Q. Was it all one shade or not?
A. All one shade.

STAGBAR:

Q. How was her hair dressed?
A. Down (indic. hanging around shoulders)

WIGHT:

Q. How far down her back was her hair?
A. Here (indic. shoulders)

Q. Did she have a hat on?
A. No.

Q. Was she carrying anything?
A. I didn't see. She had her arm up (indic. arm bent at elbow) but I don't know.

Q. How many times have you seen this woman walk by your store?
A. About a quarter after 12.

McINTOSH:

Q. This is the first time you ever saw her?
A. Yes.

WIGHT:

Q. What color of green was this dress -- light or dark (indic. several different shades of green in articles and dress)
A. Dark.

Q. Darker than this (indicating blotter on desk)?
A. Like this (indic. a very dark green shade).

Q. How old a woman was she?
A. I don't know.

Q. Do you think she was 40?
A. No. She was a young girl.

Q. Nearer 30?
A. I guess so.

MASSIE:

Q. You show on my shoulders where the lady's hair was.

A. Here (indic. point half an inch below the shoulder blades).

WIGHT:

Q. You didn't notice if the woman wore glasses or not?

A. I don't know; I can't tell.

McINTOSH:

Q. Do you often seen women going down there alone at that hour of the night?

A. No.

STAGBAR:

Q. Did you notice what kind of shoes she had on?

A. No.

HEWITT:

Q. This man that was following her had on a white shirt?

A. Yes.

Q. Soft collar?

A. Yes.

Q. No tie?

A. No.

Q. The top of his shirt was open?

A. Yes.

WIGHT:

Q. Could he have been a Japanese boy -- this man that was following her?

A. No, a haole.

Q. A haole?

A. Yes.

HEWITT:

Q. What color pants?

A. Navy blue.

Q. Did you notice his shoes -- white or dark?

A. I didn't notice.

Q. Have you talked to anyone there on John Ena Road about this woman?

A. On Monday, Sam Kahanamoku came over and talked to me. My mother and the taxi man were there.

MASSIE:

Q. You show on my shoulders where the lady's hair was.

A. Here (indic. point half an inch below the shoulder blades).

WIGHT:

Q. You didn't notice if the woman wore glasses or not?

A. I don't know; I can't tell.

McINTOSH:

Q. Do you often seen women going down there alone at that hour of the night?

A. No.

STAGBAR:

Q. Did you notice what kind of shoes she had on?

A. No.

HEWITT:

Q. This man that was following her had on a white shirt?

A. Yes.

Q. Soft collar?

A. Yes.

Q. No tie?

A. No.

Q. The top of his shirt was open?

A. Yes.

WIGHT:

Q. Could he have been a Japanese boy -- this man that was following her?

A. No, a haole.

Q. A haole?

A. Yes.

HEWITT:

Q. What color pants?

A. Navy blue.

Q. Did you notice his shoes -- white or dark?

A. I didn't notice.

Q. Have you talked to anyone there on John Ena Road about this woman?

A. On Monday, Sam Kahanamoku came over and talked to me. My mother and the taxi man were there.

STAGBAR:

Q. Did you talk -- Who did you talk to first, Sam or me?

A. Sam.

Q. When?

A. Monday morning.

WIGHT:

Q. Those are the only men who talked to you?

A. Yes.

Q. Who else? Anybody?

A. Another fellow came yesterday.

Q. Who was that?

A. Oscar Cox -- and the Japanese boy that was in the other room (indic.)

STAGBAR:

Q. Sato?

WIGHT:

Q. Who is that?

STAGBAR:

A. Traffic cop.

WIGHT:

Q. What time did you last look at a clock?

A. You mean --

Q. Did you look at a clock when you closed the shop?

A. No. I closed up the store and went to the barber shop -- it was about 12.30. Right after the woman passed by, so I closed up.

Q. What time did you look at a clock?

A. At 11 o'clock I left the barber shop and went to the store.

Q. You don't know what time it was when this woman walked by your place?

A. No. It was after the dance.

Q. How long after the dance?

A. About 10 minutes, because the crowd was coming out.

HEWITT:

Q. And the only reason you say it was about 10 after 12.00 is because you believe the dance stopped at 12?

A. Yes.

Q. Suppose the dance stopped at 11.45, then it might be the lady passed about 5 to 12?

A. No. they said at 12.00 it stopped.

WIGHT:

Q. You say she passed about 5 or 10 minutes after the dance?

A. Yes.

HEWITT:

Q. Suppose the dance was pay At 45 after 11.00, that would make it about 5 to 12.00?

A. Anyway, it was about 10 minutes after the dance?

Q. That's the only reason you say it was 10 after 12.00?

A. They all said 12.00 o'clock.

Q. But nobody looked at a clock?

A. No.

WIGHT:

Q. If you saw the lady again would you know her?

A. I can not recognize her.

Q. You didn't see her face?

A. No.

McINTOSH:

Q. If that same woman would pass again would you recognize her as the same woman who passed Saturday night?

A. I can not tell.

WIGHT:

Q. What did the woman weigh -- about 150 or 160 pounds? How much would you say -- you say she is a fat woman?

A. She weigh close to 150.

Q. Did a lot of people walk home from the dance that night?

A. Yes.

Q. They all walk down the street in front of your store?

A. Yes.

Q. Quite a few people walked down that night after the

A. Dance?

Q. (Showing witness portion of dress worn by complainant) Was the dress a dark or lighter green than this?

A. More dark.

Alice Aramaki also testified for the defense and the following is taken from her testimony:

Q. Where were you at your sister's store shortly after the music was over and the cars were coming out?

A. I was in the store.

Q. What part of the store?

A. In front.

Q. Did you see anybody passing by while you were in front?

A. I saw a lot of different people.

Q. Did you notice any person particularly?

A. Yes, I see one woman.

Q. What kind of dress did this woman have on?

A. She had a green dress.

Q. How long a dress was this green dress?

A. Pretty long; down to here (indicating)

Q. Down to where, about?

A. (Indicating)

Q. A little above the ankle?

A. Yes.

Q. About how long would that be when you saw this woman with this green dress on after the barber shop closed at 12 o'clock.

A. It was about ten or fifteen.

Q. Ten or fifteen minutes?

A. Yes, after.

Q. Just about where were you standing in front of your sister's store when you saw this woman with the green dress?

A. Maybe about twenty feet or so.

Q. Where, at your sister's store ----"

MR. HEEN: I move to strike the last answer as not responsive.

THE COURT: Proceed.

Q. Where were you, in front of your sister's store when you saw this woman, just what part of the store?

A. The store facing this way. I was standing by the ice box when she passed. She was next to Kimoto's store.

- Q. Suppose you step down here.
A. (Witness approaches blackboard.)
- Q. Supposing this is the line between your sister's store on the mauka side, and Kimoto's store on that side, where would that ice box be?
A. (Indicating)
- Q. Makai corner of your sister's store?
A. Yes.
- Q. And how near the front?
A. Very close.
- Q. Very close to the inside line of the sidewalk?
MR. WIGHT: Objected to as leading.
- Q. How wide is that ice box?
A. (Witness illustrates)
- MR. HEEN: About three and a half feet?
MR. WIGHT: Yes, about.
- Q. How near to the edge of that store was that ice box?
A. About five inches.
- Q. How near to the wall dividing your sister's store from Kimoto's store?
A. That ice box is against the wall.
- Q. That is against the wall between your sister's store and Kimoto's store?
A. There is a small lane.
- Q. That is against the wall on the makai side of your sister's store?
A. Yes.
- Q. Where were you in reference to that ice box?
A. (No audible answer)
- Q. You were leaning on the ice box on what side of the ice box?
A. On the front.
- Q. On the front side of the ice box. And when you first saw this woman about how far was she from you. Point out some distance?
A. From me to that man (Indicating)
- Q. To where this man is sitting down?
A. (Indicating)

THE COURT: (Where are you pointing to?)

Q. The man with the pencil in his mouth?
A. Yes.

(Stipulated the distance was 20 to 25 feet)

Q. What nationality was this woman?
A. She was a white woman.

Q. What color hair did this woman have?
A. She was blonde hair.

Q. Was anybody walking near her at that time?
A. Yes.

Q. Who?
A. A man was walking.

Q. Where was this man and how near to this woman was this man?
A. Maybe about five or six feet away from her.

Q. Was this man behind or in front of her?
A. Behind.

Q. What nationality was this man?
A. He was a white man.

Q. Was this man of the same height as the woman or was he taller or shorter?
A. He was shorter.

Q. The man was shorter?
A. Yes.

Q. What kind of clothes did this man have?
A. He wears white shirt.

Q. What kind of trousers?
A. Maybe navy blue or black, I can't tell.

Q. How was this woman with this green dress walking?
A. She was hanging her head down.

Q. How was she walking?
A. She was walking slowly.

Q. Did you notice how far they walked?
A. She was crossing the street.

Q. What street do you mean?
A. Edison Lane.

Q. Did you see them when they got on the other side?
A. No.

- Q. Will you show just how this woman was walking at that time? Will you come down here and show to the jury just about how that woman was walking?
- A. (Witness illustrates).
- Q. This man who was walking behind this woman with the green dress, about how fast or slow was he walking?
- A. He was walking pretty fast.
- Q. And when you saw them crossing the street, across Hobron Street, had he passed the woman or was he still behind the woman, if you remember?
- A. I don't remember.
- Q. Miss Aramaki, a day or so after this Saturday night did you make a statement to the police about what you saw that night?
- A. Yes.
- Q. Did you sign any written statement?
- A. Yes.
- Q. Who questioned you about this matter?
- A. (Witness indicates)
- Q. This gentleman? (Indicating Mr. Wight)
- A. Yes.
- Q. Did you come to the office or did they come out to your place?
- A. I went down to the office.
- Q. Did they show you the dress down at the office?
- A. Yes.
- Q. Did you recognize that as being similar to the dress you saw on that woman?
- A. The dress I seen was a little darker.
- Q. You think the dress was a little darker?
- A. Yes.
- Q. Do you recognize this as the dress that was shown to you at the office by this gentleman, Mr. Wight?
- A. Yes.
- Q. Did you notice whether or not this woman who was wearing a green dress had a pocketbook under her arm or in her hand?
- A. No.

For the purpose of brevity, the cross examination by prosecution is not dealt with herein, but it is believed that the direct examination by defense counsel as quoted here in part is sufficient to show the confirmation value of this witness' testimony. Our representative, Mr. Fraser, subsequently interviewed Alice Aramaki and her statement to us was substantially the same as in court.

Alice Aramaki resides at 459 John Ena Road, which is to the rear of a barber shop located at that number and in which she is employed.

Eugenio Batungbacal, Roger Liu, Charles Chang and James H. Low, occupants of Batungbacal's car on the night of the alleged kidnaping and rape gave statements as follows:

Batungbacal, November 9, 1931 to Detectives Jardine and Stagbar in the office of Deputy City and County Attorney Wight.

Roger Liu, November 9, 1931, to Deputy City and County Attorney Wight, at the latter's office, Inspector McIntosh, Detectives Jardin and Stagbar and Attorney Sylva present.

Charles Chang, November 9, 1931, to Detective Stagbar, Detective Jardin Present, in the office of City and County Attorney.

James H. Low, November 10th, 1931, to Detective Stagbar, Detective Jardin present, in the office of City and County Attorney.

Batungbacal, Roger Liu and Charles Chang were called as witnesses for the Territory. James Low was called as a witness for the defense.

Their respective statements and abstracts of their testimony are quoted herewith.

Augenio Batungbacal Eugenio Batungbacal, in a statement made in the office of City and County Attorney Wight, (Detectives Jardine and Stagbar present), November 9th, 1931, stated:

- Q. Now, you remember the night of September 12, 1931, Saturday night?
A. I don't remember the date, but I remember that one Saturday we went down there.
- Q. Do you remember the time when this rape case was in the newspapers on Monday morning?
A. Yes.
- Q. What time was it in reference to that rape case?
A. It was two days before I saw it in the newspapers. That night, I think it was around 11.30 or 12.00 o'clock. --
- Q. Where had you been before that?
A. Been down to the Orange Place for a drink.
- Q. Who was with you?
A. James Low, Chang --
- Q. And who else?
A. One more Chinese fellow, a friend of Chang's -- Robert.
- Q. The four of you?
A. Yes.
- Q. Who was driving the car?
A. Me.
- Q. Did you drive down John Ena Road?
A. We'd been down the Orange Place, and we drive towards the Ala Moana.
- Q. On John Ena Road?
A. Yes.
- Q. Then you drove down that road to the Ala Moana?
A. Yes.
- Q. As you were driving down John Ena Road did you notice anything?
A. Yes.
- Q. What did you see?
A. It looked like 4 or 5 men were forcing a woman into a car.
- Q. How many men first grabbed hold of her?
A. I think two with both hands, and there was one behind.

- Q. Did she yell?
A. Well, it looked like the way she acted, it looked like she was trying to get away.
- Q. Did you hear her yell?
A. No, I didn't hear.
- Q. What kind of a looking woman was she?
A. She is about her size (indic. stenographer).
- Q. Was she dressed like that (indic. sport clothes)?
A. No, she had a new style dress, a long dress.
- Q. What color?
A. I don't know.
- Q. Did any of you in the car say anything when you saw that?
A. I didn't. James Low said to drive the car slow so we could see what happened. I drove the car slow; I didn't look, but James Low and the other guy, they are the one can give more about it.
- Q. Did Chang say anything -- or did you hear Robert? Did they say anything when they saw this?
A. No, they didn't. As soon as I saw those guys push the woman into the car Low said: "It looks like they are forcing the woman."
- Q. What kind of a car was that?
A. I can tell it was a touring.
- Q. Big or small?
A. I think big -- but I am not sure. Just a touring car.
- Q. Was it a light color or dark?
A. I am not sure of the color.
- Q. When you saw these men grab her was anyone following her?
A. Yes, 2 men grab her and one fellow follow her.
- Q. Besides the men in the car, was anybody walking behind her?
A. Two of the men grabbed her in the car, and there was one behind her, pushing.
- Q. Do you think if you saw any of these men you would recognize them?
A. No, I don't think so.
- Q. There were electric lights on John Ena Road?
A. Yes, but not very bright enough for me to recognize the man. Maybe Low and the other kid.
- Q. Do you know how they were dressed (the men)?
A. I think just in shirt sleeves, no coat.
- Q. Did you notice if the driver of the car had on a leather coat?
A. I don't remember.

- Q. Do you know if the driver was a Japanese or not?
A. I don't remember, because when I passed by I saw one Japanese in the gang.
- Q. Did you notice another nationality -- Hawaiian or Chinese?
A. Looked like Japanese, Hawaiian.
- Q. They were all dark faces?
A. I didn't see them very well.
- Q. See any Haoles?
A. I did not see any.
- Q. Your car passed beyond them and you drove on down John Ena Road?
A. Yes.
- JARDINE: Was this Ford car that picked the woman up stopped?
A. Yes, stopped by this woman, but I don't know if it was a Ford.
- Q. And where did they put her -- in the back seat of the car?
A. I don't know.

Eugenio Batungbacal

Eugenio Batungbacal, a witness for
Prosecution, at the trial of the accused,
testified, in direct examination, in part
as follows:

Q. Where did you go to?

A. I go to John Ena Road.

Q. Did you stop there?

A. I stop by saimin stand.

Q. Which side of the street is that on?

A. By cwa side.

Q. Side towards town?

A. Yes, outside.

Q. What happened after you stopped there?

A. I never see.

Q. Did all you people stay in the car or some get out?

A. No, Jim Lau and Chang went inside the dance hall.

Q. What dance hall?

A. Waikiki Park.

Q. Did they come back again?

A. Yes, they came back again.

Q. Do you know what time?

A. Well, I think between 11.30 and 12 o'clock.

Q. Could you get any closer than that?

A. Beg pardon?

Q. Did you hear any music playing?

A. Yes, still playing.

Q. When they get back was the music playing or not?

A. I don't know.

Q. After they got back what happened?

A. After they came back he said "Let's go", and I drive the
car, and as soon as I drive the car --

and

Q. What else did you see?

A. I see about four or five men with one girl; two mens holding
the woman with hands and one is following. They look like
force the women to bring it to the car.

Q. What car?

A. I don't know what kind of car, but I am sure it is touring.

Mr. HEEN: We move to strike all this testimony, as this testi-
mony should have been given in chief, and if they are trying
to put this on in chief it is not rebuttal.

THE COURT: Objection overruled.

MR. HEBB: Exception.

Q. You said four or five men?

A. Four or five mens, I am not sure.

Q. What was the color of those men's faces?

A. What do you mean?

Q. What was the color of those men's faces?

A. I don't know.

Q. Were there any haoles there?

A. Well, I don't think so, no.

Q. What were their nationalities, do you know?

A. I think Japanese and Hawaiian; look like to me one Japanese and one Hawaiian. The rest I don't know.

Q. Did you see any haoles there?

A. No.

Q. After you saw this what did you do?

A. I drive my car to Fort DeRussey and turned around because Ehong's car is still at the Frozen Orange. I drive him down there to get his car.

Q. Did you see this car or men on the way back?

A. No.

and, on cross examination, in part, as follows:

Q. You said your car was near the saimin stand?

A. Yes.

Q. Right opposite the saimin stand?

A. Right a little close to the saimin stand, a little way down from close by saimin stand.

Q. Mauka toward Kalakaua Avenue; a little farther mauka?

A. No, by the saimin stand; very close by the saimin stand.

Q. You were sitting in front?

A. In front.

Q. Who was sitting with you?

A. Jim Low.

Q. Who went into the park to the dance?

A. Jim Low and Chong.

Q. When James Low and Chong went into the park who was with you?

A. Roger.

Q. Where was Roger sitting?

A. Behind.

Q. And you were sitting at the wheel?

A. Yes.

Q. How long did you sit there?
A. Well, I think around 15 minutes, something like that.
Q. It might have been 20 or 25 minutes?
A. I don't think so, because they are quick; they don't stay very long.

and

Q. So it was about half past 11 when you left that place to go to the saimin place, is that right, about?
A. About, yes.

Q. Is that right?
A. Yes, about.

Q. And Jim Low and Chong went into the dancing place and they stayed there about fifteen minutes?
A. About fifteen minutes.

Q. When they came back it was about fifteen minutes to twelve?
A. Something like that.

Q. And the dance was still on?
A. You know people is come out, but I think the dance is still on.

Q. Did you hear the music going on?
A. I don't notice. I am outside of the road. I don't know whether the dance is still going or not.

Q. When James Low and Chong came in they got into the car?
A. Yes.

Q. James Low sat in back?
A. No, in front.

Q. And Chong sat in the back?
A. Yes.

Q. And you drove off?
A. Yes.

Q. And then you saw a woman walking down?
A. Yes.

Q. In a green dress?
A. I don't know what the green dress, or what color, but I see a woman, that's all. I don't know the color of her dress.

Q. What kind of color do you think it was?
A. I don't know; night time is hard to tell.

Q. Wasn't there light enough there?
A. There light there but you can never tell. I am not interested to see what kind of color her dress. I just see her, and I don't know what kind of dress, you know.

Q. Was it a long dress?

A. Long dress.

Q. Way down to the ankle?

A. Yes, way down.

Q. And what kind of a hat did she have on?

A. I don't think she wore no hat.

Q. What kind of hair did she have on?

A. I don't know.

Q. Black?

A. I don't know.

Q. Did you see a man walking by her?

A. I see plenty, four or five.

Q. Did you see one man walking by her first?

A. I never see one man. I saw four by her four or five.

Q. You show us how she was walking when you first saw her?

A. Well you know when I saw her two mens -- how can I show her. I am just alone.

Q. Show us how she was walking when you first saw her?

A. I don't remember what kind she was walking, but I remember four or five mens, -- ones holding.

MR. HEEN: I move to strike the answer as not responsive.

THE COURT: Has the witness ever said he saw her walk?

Q. Did you see the girl walking?

A. Yes, the girl is walking.

Q. How far was she from you when you saw this woman walking?

A. Well, about, I think, about fifty feet away, and I am still going, my car is still going.

Q. How far did she walk before you saw the man?

A. Before I see the man?

Q. Yes.

A. I saw the girl about fifty feet distant - well, I saw the men and girl and mens, I saw them one time.

Q. You say you saw this woman walking? You have just told us?

A. Yes, walking with the men.

Q. She was walking with the men?

A. Yes.

Q. Come here and show us how this --

MR. WIGHT: Walking with the men what?

A. I saw the girl walking with the men the first time, I thought they go together; just go with a party. The

girl is just up like drunk, you know. I don't think that the mens were, -- we don't pay any attention.

THE COURT: Judge Heen, you are examining the witness.

MR. HEEN: He has answered my question. I didn't ask him for all these things.

THE COURT: What is your question?

Q. Come down and show us how this woman was walking. You said she was walking like she was drunk?

A. I can't show how she was walking at that time. I just saw she was walking, I don't know.

Q. You said she walked as if she was drunk.

A. She looked as if she was drunk because two mens held this arm and she tried to get away from these men; that is what make me believe she is drunk.

Q. And you said she looked as if they were all walking together at first?

A. You asked me first if I saw the woman walking. Yes, she is walking with the men. Mens hold her in both arms and some following and some stay behind. I don't know. That's all I saw.

Q. And in front of them was a car standing?

A. No.

Q. There was no car at all?

A. There was no car at all.

Q. Did you see a car come along with these four men?

A. Well, I don't remember. As soon as I drive my car and pass by I never see --

Q. You saw no car at all?

A. I never saw them no more.

Q. You saw no car at all?

A. Plenty cars behind us.

Q. Passing by?

A. Passing by.

Q. You said when you started up you noticed this woman about fifty feet away from you?

A. Yes.

Q. Facing town, is that right?

A. Yes, facing to the beach.

Q. And you never saw any car come along and stop in front of you?

A. No.

Q. Is that right?

A. What?

- Q. You never saw any car come in front of your car and stop?
A. I didn't see any car.
- Q. Then you passed this woman and these four men?
A. Yes.
- Q. You saw two men were holding this woman?
A. Two mens holding.
- Q. One on one side and one on the other side?
A. Two mens holding and one man behind and I don't know how many ---
- Q. How were they holding? Suppose, I am the woman?
A. Yes, suppose you are a woman. I saw two men hold like this, (illustrating)
- Q. How about the other man on this side?
A. Some men are standing.
- Q. How about the man on this side holding the woman? How did the other man hold that woman?
A. The same way.
- Q. And one man was standing?
A. Standing, yes, sir.
- Q. How far from that woman?
A. Very close.
- Q. That is three men. What was the other man doing? There were four men?
A. About four or five, I am not sure.
- Q. How far were you from this woman and those men when you saw the men holding the woman?
A. Well, I told you my car was about fifty feet from the woman and mens, you know, and I still keep on going, and when I saw them I think it is about 20 or fifteen feet, I think.
- Q. You didn't see any car there?
A. No. Behind plenty. Behind, not in front.
- Q. I mean standing or parking in front of your car?
A. No. Oh, one touring car that looked like they forced the woman to bring to that car parking over there.
- Q. Where was that car now: How far down?
A. The car is I think about, I think, if I make no mistake, about 100 feet or more, I think.
- Q. From where you first saw the woman?
A. The way I parked my car.
- Q. From where you parked your car in front of the main place?
A. Yes, about 100.

Q. And this touring car was parked 100 feet from you?
A. Yes..

Q. From your place?
A. From my place.

Q. Do you remember the color of that car?
A. I don't remember the color of the car.

Q. What do you think it was?
A. I don't know..

Q. How far was this woman and these men from that car when you first saw the woman and those men?
A. Well, I think I saw the woman from the touring car, oh, about three feet, I think three or four, three feet, I think.

Q. Behind the car?
A. Behind the car.

Q. You said you were fifty feet away from the woman and the men when you first saw them?
A. Yes, but I still -- my car is parked, you know, about 100 feet distant from that car.

Q. From the other car?
A. From the other car. And when I drive my car I drive my car I think about fifty feet, I think, and I saw the woman and I still looking till about 15 or 20 feet.

Q. How long did they have to walk to get to that car?

Mr. WIGHT: Objected to as ambiguous.

Q. The woman and the men, how long did they have to walk before they got to the car that was standing there?
A. About three feet, I think; something like that.

Q. Did you see that woman pass your car when you were at the saimin stand?
A. I don't notice.

Q. You didn't notice that?
A. I didn't notice that.

Q. When you saw these men walking that way, you were surprised, were you not?
A. What you mean?

Q. You were surprised? You know what "surprised" means --

MR. WIGHT: Objected to as ambiguous.

(No ruling)

Q. With that woman?

A. I don't pay no attention. The first time I think that woman go with those boys. I thought she is drunk and those boys just help put her in the car. That is what I thought the first time.

nd

Q. This woman was a white woman that you saw?

A. I don't know if she is white or not.

Q. Don't you know she was white?

A. I don't know because she is not facing to me. If she is facing to me I tell you whether she is nigger or white or Portuguese.

- Q. On what side of the car?
A. The sidewalk side.
- Q. Did your car stop at any time?
A. We went along slowly.
- Q. Did they pass you?
A. No, we passed them.
- Q. Did they pass you again?
A. That I didn't see.
- Q. That same car, did you see that car pass you fast?
A. No.
- Q. Did you notice that number behind again?
A. No, I never see that car pass.
- Q. How many numbers did that automobile have?
A. Five numbers.
- Q. Did you see any of the numbers?
A. The second number, I think it was 8.
- Q. Are you absolutely sure?
A. Not quite.
- Q. Now I show you a dress (indicating), was the dress anything like this?
A. Yes.
- Q. You think it looks like the dress the woman had on?
A. Yes, it looks something like that.
- Q. How were the boys dressed?
A. One with a white shirt.
- Q. That was the only one with a white shirt?
A. Yes.
- Q. How many boys did you see?
A. About five -- three on the sidewalk and two in the car. The two boys in the car were in the back seat.
- Q. What color hair did she have?
A. Blonde hair.
- Q. Did any of these boys have a hat on?
A. I can't remember well.
- Q. About what time was that when you saw her being pulled into the car?
A. About 12.
- Q. Was the dance out or were the people still coming out?
A. Still coming out.

- Q. How did you get that figure 8?
A. Well, I think it was 8, but I'm not sure.
- Q. When did you notice that number?
A. In the back.
- Q. Did you see any short Japanese boy over there?
A. No.
- Q. What were the nationalities of these boys?
A. Look like Oriental boys.
- Q. Japanese or Chinese?
A. That I can not figure out.
- Q. Any of them look like haoles?
A. No.
- Q. One of the men was my height and the rest were smaller?
A. I can not remember.
- Q. Was one bigger than the rest?
A. Almost about the same.
- Q. Wasn't one larger?
A. Maybe the one on the car, I don't know.
- Q. What was the make of the car?
A. Either Ford or Chevrolet.
- Q. Touring car?
A. Open touring car.
- Q. Had the top up?
A. Yes.
- Q. What color, dark or light?
A. Look like dark.

Roger Liu

Roger Liu, a Prosecution witness, at the trial of the accused, in direct examination testified:

- Q. We drove down John Una Road and parked out in front of that Japanese store, right in there by the Japanese noodle stand.
- Q. Right by the noodle stand?
- A. Yes.
- Q. By "noodle" you mean samin?
- A. Samin, yes, sir.
- Q. Then what happened after you parked there?
- A. Then Mr. Charlie Chang and Mr. James Low got off the car and went in the dance hall, and I and Eugenio stay in the car and wait for them.
- Q. While you were there were the lights of your automobile on or off, while you were parked?
- A. I can not remember whether they were.
- Q. You can not remember. Do you know about what time it was?
- A. It is around eleven, around 11.40.
- Q. That is, when Charlie Chang and Mr. Low went over?
- A. Yes, sir.
- Q. How long did they stay there at the dance?
- A. About ten minutes or longer.
- Q. About ten minutes or longer, you are not sure?
- A. I am not sure.
- Q. Did they come back?
- A. Yes, they came back.
- Q. Was the dance over or not when they came back?
- A. I believe the dance is over.
- Q. What makes you believe that?
- A. Because I asked Mr. James Low and he said the dance is over, and I saw some people kept coming out.
- Q. Now after they came out did they get in the automobile?
- A. Yes, they got in the same automobile, with us.
- Q. Where was Eugenio sitting?
- A. In the front seat, he was the driver.
- Q. Where was Mr. Low sitting?
- A. Right next to Mr. Eugenio.
- Q. And you and Mr. Chang in the rear?
- A. Yes.
- Q. After they got in the car what did you do?
- A. So we drove down John Una Road toward Ala Moana Road and Mr. Chang asked Mr. James Low he was feeling tired

and sleepy, so Mr. James Low said to drive up and make a turn of our car.

- Q. On your way down did you see anything on the side of the road?
A. Yes, I saw a woman together with a bunch of boys.
- Q. You said you saw a woman with a bunch of boys?
A. Yes.
- Q. All right. What was the nationality of those boys?
A. I am not sure, but it looked like Oriental boys to me.
- Q. All Orientals or not?
A. I am not sure of that.
- Q. Well, did you see any haoles there?
A. I believe there was no haoles in that bunch.
- Q. You did not see any?
A. I don't see any.
- Q. What was the woman, what was she?
A. I believe she was white.
- Q. Do you know or do you believe it?
A. I believe it.
- Q. What was the color of her hair?
A. Blonde.
- Q. What kind of a dress did she have on?
A. Well, I am not sure; in the dark it looked like blue to me.
Q. Was it a long dress or a short dress?
A. I believe it is long.
- Q. I will show you this dress, with the cop. (Counsel illustrates and exhibits dress, Exhibit "C" to witness) Was it anything like that?
A. Something like that.
- Q. Now you say you saw some woman and the boys. What were the boys and the woman, - what were they doing?
A. I saw two boys was holding her are; I believe at that time I believe they were trying to push her in the car.
- Q. What made you believe that?
A. I saw the lady was moving around, struggling.
- Q. The lady was moving around and struggling?
A. Struggle, yes.
- Q. How many boys did you see there?
A. I saw three in the car and I believe a couple outside of the car; I saw something moving inside of the car.
- Q. What kind of a car was this kind of a car you saw there?
A. I am not sure of that, either a Chevrolet or a Ford.
- Q. What kind of a body?
A. Touring.

- Q. How near to this car were those men and this woman?
A. Right on the side of the car.
- Q. Now, about where was that place on John Ina Road that you saw them, do you know?
A. It was somewhere around the booth, by the booth.
- Q. How far?
A. Somewhere around by the booth.
- Q. Well, was it in front of the booth or further on or further this way or what?
A. Well, I would say it is further down from the dance hall.
- Q. Now across the street there are some stores, was it further down from the stores too?
A. Yes, sir.
- Q. About how far further down, do you know?
A. I think about 100 feet or over 100; I am not sure of that.
- Q. You think 100 feet or over 100; you are not sure. Now after you got beyond there, beyond where this woman and these men were, what did you do; where did you go?
A. Beyond the car, you mean.
- Q. Beyond that small touring car you saw there?
A. Well, we just kept slow going down toward Ala Moana Road.
- Q. Yes, and when you got down to that fork in the road - do you know what I mean?
A. Yes.
- Q. The one going to Fort DeRussey and one to Ala Moana. What did you do there?
A. We make a turn of our car.
- Q. Where did you make a turn?
A. Mr. Charles Chang wanted to go back and get his own car, where his car is parked.
- Q. Do you know where you make the turn?
A. Somewhere around Fort DeRussey.
- Q. Then you come back on the same road?
A. Yes, we came back on the same road.
- Q. Did you see that car and that woman and those men there when you came back?
A. I didn't notice.

And, on cross examination, in part, as follows:

- Q. Now how fast was Eugenio's car going at the time you saw this woman and these boys?
A. He was going slowly.

- Q. About how many miles an hour?
A. Well, that I could not state exactly.
- Q. I am not asking you exactly; I am asking you about how many miles an hour?
A. We just keeping going slowly.
- Q. My question is, about how many miles an hour?
A. Oh, ten or over, I guess.
- Q. Between ten and fifteen miles an hour?
A. Yes, sir.
- Q. And how far was your car from this woman when you first saw her?
A. About how far? It was about, - not very far.
- Q. About how far?
A. I could not tell you exactly.
- Q. I am not asking you exactly. I am asking you about how far?
A. It is about from here to there (indicating in court room)
- Q. MR. BISH: Indicating a distance of 37 feet. Will you stipulate, Mr. Wight?

MR. WIGHT: Yes.

- Q. And was this woman on the street at that time or on the sidewalk?
A. On the sidewalk.
- Q. And this car that you saw there was standing there at that time when you first saw it?
A. Yes, they were standing there.
- Q. You did not see that car come past you and stand?
A. I did not.

and

- Q. And you said you think you were 37 feet away from them when you first saw them?
A. I think so.
- Q. Now, how far were you to them when you saw them try to get this woman in the car?
A. Why it is almost - almost our car getting close to his car.
- Q. About alongside of that car?
A. Alongside of the car.
- Q. And then you saw them try to put the woman in the car?
A. Yes, sir.
- Q. And you said she was struggling?
A. She was struggling.

Q All right. You show me now how he was holding the woman, the man on the left-hand side?

A (Witness leaves stand and illustrates position).

Q Like this. (Illustrating)

A Yes

Q You are sure he had his left-hand on the left-hand of this woman?

A Yes.

Q You saw that, did you?

A Yes.

Q And you saw that his right hand was on the left arm of this woman, above the elbow.

A Yes, I just saw two men holding her.

Q Now you show me how the man on her right was holding her?

A That I could not tell you exactly.

Q Show us about how they were holding her?

A About the two hold just the same.

Q What was the third man doing, on the other side?

A The same on that side.

Q How was he standing, - suppose this is Ala Moana down below?

A Yes, Ala Moana down below.

Q How was he standing?

A He was standing like this, (illustrating).

and

Q From the saimin place the, how far was that car parked from the saimin place?

A I told you it was about 100 feet over.

Q Do you think more than 200 feet?

A Not that exactly.

Q You think about 150 feet?

A About that.

Q About 150 feet. That is your best judgment.

A Yes, sir.

Q Now you said that there were two boys holding this woman?

A Yes, sir.

Q And there was a third boy on the right hand side of this woman?

A Standing by the other one.

Q. How far was he standing from the other?

A Oh, just getting close.

Q Just right close together?

A Right close together.

and

Q My question was this: Supposing the dance stopped at 12 o'clock, about how long after that was it when you saw this woman and these boys, about how many minutes after that?

A After the dance?

Q After the dance? Supposing it stopped at 12 o'clock?

A Just a few minutes.

Q Well, about how many minutes would that be?

What is your idea of a few minutes?

A About one or two minutes.

Q About one or two minutes afterwards?

A Yes, sir.

and

Q Did you say at that time that that woman was struggling?

A Yes, sir, she was struggling --

Q Did you say that to the other boys in the car?

A No, I did not.

Q When you saw that these men were trying to get this woman into the car and she was struggling --

A Yes, sir.

Q Did you become excited?

A Well, no, I did not.

Q You thought it was not strange?

A I thought they were just a bunch of friends.

Charles Chang, in a statement made November 20th, 1931, to Detective Stagbar (City Detective John Jardine present), in the office of the City and County Attorney stated:

Q Now, on the night of Saturday, September 12th, were you somewhere in the vicinity of the Waikiki Park?

A About 12 o'clock.

Q Who were you with?

A With Jim Low, Robert and another -- Roger Liu -- and the fellow Eugenio.

Q Did you drive on John Ena Road that night?

A No.

Q But you were in the car that went down John Ena Road?

A Yes, but I wasn't driving.

Q While you were going down John Ena Road did you notice anything unusual happen?

A Yes.

Q What happened?

A I saw several boys -- young boys -- they was dragging a woman -- an Occidental woman.

Q How was she dressed -- this woman?

A In blue. To me it looked like blue.

Q How many boys would you say there were?

A About 5 or 7.

Q Were they in an automobile?

A On the sidewalk.

Q How were they dragging the woman?

A Pulling her by her arms.

Q How many men actually had hold of her?

A At least two.

Q What did she do when they were dragging her?

A She was standing in the middle of that crowd.

Q Was she struggling or standing still?

A Seems to me --

Q Was she trying to get away -- is that the way it appeared to you?

A Yes.

Q Where was this car when you saw this woman and --

A They was on the sidewalk, in front, on the right side of a parked car alongside of the sidewalk.

Q. Were they beyond the stores?
A Yes, past the stores. Our car was in front of the Japanese stores.

Q Was it dark or light there?
A It was pretty dark. The only light was from the stand and the store. I saw a fat, Hawaiian woman standing there.

Q Were the lights on on the opposite side of the streets?
A I didn't notice that.

Q These boys you saw - what nationality would you say they were?
A They were dark complexioned.

Q You didn't see any haoles there?
A I am pretty sure I didn't.

Q Where were you coming from when you turned into John Ena Road up until the time you saw these boys?
A We came from the orange stand opposite the Barbecue Inn; then we went into the dance hall; after we came out from the dance hall we saw this happen.

Q You stayed in the dance hall about five minutes -- maybe more or less?
A Yes.

Q What time would you say you arrived at the Park -- about ten minutes before the dance was over?
A Yes.

Q And you came out of the Park before the dance was over?
A About ten minutes after the dance was over before we came out.

Q How were these boys dressed?
A Without coats.

Q What would you judge their ages to be?
A Under 30.

Q What color hair did this woman have.
A I am not sure. I didn't notice.

Q Did you notice what type of car it was that was parked alongside the sidewalk?
A A small car -- Chevrolet or Ford.

Q Touring or sedan?
A Touring.

Q Did you get the number of that car?
A No, sir?

Q This woman -- would you say she was a big woman, small woman or medium sized woman?
A Small --

Q (Indic. stenographer) Smaller or bigger?
A A little shorter.

Q From what you saw on John Ena Road that night, what was your impression as to what occurred?
A In my opinion I thought they were dragging her into the bushes.

Charles Chang

Charles Chang, a witness for the Prosecution
in the trial of the accused, testified in direct
examination, in part, as follows:

Q Where did you drive to?

A We drove down to John Ena Road and parked it on the Ewa side in front of the Japanese store, near the saimin wagon, I believe, and Mr. Low suggested going into the dance hall and the other two remained in the car, and I accompanied him in there.

Q You went into the dance hall?

A Yes.

Q How long did you stay there in relation to the end of the dance?

A About a quarter of an hour - about fifteen minutes.

Q When did you leave?

A The dance?

Q When did you leave the dance floor?

A After the dance was over,

Q As soon as the dance was over you left?

A No, a few minutes later,

Q How many minutes did you mean, by after?

A About five minutes.

Q And after that where did you go?

A We went out and got in the car. I was very tired and asked Mr. Eugenio to take me back to the orange stand so I could get my own car.

Q When your car was parked which way was it headed?

A Towards Ala Moana, his car.

Q When you got in which way did Eugenio go then?

A Towards Ala Moana, to turn the car back/

Q On the way down there did you notice anything on the sidewalk, at the side, or anything around there?

A Well, I saw several persons gathering around a woman.

Q Do you know what the nationality of these men was?

A No, their backs facing me.

Q You can't tell?

A No, I cannot.

Q Now, could you tell whether their hair was dark or anything about that?

A Well to me appeared to be dark.

Q What was the woman like? what did the woman look like, do you remember?

A I didn't see her face.

Q Were they doing anything to this woman?

A Well, two - a couple of them was holding her arms and intended to - it seems they were intending to lead --

MR. HEEN: We object to any "intentions".

Q A couple were holding her arms?

A Yes.

Q And what was she doing?

A She was standing still.

Q Did she move at all, do you know?

A I didn't notice that,

Q Were there any automobiles near where they were?

A Yes, I believe there was one.

Q How near to where they were standing?

A About three feet.

Q About three feet. Do you know what kind of a car that was?

A I didn't notice, but it seemed to be a small car. s?

Q Do you know what nationality the woman was?

A I didn't notice that too.

Q Do you know the color of the dress she had on?

A I believe it was blue.

Q Would you know if it was a long or a short dress, do you know?

A I believe it was long.

Q I will show you first the top of this dress, indicating Government's Exhibit "c". Did it look anything like that?

A No, I could not tell that.

Q You can't tell?

A It was dark at the time.

Q How?

A It was dark there.

Q Now, you could not tell the nationality of this woman. What did she look like to you?

MR. HEEN: We object to that, if the Court pleases; the question has been answered. He said he did not know; he could not tell.

MR. WIGHT: I changed the wording - "What did she look like to you".

THE COURT: You may answer that.

A Like Occidental.

Q Occidental. Can you tell what the complexion of the men were, light or dark?

A Quite dark.

Q Did you see any haoles there?

A I don't believe I noticed any.

Q Did you notice how many men there were there, about?

A About four to six, I believe.

Q After you got by there do you know what the car that Eugenio was driving did? After you got by the place where these people were standing?

A He did not stop.

And under cross examination:

Q About how far was the car parked from the saimin stand?

A You mean on what way?

Q Well, the car was parked mauka of the saimin stand, wasn't it?

A On the Ewa side of the road.

Q On the Ewa side of the Ena Road, and you said opposite a Japanese store?

A Not opposite, just alongside of the store.

Q About how far would that be from the saimin stand?

A About six feet, I believe.

Q About six feet away. And this car which you saw further down, where the women and these boys were, about how far was that car parked from the saimin stand?

A 125 to 150 feet.

Q And these boys, and this woman whom you saw there at that time, were they on the street or on the sidewalk?

A On the sidewalk.

Q And when you first saw them they were all facing down the beach?

A Yes, sir.

Q Is that right?

A Yes.

Q You said they were a little behind the car, about three feet?

A Somewhere around there.

Q About three feet behind the car? The car was facing down towards the beach too, was it?

A Yes.

Q And what was the color of that car?

A I didn't notice.

Q What, - wasn't it a black car?
A It looked like dull paint? it looked dark to me, yes.

Q It looked dark to you. And looked like an old Ford?
A I don't know what kind of car, what make.

Q I am not asking you exactly, but it did look like an old Ford or not?
A Oh, really I have no intention of distinguishing the car at that time.

Q Did you have an intention of looking at the girl at that time?
A No.

Q Now you said there were two boys holding this woman?
A Yes.

Q One on each side, is that right?
A Yes, they gathering around her.

Q How many boys altogether around there?
A I didn't count.

Q About how many?
A About four to six, I believe.

Q There was one holding one arm, another one the other arm?
A Yes.

Q And where were the other boys?
A Gathering around?

Q Some in front?
A Like a circle to me.

Q It looked like a circle to you?
A Yes, around the woman.

Q About how many in front of the girl?
A They circled around, gathering around.

Q Some behind her?
A All around her.

Q And how far were you from this group - this girl, this woman - and these boys, when you first saw them?
A Our car - when we start our car?

Q When you first started your car?
A I believe it was say from 75 to 100 feet away.

Q After your car started?
A After our car started,

Q Then you first saw this woman?
A Yes.

Q And these boys?
A Yes.

Q Around her?
A Yes.

Q In a circle?
A Yes.

Q And was it at that time you noticed that they were about three feet from the car that was parked?
A That is hard to say. I didn't watch very interestingly at that time.

Q At what point was it when you noticed they were about three feet behind that car?
A Oh, when I first saw them.

Q And then as your car approached did you see them go towards the car?
A No, sir.

Q They were still standing there?
A Yes.

Q And when your car passed that car did you see them go to that car?
A I didn't look back.

Q You didn't look back so you don't know what they did with that woman?
A No.

Q Now did you see what they were doing to that woman as they were holding her by the arm?
A Oh, I say I believe they were leading her - intended leading her to somewhere.

Q You believed that?
A Yes.

Q You didn't see them lead to any place?
A Seemed same as they dragging her.

Q Directing her?
A Dragging her.

Q Dragging her. Well, did you see them moving her to say that they were dragging her?
A I believe she did not move at that time.

Q Did she look as if she was drunk at that time?
A Well, I could not see her face.

Q Now where were these boys and this woman as you passed alongside of them, - were they will in the same position?
A Yes.

Q And did you get excited at that time when you thought they were dragging her?
A No.

Q You did not. Did they look as if they were all in the same party?

A Well I can't say that.

Q Did they look as if they were friends?

A I can't say that.

Q Now as you passed by there did you say to anybody in the car "Look at these boys dragging that woman"?

A No.

Q You didn't hear that?

A No, I had no knowledge at all.

Q You didn't get excited then?

A No.

Q You didn't hear any screaming?

A No.

Q You didn't see anybody punch that woman in the mouth?

A No.

Q You didn't see any boy hold that woman by the mouth?

A I didn't notice that.

James H. Low, in statement made in the office of
James H. Low City and County Attorney, November 10, 1931, to Detective Arthur Stagbar (City Detective John Jardine present) stated:

Q Do you recall being out riding with Eugenio Belungbacal-
A Yes sir.

Q Charles Chang?
A Yes sir.

Q And Roger Liu?
A Yes sir.

Q On the night of September 12th, this year?
A Yes sir, Saturday night.

Q Will you state in detail what you observed as you drove
down John Ena Road about midnight that night?

A We first went in the dance pavilion - Waikiki Park --
then we came out and turned down John Ena Road towards
the sea. After we came out of the gate and passed the
stores, I saw a lady who looked like she was drunk --
intoxicated -- and immediately behind her was a man
following her -- about 2 or 3 feet -- and in front of her
was a car along the curb, facing the sea. That was --
about twice the length of this hall would be 30 feet --
about 30 feet from the lady. I was attracted by a call
from two ladies on the car coming from the opposite
direction. After we passed a little way on I asked the
car to stop and turn around.

Q How was this woman dressed?
A She was dressed in kind of dark clothes -- either blue
or green.

Q Did you notice the color of her hair?
A I didn't notice.

Q This man following her -- did you notice how he was dressed?
A He didn't have a coat.

Q Was he tall or short, stout or medium?
A I couldn't say.

Q Do you know what nationality he was?
A No.

Q Was he dark complexioned or light?
A I couldn't say.

Q Could you say as to whether he was of Oriental extraction
or Haole?

A I was in back and both of them were facing away from
me. I couldn't see their faces.

Q This automobile -- did she appear to you to be going into this automobile, or just walking along?
A From the newspaper article I saw the following day I judged that they were going in the car.

Q What sort of a car was it you saw parked there?
A A dark car.

Q Touring or sedan?
A Touring.

Q Large car or small, or medium sized car?
A I couldn't say.

Q Did you notice anyone else in the car?
A Nobody.

Q Did you notice any other car parked along there with any passengers in it?
A No, sir.

Q Were there numerous cars parked along there or just this one?
A More cars than this car.

Q Both sides of the street?
A Both sides of the Street.

Q Whereabouts along John Ena Road in reference to the stores, did you see the woman?
A From the row of houses where the stores are, about 75 feet from the last building.

Q Did you see any other people at all on the road, sidewalk or in automobiles in that vicinity?
A I don't know about that.

Q Where were you sitting in your car?
A The front seat.

Q Driving?
A No, just sitting?

Q Who was driving?
A Eugenio.

Q While driving along there, when you noticed this woman, did you call his attention to slow down the speed of the car?
A Yes, I did.

Q What words did you use to him?
A To slow down and turn around -- I wanted to go back again to see.

Q Did you mention anything to Eugenio about what you thought was going to happen to this woman?
A If I did, I don't remember.

Q Did you ever, at any time, discuss this case with anyone else outside of members of the County Attorney's office?
A No, sir, I did talk to Krassis.

Q What was your conversation with him in referance to this case?
A I told him I saw the lady that night, and that if they got the people who did the crime it would be a good thing, and that if the police has got somebody I hoped it was the right party.

Q Did you or didn't you tell him that the police have got the right car and the right people?
A No, sir.

Q Going back to your dive along John Ena Road, after you turned around what directions did you take?
A We were coming up to the orange stand and there Chang got on the car with Roger.

Q On his own car?
A Yes.

Q Then where did drive to?
A We all came away - came in Kalakaua -

Q To where?
A I don't know where they went; we went home. I haven't seen them since.

Q You say you went in the Waikiki Park Dance Hall - did you go there to dance or to see someone?
A Just skylarking.

Q You had no intention of going there to look for any particular person?
A No, sir.

Q Who went in the dance pavilion with you?
A Chang.

Q Eugenio and Roger stayed out on John Ena Road in the car?
A Yes.

Q About what time was this when you saw this woman on John Enad Road?
A A little after midnight.

Q Are you sure of the time or is that approximate?
A Well I take it from the dance - the hall is supposed to be quit at 12 o'clock and we were there about 10 minutes, then the dance was over.

Q You mean you saw this woman about 10 minutes after the dance was over?
A About that.

Q How long did you stay in the dance?
A About ten minutes.

Q Do you know who these two women were who yelled to you as they passed in the opposite direction?
A I don't know.

Q After you had made your turn and came back toward Kalakaua Avenue toward the orange stand, did you again notice the woman with the man behind her?

A No, she was not there and the car was not there. The car had moved off.

Q Did any cars pass you after you made the turn?

A Lots of cars.

Q But you didn't notice any car with this woman in it?

A No, sir.

FURTHER STATEMENT MADE AT 11.55 A. M.

Q Mr. Low, what was your purpose in turning around to go back and pass the place where you saw the woman and man?

A To see what happened - what was going to take place, because on the car, before we made the turn, one of the boys mentioned that it looked as though the man was going to grab her.

Q Therefore you turned around to render assistance if necessary?

A For curiosity.

Q Did you notice anything further after you turned around?

A No sir.

Q Then, on your drive after this, was there any discussion between you about this thing?

A No.

Q When the person that mentioned that it looked like the man was going to grab her, did he say "they", "the" or "a man".

A "The man".

JARDINE: Didn't say anything about the "bys" or "they"?

A No.

Q You remained outside. How long did you remain outside?
A Ten minutes.

Q About ten minutes?
A About ten minutes?

Q And when you left the grounds was the dance over or was it still on?
A The dance was over.

Q How do you know it was over at that time?
A The people were coming out, and I believe it was over because the musicians were coming out.

Q And then after that you left the grounds and went to the car?
A Yes, sir.

Q Now this car that you came in, with Eugenio and the other two men, where was it parked when you came up? Was it still in the same place or had it moved?
A I don't recall, but it is immediately outside of the gate.

Q Immediately outside of the gate. Then did you and Eugenio get into that car?
A Yes, sir.

Q Eugenio was driving that night?
A Yes.

Q That was a Studebaker sedan, was it?
A Yes, sir.

Q Eugenio was driving, and who sat next to him?
A I did.

Q On the right-hand side?
A Yes, sir.

Q And where did Charlie Chang and Roger Liu sit?
A Chang sat immediately behind me on the rear seat, and Liu to his left.

Q On his left. And then Eugenio drove the car?
A Yes, sir.

Q In what direction did you go?
A We headed down John Ena towards the sea.

Q Towards the sea. And as you were going along John Ena Road towards the sea did you notice anything?
A After we drove a little ways, to a point about thirty feet, I saw a lady walking ahead.

Q That is the lady was about thirty feet from you?
A When I first saw her.

Q When you first saw the woman. And was that still on the mauka side of Hobron Lane or Makai side of Hobron Lane? Do you know where Hobron Lane is?
A No.

Q Will you step down here, Mr. Low, and I will show you this map, which is defendant's Exhibit Number "9". The top part of the map is towards the sea, marked "Pacific Ocean". This here which is marked "Kalakaua Avenue" represents Kalakaua Avenue, and this map on the board here is the mauka side of Kalakaua Avenue, and this road here, marked Ena Road, is the road that leads makai to Kalakaua Avenue towards the sea, going towards the sea. Do you recognize that?

A Yes.

Q And this place here marked Aloha Amusement Park on Ena Road is now the Waikiki Park?

A Yes.

Q Do you recognize that?

A Yes.

Q This road here is Hobron Lane and this corner here, which is marked "B" is supposed to be the saimin stand. Now about how far from that saimin stand, - I will withdraw that. Did you see a car parked ahead of where the woman was walking at that time?

A Yes, sir?

Q Now about how far from the saimin stand was it where you saw that automobile parked, according to your best judgment?

A About one hundred feet.

Q About one hundred feet away. Now you notice this curve in John Ena Road just below Hobron Lane, the first curve there?

A Yes.

Q Then you notice this other curve, as you turn over into Ala Moana Road?

A Yes.

Q Now will, - we will say that this first turn, which is marked "C" there, we will call that the first turn. Now was that car parked mauka of that first turn.

MR. WIGHT: I will object to the question as leading.

Q Mauka or Makai?

MR. WIGHT: Objected to.

Q Just about where, with reference to that curve, this first curve, on Ena Road, below Hobron Road, was it that you saw this parked car?

THE COURT: I suggest you tell the witness the scale of this map.

MR. HEEN: The scale of this map is 100 feet to an inch; that is 100 feet to an inch.

A Could you point me where the gate to the dance hall is?

Q The gate is somewhere here (indicating), in this vicinity here, right by the part that is marked "road" and next to the saimin stand are the stores, the Japanese stores, barber shop and auto stand on the mauka side of Hobron Lane?

A About one one hundred feet from that point of the stand.

Q Below?

A What is the scale?

Q One hundred feet to the inch?

A Oh, it is longer than that.

Q Point out approximately on the map, bearing in mind that the scale is 100 feet to an inch, just above where you remember seeing that parked car?

A All I could recollect is the building; about 75 feet from the last building.

Q From the last building on the rear at the corner you mean?

A Yes.

Q That sore on the makai side of Hobron Lane?

A Yes.

Q Well, what would be your judgment then as to the distance from the saimin stand, bearing in mind the width of that store there at that makai corner of Hobron Lane and the 75 feet additional beyond that?

A I should judge about 150 feet, more or less.

Q One hundred and fifty feet more or less, All right. And you said that when you got within thirty feet, about thirty feet, of this woman you saw her?

A Yes sir.

Q And at that time did you see anybody else?

A There was a man following immediately behind her.

Q And did you see any other men there at that time?

A No, sir.

Q You did not. And about how far behind was this man from that woman, as near as you can judge?

A About two or three feet.

Q And about how far was this woman from the car that was parked there at that time?

A About three feet.

Q And how was this woman walking at that time?

A She, well, she was drunk, I presume it was; she was walking like a drunken person.

Q How was her head?

A Head down.

Q And what kind of a dress did she have on?

A Blue. I think it was blue.

Q It looked like blue to you that night?
A Yes.

Q Was it a short dress or a long dress?
A It could not say.

Q You could not say?
A No, I could not say at that time. Of course I read newspaper articles.

Q Did you observe or notice what nationality this woman was at that time?
A No, sir.

Q Did not.
A No, sir.

Q Did you notice the nationality of the man at that time?
A No, sir.

Q Did not. You did not know whether that man was a white man or a dark person?
A No, sir, because we were going the same direction and was looking from behind.

Q What kind of car was this that you saw there?
A Dark, dark colored.

Q Dark colored car. Was it, - what type of car?
A Touring car.

Q And were there any other cars passing by at that time, going in the same direction your car was going?
A Yes, sir.

Q Many or few?
A A lot of cars.

Q And was there any car coming in the opposite direction?
A Yes, sir.

Q How do you remember that?
A Lots of cars came, because one of the occupants of the other car called me.

Q As they passed in the other direction, you mean?
A Yes, and at that time they attracted my attention I looked towards their way, as the car passed by.

Q And where was that with relation to the car that was parked there, about three feet ahead of the woman whom you saw? Had you already passed that parked car or were you still behind the parked car when somebody hailed you?
A About to pass that.

Q And as you passed that parked car did you head anybody behind you say anything, in your car?

A Yes.

Q What did you hear?

A I heard one of them one of them made a remark that the man grabbed her.

Q And more to that effect?

A Yes.

Q Well, when you heard that what did you say, if anything?

A We had gone past about 34 or 50 feet. I say to slow down.

Q Said that to whom?

A To the driver.

Q Eugenio?

A Yes, sir.

Q Then what happened?

A Then we went to turn around; the first turn he could not make it because there were a lot of cars come behind, and we crawled along a little ways to the first turn that goes in one of those lands that goes inthere, I think Niunalu, or the other lane, went in one of those lanes and backed up and came back again, and we did not see anything.

Q You did not see that car any more?

A No, sir.

Q As you passed that car did you notice whether or not the car was parked there in front of this woman, did you notice whether or not there were any men in that car or anybody in that car?

A I didn't see any men?

Q About what time was that when you saw this woman walking down with the man following her?

A I took it when the dance was over about 12 o'clock and coming out it is about ten minutes, - about 12:10, ten minutes after twelve.

Q Ten minutes after twelve?

A Yes.

Q That is according to your best judgment?

A Yes.

Q Mr. Low did you make any statement as to what you saw there that night to Mr. Wight?

A Yes sir.

Q Signed a written statement, did you?

A Yes sir.

Q And how many times did you see Mr. Wight in order to give him what you knew about this matter?

MR. WIGHT: I object to this as immaterial, your Honor.

THE COURT: Objection sustained.

MR. HEEN: No further questions.

The cross examination of this witness was vigorously conducted by Mr. Wight for the Prosecution. It is quite evident the purpose was to destroy the value of this witness' testimony as it affected the time factor in the theory of the Prosecution, which was essentially based on Mrs. Massie's narrative.

The witness acknowledged to having pleaded guilty March 10, 1931, to charge of being present at a gambling game, and to being fined \$25.09. The cross examiner asked the witness if he had not in specific instances been guilty of violating the Mann Act, and if he had not committed statutory rape, which the witness denied with positiveness.

Witness was also asked if he had not four days after the alleged rape, said to a man named Krassis, that "the police have got the right car, that is that car all right"; also if he, the witness, had not told a Mr. Gilliland, that he expected to run for the legislature in the Fifth District, and these boys, (the accused) were in the Fifth District and he therefore did not want to testify against them.

To this question the witness also stated a positive denial.

TIME
FACTOR
RE
MRS. MASSIE

The report of Mrs. Massie's statement to Inspector of Detectives John McIntosh at Police Headquarters, 3:30 a.m. September 13, 1931 contains the following description of her movements upon leaving the Ala Wai Inn shortly before midnight September 12th up to the time she hailed and stopped the Bellinger car on Ala Moana Road at about 1 a.m. September 13, 1931.

- Q. Will you relate to me what happened to you tonight?
- A. I left home about 9 p.m. with my husband to go to the Ala Wai Inn. In our party were Lieut. Branson, Lieut. Brown and their wives. They had been to our house and followed Mr. Massie and I to the Ala Wai Inn in their own cars. When we got to the Inn the six of us took a table together.

Around midnight I decided to go for a walk and some air. I walked along Kalakaua Avenue and crossed the bridge over the canal and turned down John Ena Road, and walked a block or so down John Ena Road. A car drove up behind me and stopped. Two men got off the car and grabbed me and dragged me into their car. One of them placed his hand over my mouth. When they got me into the back seat of the car they held me down between them. They were Hawaiians. I begged and pleaded with them to let me go. I struggled to get off the car and away from them and they kept punching me on the face. I offered them money if they would take me back to the Ala Wai Inn. They asked me where the money was. I told them it was in my pocketbook. They grabbed my pocketbook and found I had no money in it. They were driving along the Ala Moana Road all this time heading towards town. I really don't know how far they drove me - maybe two or

three blocks. They drove the car into the undergrowth on the right hand side of the road, dragged me out and away from the car into the bushes and assaulted me. I was assaulted six or seven times.

Q You mean they raped you?

A Yes.

Q How many men were in the car when they stopped and picked you up on John Ena Road?

A At least four, two in front and two in back seat.

Q What nationality were they?

A Hawaiian I would say.

Q What make was the car which they had?

A It was a touring car, I can't say what make it was, but I think it was a Ford.

Q What color was it?

A I don't know.

Q What was the license plate number, do you know?

A I think it was 58-805. I would not swear to that being correct. I just caught a fleeting glimpse of it as they drove away.

Q Where were the others of your party when you started out for this walk?

A They were all at the Ala Wai Inn.

Q After these men assaulted you what happened, did they drive away and leave you there?

A. One of them told me which way to go to get back on the road. They then bolted for their car, got into it and drove away. I managed to get back on the road and stopped a car coming from Waikiki and heading towards town. I told the occupants of the car what had happened to me - that I had been assaulted by some Hawaiians - and asked them to take me home. They wanted to bring me to the police station but I asked them to take me home, which they did.

The matter of ascertaining with accuracy the time and circumstances of Mrs. Massie's departure from Ala Wai Inn the night of September 12th received our early attention. Everyone available in connection with the Inn was interviewed as were also the patrons of the resort including various naval officers and the wives of some, but more particularly

those who were known to be the friends or acquaintances or believed to have known Mr. and Mrs. Massie. No one was found to acknowledge to having seen Mrs. Massie after 11.30 p.m., excepting the wife of Lieut. Stogsdall, U.S.N., who originally placed the time she had last seen Mrs. Massie at the Inn at approximately 12.10a.m.

Lieut. Stogsdall, U.S.N., and wife, Lieut.
Lieut. Stogsdall and wife, Commander Miller, U.S.N., and wife, and

Lieut. Fish and wife were dining at the Inn the night of September 12th, occupying a room on the upper floor which Lieut. and Mrs. Stogsdall did not leave until they departed for home. Mrs. Stogsdall stated that while they were dining several people dropped into their room, among them being Mrs. Massie, whose visit resulted in some words with Lieut. Stogsdall, who was intoxicated, during which she stated Lieut. Stogsdall was no gentleman and he called her a "louse". Mrs. Massie retaliated by slapping Lieut. Stogsdall's face. As the Stogsdall party was about ready to depart, someone requested Lieut. Fish to find Lieut. Massie and have him come to the booth and take care of Mrs. Massie, and Mrs. Stogsdall states that when they left Mr. and Mrs. Massie were still in this room at the Inn.

As stated in the foregoing Mrs. Stogsdall originally fixed the departure time at about 12.10a.m. September 13th, basing this upon the fact that her recollection was that upon reaching her home the residence clock showed 12.30 a. m. and she judged it had consumed about twenty minutes enroute from the Inn to her home. In view of the fact that the others were of the opinion that it was 11.30 when they departed, Mrs. Stogsdall is

willing to accept their statement as to the time and to consider that she may have read the time incorrectly on her residence clock.

Realizing the importance of fixing Mrs. Massie's departure time from the Inn, we exerted every possible effort to accurately do this, but with no more success than the majority opinion that Mrs. Massie was last seen at the Inn at 11.30 p. m.

Mrs. Massie may have last been seen at 11.30 p. m. by those who recognized her, yet may not have left Ala Wai Inn until later.

Trace of Mrs. Massie is completely lost between the time her acquaintances last saw her at the Inn, which according to their statements (excepting Mrs. Stogsdall who has since amended her statement for no reason other than to be in agreement with others in the party) was 11.30 p.m., and the time she hailed the Bellinger car on Ala Moana Road, unless we accept the statements and testimony of Mr. and Mrs. George Goetas, Alice Aramaki, E ugenio Batungbacal, Roger Liu and Charlie Chang as identifying Mrs. Massie at or near point of alleged kidnaping.

We endeavored to fix the time Mrs. Massie hailed the Bellinger car on Ala Moana Road by tracing the movements of the Bellingers and Clarks from the time they left Bellinger's house at 12.25a. m. September 13th (this time corrected by George W. Clark, Jr., from 12.50 a. m. to that stated at interview with J. C. Fraser July 5, 1932) until they were hailed by Mrs. Massie on

Ala Moana Road. Using an automobile and maintaining the average speed which Mr. Bellinger is accustomed to drive and covering precisely the same route which he covered, twenty-five minutes were consumed, which would fix the time at about 12.50 a.m. when Mrs. Massie hailed the Bellinger car on Ala Moana Road, viz:

| | | |
|---------------------------|---|------------|
| Left the Clark house | - | 12.25 a.m. |
| Passed Barbecue Inn | - | 12.36 a.m. |
| Arrived Union Gas Station | - | 12.40 a.m. |
| Left " " " " | - | 12.42 a.m. |
| Pick up of Mrs. Massie | - | 12.50 a.m. |

Mrs. Massie's movements, therefore, between 11.30 p.,., September 12th, and 12.50., September 13th, are unaccounted for, excepting as she personally has described them.

Mrs. Massie has stated she believes her assailants were at the Quarantine station, when she was raped, about twenty minutes. If this is correct, it would fix her arrival there at about 12.30 a. m. There is reasonable basis for doubt, however, that all the incidents at the quarantine grounds which Mrs. Massie relates occurred within the brief space of twenty minutes.

Had Mrs. Massie left the Ala Wai Inn at around 12 o'clock midnight and walked to the point where the woman in the green dress was seen by Mr. and Mrs. Goegas, she would have arrived about ten minutes later, or 12.10 a.m., which is around the time the woman in the green dress was seen by Mr. and Mrs. Goegas and Alice Aramaki, and the woman described by Batungbacal, et al., was seen by them. This, also, would have enabled Mrs. Massie to reach, by either walking or riding, the old animal quarantine station prior

to 12.50 p.m., the approximate time she was picked up by the Bellingers and Clarks.

Mrs. Massie at the trial of the accused in direct examination by Mr. Wight testified, in part, as follows:

Mrs. Massie's Q Mrs. Massie, where were you shortly after 11.30 testimony. p.m. the evening of September 12th?

A I was at a dance at the Ala Wai Inn and I left shortly after 11.30.

Q Why did you leave?

A Because I was bored and tired of the party.

Q Did you leave alone or was someone with you?

A Alone.

and under cross-examination by Mr. Heen testified, in part, as follows:

Q About what time was it that you left the Ala Wai

A It was about 11.35. Inn?

Q How do you recall that time?

A Because some friends of mine left the dance hall at 11.30 and I left the party a few minutes after they did.

Q Did you look at any clock or look at a timepiece so as to know your friends left at 11.30?

A No.

Q How did you happen to know it was 11.30?

A My friends told me later that she had looked at her watch and it had been 11.30.

Q Several days later?

A I don't remember.

Q What is your best recollection as to that?

A I don't remember.

Q You don't know whether it was the next day or a week after?

A No, I don't remember when it was.

Q Did you tell your husband that you were going out from the Inn at that time when you left the Inn?

A No.

Q Did you tell any other member of your party you were going?

A No.

Lieutenant Thomas H. Massie made a statement
Lieut. Massie's to Deputy City and County Attorney Wight and
statement.

Inspector of Detectives McIntosh, 3.20 p.m.,
September 21, 1931, at Mr. Wight's office, in part, as
follows:

Q During the evening did you miss Mrs. Massie
from the party?

A Yes.

Q What time did you miss her?

A Between 11.30 and 12.00 -- that's as near as I can
judge and on heresay. I immediately went upstairs
from where I had seen Mrs. Massie leave and made
a complete search of each booth.

Q You thought she was going to the toilet, or
something?

A Yes.

Q Did you make inquiry among your friends as to
whether they had seen her or not?

A Yes.

Q Did you come to any conclusion when you couldn't
find her?

A I assumed she had gotten a ride home with other
friends and gone home.

Q You concluded that she'd gone home?

A Yes -- gone home or to the house of some friends.

Q What time did you leave?

A Shortly after one.

Q With whom did you leave?

A Lt. Branson.

Q In whose car?

A In my car.

and

Q McINTOSH: Tell us what Mrs. Massie said to you.

A When I got her on the line she said, "Something
awful has happened; come home."

Q WIGHT: Any more details?

A No.

Q. McINTOSH: Then what did you do?

A. I left immediately and rushed home in my car.

and

Q. McINTOSH: When you rushed from the Rigby home to your home, was the front door open -- how did you enter?

A. I entered by the front door to which I had the keys. As I remember, I opened the door with the keys.

Q. When you got in what did you find?

A. I found Mrs. Massie in a state of collapse and weeping hysterically.

Q. Where was she?

A. In the front room.

Q. How was she dressed?

A. She was dressed in a wrapper.

Q. Nightgown?

A. Yes, pyjamae.

Q. What did you tell you when you got in?

A. She explained everything that had happened -- that she'd been assaulted.

Q. WIGHT: Did you explain that she had been raped?

A. Yes.

Q. McINTOSH: What story did she tell you?

A. She told me she had been dragged into a car by about 5 Hawaiians; that they had taken her to a place on the Ala Moana and criminally assaulted her.

Q. What was Mrs. Massie's appearance at the time?

A. She was in a total state of collapse and broken down from sodomy.

Q. WIGHT: What was her physical appearance?

A. Her physical appearance -- that she had been brutally beaten about the face, with bruises on her arms -- in a terrible condition.

Q. Was anything stuck in her hair?

A. No.

Should we accept 12.50 a.m. as the time Mrs. Massie hailed the Bellinger car on Ala Moana Road and attempt to trace back the movements of Mrs. Massie and time consumed in connection with the distinguishing periods, we would need

to consider each of the following group of periods:

- (a) Time Mrs. Massie consumed after departure of her assailants until she hailed the Bellinger's car.
- (b) Time consumed by Mrs. Massie's assailants in the alleged raping.
- (c) Time consumed by assailants getting Mr. Massie under control and traveling in auto from point of kidnaping to point of rape.
- (d) Time consumed by Mrs. Massie walking from Ala Wai Inn to point of kidnaping.

Time consumed after departure of assailants.

Period A.

No means are available for ascertaining the time consumed in this period except through consideration of the incidents reported by Mrs. Massie, herself.

Mrs. Massie under direct examination by Mr.

Wight at the trial stated:

Q Now when you left the scene of this attack, what did you do — where did you go, do you know?

A I was very much dazed. I wandered around in the bushes and finally came to the Ala Moana; I saw a car coming from Waikiki and ran toward the car waving my arms; the car stopped; I ran to the car and asked the people in it if they were white; they said yes, then I asked them if they would drive me home. They said they would, and I got on the front seat.

Mrs. Massie under cross-examination by Mr. Heen testified, in part, as follows:

Q Then, after the boys left in this auto, did you come right out of that place?

A I wandered around through the bushes and trees and finally came to the road.

Q About how long were you wandering around in the bushes and trees?

A I don't know.

Q A matter of a few minutes?

A I don't know. I was just beginning to realize what had happened to me and wasn't thinking about the time.

Q Just what do you mean by saying you just happened to realize what had happened to you?

A It was all so unbelievable.

Q Didn't you know what was happening to you all the time?

A But I couldn't believe people actually did things like that.

Q When you got out on Ala Moana Road Mrs. Massie, you walked along Ala Moana and saw a car coming and you ran towards it. You hailed the car, did you?

A Yes.

The concrete work beside which Mrs. Massie states the rape occurred is at a point estimated to be about 200 to 250 feet within the quarantine grounds, reached by a narrow road leading off the Ala Moana Road. The concrete work is beside this narrow road.

After the departure of her assailants, it may be presumed Mrs. Massie:

1. Adjusted her clothing, etc. (Mrs. George W. Clark, Sr., in her statement remarks upon the orderly appearance of Mrs. Massie's dress).
Probable time consumed - - - - - 2 minutes.
2. Mrs. Massie in her testimony states she "wandered around through the bushes and trees and finally came to the road". The distance by most direct route from point of alleged rape to Ala Moana Road is about 200 to 250 feet. Mrs. Massie does not say she ran to the road nor walked the most direct route. She states she "wandered through the bushes and trees". She does not state she rushed out after the car and it seems reasonable to believe the time she consumed getting to the road and hailing Bellinger's car as at least - - - - - 4 minutes.
3. Running along Ala Moana Road and stopping Bellinger's car likely consumed - - - - - 1 minute.

This would make a total of 7 minutes consumed between the completion of the alleged rape and the hailing of the Bellinger car.

Time consumed by Mrs. Massie 's assailants in
Period B. the alleged raping.

Mrs. Massie at the trial of the accused, under
direct examination by Mr. Wight, stated:

Q When they stopped, what happened?

A They stopped the car and jumped out; they dragged
me out of the car.

Q Who dragged you out?

A The two holding me in the car.

A By that you mean Chang?

A And Kahahawai.

Q After they dragged you out, did they drag you some
distance?

A Some distance from the car.

Q Do you know how far?

A About from here to where the courtroom ends (indic.
approx. 30 ft.)

Q When they dragged you to that spot what did they do?

MR. PITTMAN: Requestion election as to which deft. to
be tried.

Motion denied, exception noted.

A. Chang assaulted me.

Q When you say assaulted you mean he had sexual
intercourse with you?

A Yes.

MR. HEEN: Objection.

Q How do you know it was Chang?

A Because he was holding me in the car and he dragged
me over there; he helped the others drage me over
then; he never left go of me.

Q Did you consent to this act?

A Certainly not. I tried to get away but I couldn't.
I couldn't imagine what was happening. He just hit
me; the others were holding me -- holding my arms.

Q And when Chang completed this act what happened next?

A Then one of the others did it -- I don't know which
one.

MR. HEEN: Motion to strike answer, ground only one.
Objection overruled. Exception.

Q When you say did it, do you mean have sexual
intercourse with you?

A Yes.

Q Now, what happened after that?

A After that Kahahawai assaulted me.

Q By that you mean have sexual intercourse with you?

A Yes.

Q How do you know it was Kahahawai?

A Because he had been sitting beside me in the car and I recognized his face; he had a short sleeved shirt on; he knocked me in the jaw; I started to pray and that made him angry and he hit me very hard; I cried out "you've knocked my teeth out" and he told me to shut up. I asked him please not to hit me any more.

Q He hit you when you started to pray?

A Yes.

Q You say your jaw was broken?

A Yes.

Q Was that the hardest blow struck?

A Yes.

Q During the short time you were in these woods with these men do you know how many times you were assaulted?

OBJECTION TO LINE OF EXAMINATION. Exception.

A From 4 to 6 times. I think Chang assaulted me twice because he was standing near me and he said he wanted to go again. The others said all right and a little later he assaulted me.

Q Mrs. Massie, do you know any other individual besides these two men assaulted you?

A Ida.

Q How do you know that?

A I felt his coat against my arm.

Q Is that what you mean a while back that you could tell from the feel of his coat?

A Yes.

Q Do you know how many men had leather coats on that night?

A Only one.

Q What was your physical condition when this was going on as to strength?

A They hit me so much that I was sort of dazed.

Q Had you any strength left?

A Not then. I had struggled as hard as I could.

Q Did you or did you not hear any remarks -- any language from these defendants?

A Yes. They others talked to each other in some foreign language. They spoke in English -- they said a lot of filthy things to me.

Q You mean obscene things?

A Yes. They called each other by name.

Q What names were they?

A I heard the name "Bull" used; and I heard the name "Joe". I heard another name, it might have been "Billy" or "Benny" and I heard the name "Shorty". Then I heard one of them say "hurry up, we have to go back out Kalihi way."

Q Now, when these acts were completed, what happened then?

A One helped me to sit up; he pointed to the something and said "the road's over there", then they all ran off and got away, and I turned around and saw the car -- the back of the car was towards me -- and I saw Ida get in the front seat of the car.

Q How did you recognize him?

A Someone had turned on the headlights and I saw his leather coat.

Mrs. Massie further testified under cross-examination

Q You stated that these boys repeatedly struck you with their fists while driving you from the spot where they picked you up down along the Ala Moana Road. Were you still conscious at the time they turned off Ala Moana Road up to the place where the bushes were.

A Yes.

Q But at that time you were still frightened?

A Of course.

Q You were frightened and excited?

A Yes.

Q Then as they got into this place where the trees were they stopped the car and took you out of the car?

A Yes.

Q When they stopped this car was it facing toward the mountains or towards the sea or toward the town or Waikiki?

A They turned so that it faced the sea.

Q Could you see?

A At least I think it was toward the sea; it must have been.

Q Then they dragged you out of the car, did they?

A Yes

Q And when they took you to this spot 50 ft. away they dragged you in a straight line, did they?

A I don't know.

Q Do you know about how long it took the boys to take you from the spot where they picked you up to the place where they stopped?

A It couldn't have taken more than two or three minutes.

Q About how long do you remember, did it take -- in this place where the trees were and where you were assaulted?

A I don't know.

Q What in your judgment was the time?

A I don't know. I was so dazed after a while and I expect I lost all track of time.

Q You were quite dazed from the start, weren't you? After they dragged you to the spot?

A No.

Q Could you still notice everything clearly?

A Yes.

Q Did they drag you along the ground or hold on to you and force you to walk with them?

A They were holding me and directing me. I did not exactly talk; they pulled me along.

Q Were your feet dragging on the ground as they took you there?

A Yes.

Q Now, I believe you stated that Kahahawai was holding you by one arm and Chang holding you by the other as they dragged you to the spot?

A Yes:.

Mrs. Massie further testified on cross-examination:

Q Then, after the boys got through assaulting you, they left you lying there, did they?

A Yes. One helped me to sit up.

Q Who was it helped you to sit up?

A I am not sure but I think it was Ahakuelo.

Q Did he say anything to you at that time?

A Yes, he pointed and said, "The road is over there."

Q And he pointed toward the sea, did he?

A I do not know just where he pointed. I was so confused.

Q Were you still dazed at that time?

A I was very much upset and heard what he said. I could sit up and when they left me I could stand up alone.

Q About how long were you down at this spot altogether?

A I don't know.

Q You have no idea at all?

A Well, perhaps it was 20 minutes.

It will be noted that Mrs. Massie states her assailants:

1. Dragged her out of the car and dragged her approximately 50 ft. It is presumed Mrs. Massie was resisting and struggling and more time would be consumed than if she peaceably walked the distance. Probably time consumed - 2 minutes
2. Mrs. Massie in her statement to Inspector McIntosh at 3.30 a.m. September 13, 1931, said,

"I was assaulted six or seven times."

When asked by Inspector McIntosh:

"You mean they raped you?"

Mrs. Massie replied,

"Yes."

In her testimony at the trial of the accused Mrs. Massie states she was raped four to six times.

Mrs. Massie, testifying under cross-examination stated:

Q. About how long were you down at this spot altogether?

A. I don't know.

Q. You have no idea at all?

A. Well, perhaps it was 20 minutes.

Accepting Mrs. Massie's own estimate of time, probably consumed - - - - - 20 minutes.

It is exceedingly doubtful if Mrs. Massie was assaulted by four or five young men a total of four to six times, Mrs. Massie resisting with all her strength, that it was accomplished within the brief space of twenty minutes. It is more likely that young men, under identical circumstances, would have proceeded more leisurely and consumed more time. Furthermore, the accused, so far as is known, had no need to complete this multiple rape in the shortest possible time. We are of the opinion that more than twenty minutes would be consumed in raping operations under the described conditions.

Time consumed by assailants in getting Mrs. Massie under control and traveling by auto from point of kidnaping to point of rape.

1. From time kidnapers laid hands on Mrs. Massie until they had succeeded in getting her into their auto, time probably consumed - - - -1/2 minute.
2. Enroute by auto from point of kidnaping to point of rape.
Detective Arthur H. Stagbar made this travel test and testified in the trial of the accused that traveling at speed of 30 miles per hour to cover this route consumed - - - - -3 1/2 minutes.

Mrs. Massie's account of what transpired and observations during this 3 1/2 minute ride, as testified by her in the trial of the accused is quoted herewith for such evidence as it may be as to her having retained what appears to be complete possession of her senses and power to observe surroundings in detail.

Direct examination by Mr. Wight:

- Q After they dragged you into the car as you have described, what happened next?
- A I tried to talk to them but every time I did Kahahawai hit me. I offered themoney if they would let me go.

Q Was the car still or in motion at that time?
A In motion. As soon as they dragged me into the car they started immediately. They were holding me in the back and I begged them to let me go. Whenever I spoke he would hit me.

Q Who?
A Kahahawai. Chang hit me too. I offered them money; I told them my husband would give them money if they would let me go. I said I had some money with me they could have. When I said that he turned around and said, "take the pocket book" and one of them took it from me.

Q Now, Mrs. Massie, what was the condition as to light or lack of light where these men grabbed you on John Ena Road?
A It was not very dark.

Q Why not?
A There were some street lamps nearby.

Q You said Ahakuelo said "take the purse" -- how did you recognize him?
A He turned around several times and grinned and I saw his face; I also saw he had a gold tooth.

Q Where?
A A gold filling about here (indic.).

Q You saw this gold filling?
A Yes. When he turned around the first time -- I think it was when he said that about taking the pocketbook.

Q Do you know what caused him to turn around.
A He wanted to see what was going on.

Q Did you say anything?
A Yes. I struggled and asked them to let me go.

Q This talked you had the, when you begged them to let you go -- did
A Well, he turned around several times.

Q What did he do when he turned around?
A Just grinned. Once he told Kahahawai to hit me again.

Q After you told them you had a purse what did they do?
A They took the purse away from me.

Q Did you ever see that purse again?

A I saw it in the Grand Jury.

Q Is that the purse to which you refer (indic.)?

A Yes, it is.

(Introduced as evidence)

MR. PITTMAN: Objection. Not properly identified. Exception.

Q Where in the front seat was Ahakuelo sitting?

A On the right side of the front seat.

Q Do you know who was on the left, side, the driver's side?

A Yes.

Q Who?

A Ida.

Q Which one is he?

A In the brown suit there (indic.).

Q Did you notice anything peculiar about him?

A I noticed he was wearing a brown leather jacket.

(Intro. leather coat. Identified, Marked as Ex.B for iden.)

Q Did you or did you not see Ida's face while you were in the automobile?

A He turned half way around once.

Q Did this happen on the way down John Ena Road?

A They turned off John Ena Road on the Ala Moana.

Q Which place was that when you saw Ida's face?

A On the Ala Moana.

Q What was the condition of the light there?

A It wasn't as well lighted as the other streets -- it was light enough for me to see his coat and face when he turned.

Q Of the street lamps:?

A Yes.

Q Could you approximate how many times you were struck while in the automobile?

A No. I was struck in the car many times.

Q What were you struck with ?

A Across the face; here (indic.) my nose, around the face.

Q What did you say to them when they struck you?

A I cried out and asked them not to hit me.

Q Did you do anything else?

A They were all holding me?

Q You were unable to struggle?

A Yes, I tried but they were holding me. When I did try to struggle they hit me again.

Q What in your opinion was the speed the auto was driven down John Ena Road?

MR. HEEN: Objection.

Q Mrs. Massie have you driven an automobile?

A For five or six years.

Q You are a licensed driver?

A Yes.

Q What was the speed of the automobile?

A About 40 miles an Hour.

Q How do you gauge that?

A By the way we passed things, the trees --

Q Do you know where the automobile stopped?

A They turned off the Ala Moana on the right and drove into some trees and bushes.

Q Away from the sea?

A Away from the sea.

Q Do you know how far in they drive?

A Not very far in.

Q Where did they stop, on the road or after they drove in, I mean?

A I don't know exactly.

Q Was it on the Ala Moana or in the trees?

A No. In the bushes and trees.

Q When they stopped what happened?

A They stopped the car and jumped out; they dragged me out of the car.

Time consumed by Mrs. Massie walking from Ala Wai

Period D. Inn to point of kidnaping.

Mrs. Massie states she slowly walked this route.

J. C. Fraser, on a test of time consumed walked slowly this route and 10 minutes were consumed. He made

another test walking very slowly and 14 minutes were consumed.

It is believed time consumed by Mrs. Massie on this route to be about - - - - - 10 minutes.

Abstract of portion of Mrs. Massie's testimony at trial of accused dealing with this period quoted herewith:

Direct examination by Mr. Wight:

Q What did you do?

A I walked down Kalakaua Ave. towards Waikiki and came to the corner of John Ena Road. I turned down John Ena Rd. because it was better lighted than Kalakaua Ave.

Q This Kalakaua Ave. you speak of is in the town of Honolulu, City and County of Honolulu, Territory of Hawaii.,

A Yes.

Q How far did you walk?

A I walked to a spot within 20 feet from where the road turns to go to De Russy (Ind. in plan drawn on board.)

Q Was there any house around?

A No. (Witness indic. spot where ended walk.)

Q How far had you intended walking down?

A I intended walking a way on the road then turn and walk back -- back to the Ala Wai Inn.

Q Now, when you got to that point what happened -- that point making - no withdraw the question. Which side of the street did you walk on?

A On the town side, the right hand side.

Q On the sidewalk or on the streets?

A The sidewalk until it ended, then I walked on the side of the street.

Q Now, when you got to the point here, (indic.) what happened?

A A car drove up beside me and stopped and two men jumped out; one struck me on the side of the jaw and put his hand on my mouth and he and the other man pulled me in the car.

and under cross-examination by Mr. Heen testified, in part, as follows:

Q After you came out of the Inn did you meet anybody coming in or out?

A No.

Q You walked right out, did you, on the sidewalk?

A Yes.

Q You turned and walked towards Diamond Head way?

A Yes.

Q And you were all alone at that time?

A Yes.

Q Then you turned down John Ena Rd?

A Yes.

Q As you passed these stores on John Ena Rd. did you notice whether they were open?

A No, I didn't pay much attention to my surroundings.

Q Did you notice whether there were any cars driving on Ena Rd. at that time?

A I didn't notice any.

Q Did you notice whether or not there was a dance going on at the Waikiki dance hall?

A At that time I didn't know the exact location of Waikiki Park and I didn't know it had an entrance on John Ena Rd.

Q So you walked right on down to near this junction of Ena Rd.

A Yes.

RECESS

Cross examination continued 2 p.m.

Q As you were walking along John Ena Rd. were you walking on the sidewalk?

A Yes. Until the sidewalk stopped.

Q The sidewalk on the town side of John Ena Rd.?

A Yes.

Q Have you a distinct recollection of having passed these stores on John Ena Rd.?

A Yes, I continued to beyond the stores.

Q Did you have to cross any street as you passed the stores?

A No, I don't think so.

Q And you don't recollect whether or not these stores were open at that time?

A No, I think some of them were closed at that time. I remember seeing lights in one of them as I went by, but I didn't notice whether they were open or not.

Q. Do you remember passing an automobile stand going down John Ena Rd ?

A. I was waling quite slowly, with my head down; I wan't paying much attention.

Q. Do you remember about how many stores you passed on your way down ?

A. No.

Q. Was that the first time you had ever walked down that road?

A. Yes.

Q. And sometime after the police investigated this matter did you go down to see that road again?

A. No.

Q. Did you do down with the police officers or one of the members of the City & County Attorney's office.

A. No.

Q. Are you familiar with that location ?

A. Slightly. I had gone to Fort De Russy; I'd gone in an automobile down that road.

Q. How far did you go beyond the end of the sidewalk?

A. Not very far.

Q. About how far?

A. Well, about as far as here to the railing. I think so, I am not sure.

Q. Is that your best recollection.

A. Yes.

Counsel: Stipulate about 20 feet.

Q. About how far were you from the edge of the street when this car came up and stopped alongside of you?

A. Right near the edge of the street.

Q. Did the car come right alongside of you and stop?

A. Yes, and stopped so that the back seat was parallel with where I was standing.

According to the above reckoning, which is not actual but seems to be as nearly correct as the information available, enables us to compute, and if Mrs. Massie covered this route and experienced the time consuming incidents she

has related the schedule would have been about as follows:

| | | | |
|---------------------------------------|---|---|------------|
| Hailed Bellinger's car | - | - | 12.50 a.m. |
| Assailants depart | - | - | 12.43 a.m. |
| Assailants arrived quarantine grounds | | | 12.21 a.m. |
| Mrs. Massie Kidnaped | - | - | 12.17 a.m. |
| Mrs. Massie left Ala Wai Inn- | - | - | 12.07 a.m. |

Should the raping operations at the quarantine station have consumed 25 minutes instead of twenty as approximated by Mrs. Massie, who testified with respect to time consumed in alleged rape as follows:

Q Then, after the boys got through assaulting you, they left you lying there, did they?

A Yes, one helped me to sit up.

Q Who was it helped you to sit up?

A I am not sure but I think it was Ahakuelo.

Q Did he say anything to you at that time?

A Yes, he pointed and said, "The road is over there."

Q And he pointed toward the sea, did he?

A I do not know just where he pointed. I was so confused.

Q Were you still dazed at that time?

A I was very much upset and heard what he said. I could sit up and when they left me I could stand up alone.

Q About how long were you down at this point? Altogether?

A I don't know.

Q You have no idea at all?

A Well, perhaps it was 20 minutes.

the schedule would be:

| | | | |
|--------------------------------------|---|---|------------|
| Hailed Bellinger's car | - | - | 12.50 a.m. |
| Assailant's depart | - | - | 12.43 a.m. |
| Assailants arrive quarantine grounds | | | 12.16 a.m. |
| Mrs. Massie Kidnaped | - | - | 12.12 a.m. |
| Mrs. Massie left Ala Wai Inn | - | - | 12.02 a.m. |

Mrs. Massie undoubtedly was either misinformed as to the time Lieut. Fish and Mrs. Fish left the Inn or Mrs. Massie is inaccurate as to how soon after the departure of Lieut. and Mrs. Fish she left the Inn and her movements immediately thereafter.

Mrs. Massie originally stated she left the Inn at about midnight.

Lieut. Massie, in his statement, made to Deputy City and County Attorney Wight and Inspector McIntosh, September 21, 1932, said he had missed Mrs. Massie at the Inn the night of September 12 "Between 11.30 and 12.00 p.m., - that's as near as I can judge."

Mrs. Stogsdall stated that someone had sent for Lieut. Massie to come to the booth, where Mrs. Massie was with the Stogsdalls, and take care of Mrs. Massie as the Fish' and Stogsdalls were about to leave. Mrs. Stogsdall states when she left Lieut. Massie was in the booth with Mrs. Massie.

Lieut. Massie did not testify at the Ala Moana trial, hence we do not have the benefit of testimony by him. The signed statements which he made, however, do not show that he had been requested by Lieut. Fish to join Mrs. Massie at the booth.

Mrs. Susan Fish, wife of Lieut. Fish, gave a Mrs. Susan Fish statement September 22, 1931, to City and County Attorney Wight and Inspector McIntosh, in part, as follows:

- Q When did you first see Mrs. Massie?
A She came up just as we finished dinner. I think the table had been cleared from dinner when she came.
- Q How long did she stay there?
A She stayed there until we left.
- Q Did she go and dance?
A She left the room once. I don't know if she danced.
- Q Then she came back again?
A Yes.

Q Was Lieut. Massie and Lieut. Branson in your booth?

A Lieut. Branson was. We were about to leave and my husband didn't want to leave Thalia (Mrs. Massie) alone, so my husband went and got Lieut. Massie to come up and look after his wife.

Q At any time during the evening did you look at your watch?

A No.

Q Have you any idea what time it was when you left?

A It must have been near 11.30. We got home before 12.00. We took the Millers home, and when we got home; just before I got into bed, I looked at the clock and it was a few minutes before 12.00. It must have been before 11.30. I don't know how long it takes to drive up here - as we came home immediately.

Q And you went to bed - you didn't delay?

A No.

Q Were the Stogsdalls there when you left?

A The Stogsdalls left the same time we did.

Q You saw them get into their car?

A Yes.

Lieut. Commander Miller, U.S.N., in a statement
Lieut. Commander giventoDeputy City and County Attorney Wight
and Inspector of Detectives McIntosh, September
22, 1932, verifies Mrs. Fish's statement with respect to
Lieut. Fish, after the Fish, Miller, Stogsdall dinner party
was over, to get Lieut. Massie; of Lieut. Massie's arrival
and that he Commander Miller and wife, Lieut. and Mrs. Fish
and Lieut. And Mrs. Stogsdall left together, leaving
Lieut. and Mrs. Massie in the booth, alone.

Lieut. Fish made a statement to Deputy & County
Lieut. Fish. Attorney Wight September 23, 1931, which, in part,
follows:

Q Mrs. Massie?

A I was at one end of the table, she at the other.
She was talking with----- I forget who was
sitting across the table from her at the time. I
got up to dance two or three minutes after she
came in.

Q. Did you hear Mrs. Massie and Stogsdall have an argument?

A. I think I was out of the room at the time - as I remember I wasn't in the room at the time.

Q. You don't remember his calling her a louse?

A. No, because when I came back from the dance Mrs. Fish was outside and ready to go.

Q. Who was in the booth when you left?

A. I didn't go in.

Q. You didn't see if anybody was there?

A. No. Mrs. Fish was ready to go.

Q. You left then?

A. As I came back from the dance Mrs. Fish was there and said, "We are going to leave."

Q. About what time was that?

A. Between 11.00 and 11.30.

Q. You say you left around 11.30?

A. Yes.

None of the companions of the Massies at the Ala Wai Inn, September 12, 1931, testified at the trial of the case, hence we have only their statements to the Deputy City and County Attorney and to the police.

As many of these persons as could be reached locally were seen and interviewed by our representatives but additional information of helpful character was not secured from them.

If Mrs. Massie left the Ala Wai Inn at 11.35 p. m. and the incidents she testified to actually occurred, the time schedule, by time travel tests and estimated time consumed, and her statements of which no verification is possible, would be as follows:

| | |
|--|-------------|
| Left Ala Wai Inn | 11.35 p. m. |
| Arrived at kidnapping point | 11.45 " |
| Arrived at quarantine grounds | 11.49 " |
| Completion of rape (4 to 6 offenses) | 12.09 A.M. |
| Her reappearance and hailing Bellinger's car on Ala Moana Road | 12.16 " |

This would cause it to appear that between the completion of the rape and her reappearance on Ala Moana Road there is a lapse of 41 minutes.

Mrs. Massie stated in her testimony she was able to stand alone after the rape, that one of her assailants pointed out the direction of the road, and the Bellingers and Clarks did not find her hysterical when she hailed them on the road. Seven minutes seem to be a reasonable estimate of time consumed in reaching Ala Moana Road from the point of alleged rape, which was but a few feet off a well defined side road up which one wishing to reach the point where the rape is alleged to have occurred would drive and which Mrs. Massie could have seen the assailants use as they departed and while she was observing the auto license number as she stated in her testimony at the trial of the accused.

Mrs. Massie states in her testimony:

"----- and finally came to the Ala Moana;

I saw a car coming from Waikiki and ran toward the car and asked the people in it if they were white;"

George W. Clark, Sr., in his statement to Inspector McIntosh, September 17th, 1931, stated:

"We asked her if any one had passed by before we came along and she said no. We were the first ones to come along after she came out of the woods."

If Mrs. Massie's testimony as to the incidents following her kidnaping are accepted as accurate, and if George W. Clark's recollection and travel test is correct, then it would appear that the alleged kidnaping occurred at 12.17 a.m. In this event, the evidence indicates it to have been impossible for the accused to have committed the offense.

If Mrs. Massie left the Inn at 11.35 p.m. and her subsequent movements are as she relates, the alleged kidnaping would have occurred at 11.45 p.m. and by the travel tests, reasonable estimates of time and her own statements as to the duration of the raping operations, the rape would have been completed at 12.11. a.m.

Mrs. Massie's testimony at the trial so definitely described Benny Ahakuelo, specifying his gold tooth and the excellent opportunity to see him in the kidnapers' auto when he turned to talk to those on the rear seat, and definitely designating him as one of the assailants and rapists. When he was brought before her for identification the day following the alleged rape she identified him. Yet, there are several persons who saw Benny Ahakuelo at the dance at Waikiki Park between 11.45 p.m. September 12th, and the last dance, just a few minutes before midnight, that, if such testimony is true, and it has not been disproved, Benny Ahakuelo could not have been at the quarantine grounds participating in the alleged rape as described by Mrs. Massie.

The statements and testimony of W. U. Asing, Tomomi Muroda, Charles Kalani, George Lum and Tatsumi Matsumoto support this.

Mrs. Massie described in so much detail the dress and appearance of her assailants and incidents of their individual performance that a sufficiently supported alibi of one of the group, or of the principal performers, would naturally have a strong tendency to discredit her entire narrative.

TIME
FACTOR
E
ACCUSED

Upon the arrest of Horace Ida in connection with the Peoples' incident, and his implied accusation in the presence of Mrs. Massie by Inspector McIntosh of participation in the alleged rape, Mrs. Massie's identification of him at that time as a participant, and the similarity of auto license number of assailants' car as furnished by Inspector McIntosh for the arrest of Ida's companions in his car on the night of September 12, 1931.

As a consequence, the police during the day of September 13th arrested Joseph Kahahawai, Henry Chang, Ben Ahakuslo and David Takai, finding them at their accustomed places. No effort had been made by any one of them to conceal himself and none indicated apprehension.

Statements were taken from each of the accused and in part, are quoted herewith:

Horace S. Ida Horace S. Ida, one of the accused, after being taken into custody, made a statement to Inspector McIntosh at Detective Headquarters at 6.55 P.M., Sept. 13, 1931 (Deputy City and County Attorney Nigh and Attorney Sylva also present), of which the following is a part:

Q How many people rode to Waikiki Park in your car?
A Myself, Chang and Kalani, three of us.

Q What time did you get to the park?
A Half past eleven.

Q Where did you park?
A Inside that entrance.

Q On what street?
A John Ema Road. I parked inside the side entrance.

Q When you got inside what did you do?
A We could not go inside to the dance pavilion so we stayed outside. Mac and Ahakualo were dancing. We waited and when it was thru we all went home.

Q Who went home?
A Five of us.

Q How long before the last dance did you wait?
A About five minutes.

Q Then you drove down John Ema Road, down to Ala Moana?
A No, we went to Kalakaua Avenue, drove down Kalakaua Avenue and crossed King Street to Beretania.

Q You crossed King St. to Beretania?
A No, we drove to King St. down to Keaumoku St.

Q Why didn't you drive straight across?
A I do not know. We followed a car. Ben knew the boys on the car. And we went down to Beretania St., up Fort St., to School St., back to the luau.

Q Where was the luau?
A Between Kauluwela Lane and Liliha Street.

Q From School St. how did you get to the luau?
A We went on School Street.

Q Were all the boys sober on the car?
A Yes.

Q Were any asleep on your car?
A No.

Q Who was at the luau when you got there?
A Nobody was there.

Q Were they pau?
A Somebody was there playing music in the house.

Q Did you go in?
A No.

Q Why didn't you go in?
A Well, we saw from the outside by the window.

Q Who were with you?
A Myself, Ben Ahakuelo, Joe Kalani, Mac and Chang.

Q Who were the occupants of your car when you left Waikiki Park?
A Myself, Ben, Mac, Joe and Chang.

Q Who sat in the front seat?
A Ben Ahakuelo.

Q Who drove?
A I drove.

Q How long did you stay there?
A I stayed there ten minutes.

Q Just looking?
A Yes.

Q Why did you not go inside the house?
A Because we were not invited.

Q If you were not invited why did you go back?
A Well, Ben Ahakuelo wanted to go in.

Q Who did you drop off?
A Ben Ahakuelo.

Q Then where did you go?
A Then I took the three other boys down Liliha Street.

Q From there where did you go?
A I stopped the car where Takai lives. I just made the turn into King St. when a Hudson car came along full speed and almost hit us. I tried to avoid the accident and I said to them. "what is matter with you".

Q Did he hit your car?
A No. There was a man and a woman in there.

Q How many were in your car?
A Only four of us in our car.

Q Ha? Yoshio got off the car that time?
A No.

Q Why didn't you stop right there?
A I went across the street and I stopped there.

Q This car was speeding on King Street, going where?
A He was traveling toward town. Then I stopped and dropped off Takai.

Q Then what happened after that?
A Well, when the machine went by naturally I said "What is the matter" and he started cussin. He stopped the car about half a block from us, about 50 yards away. He started to cuss, naturally we drove by and we stopped, David jumped off and he got in the car again and we stopped alongside each other. This woman came out and started cussing. We all jumped out of the car.

Q What time was that?
A It was about 20 after 12. We stopped alongside the car and the woman came out and started cussin, naturally the fellows wanted to fight and the Hawaiian boy came out and try to shove her away and she shoved him away and they started to fight. Then there was a crowd gathering there and I told the boys let's beat it. so I drove off.

and

Q How were you dressed last night?
A I had my suspenders on and white shirt, dark trousers and dark shoes.

and

Q From the time you left Waikiki Park, which was five or ten minutes after the last dance, until you dropped these boys at their various homes, you never lost sight of these various boys?

A No.

Q You are positive?

A Yes.

Q Are you positively sure?

A I am positively sure, from the time I left Waikiki Park after the dance until I dropped them off at their homes, I did not see them after that.

Q Between that time you never left them you were with them all the time?

A Yes.

Q You are positively sure they never got out of your sight?

A Yes. My sister came home the same time I came home.

Q These beads were the ones that were picked up in your car (indic.)

A I don't know.

and

Q By Mr. Ticht: What is your name?

A Horace Ida, or Shematsu Ida, also known as Shorty.

Q Shorty, you know this place here where the Old Quarantine Station is?

A Yes.

Q Out on Ala Moana Road?

A Yes.

Q Were you there on Saturday night?

A No.

Q Saturday, the 12th of September and Sunday, the 13th, this year.

A No.

Q Were you on the Ala Moana Road any time between Saturday night and Sunday.

A No.

Q Now Shorty, when you left the dance hall after twelve o'clock Saturday night, September 12, 1931, did you have your leather coat on or not when you drove over to Correa's house?

A No.

By McIntosh

Q Did you have it on or with you on Saturday?

A No.

Q You did not have it on your car with you at all?

A No.

Henry Chang

Henry Chang, one of the accused, in a statement made to Inspector McIntosh, 7.55 p.m., September 13, 1931, (Deputy City and County Attorneys Wight and Sylva, and Sheriff Gleason, also present), stated, in part:

Q Then you, Joe, and Shorty went out to Waikiki Park?

A Yes

Q What time did you get to the park?

A It was past eleven.

Q When you got there what did you do?

A We stood there by the small house and a friend of mine came out with a stub and Shorty said to go in and look for the boys.

Q Which way did you go in the Park?

A We went in John Ena.

Q You drove the car in from Kalakaua Avenue from the road that leads down that way (indicating John Ena Road) and turned in the gate?

A Yes.

Q What did Shorty do outside?

A He stayed outside.

Q How long were you inside?

A About fifteen minutes. After a while he told me to go again and I did not want to go again and he took the stub from me and Shorty went with Joe and I stayed outside.

Q You are sure of that?

A Yes.

Q What time did you fellow leave the dance?

A When the dance was over.

Q What time was that?

A It must have been about twelve o'clock.

Q Was it before the last dance or after the last dance?

A When it was over.

Q How long after that?

A Just after the last dance?

Q All got in Shorty's car?

A Me, Shorty, Ben, Mack and Joe.

Q Who drove?

A Shorty.

Q Who sat with him?

A I was in the back Ben sat in the front, and we followed a Ford car, Matsumoto's car.

Q How did you get the scratch on your hand (indicating blood mark on back of left hand)?

A That is a itch.

- Q When you left the park, which way did you fellows come to town?
A Kalakaua Avenue, and we reached the intersection between King and Kalakaua and we went straight up the new road to Beretania Street.
- Q You did not go down King Street to Keecunoku Street, up to Beretania Street?
A Yes.
- Q When you got to Beretania Street, where did you go to?
A We went straight to Fort Street.
- Q You said you were following Hatsumoto's car?
A Yes.
- Q His car was ahead of your car?
A Yes, I know a fellow on the car and I know his name is Bob; he used to go to School with me.
- Q Where?
A Between Kauluwela and Liliha Street.
- Q How long did you stay there?
A We stayed there fifteen minutes and Mac said he want to go home.
- Q Where did you go at the party?
A I did not go in, I stayed outside.
- Q Nobody go in and dance?
A I do not know, They came out and Mac said he want to go home.
- Q What did they say about the party?
A They said it was over, they were singing Memories.
- Q Did they say they went in and sang?
A No.
- Q What did they say to you?
A They did not say what they did. Mac said he want to go home.
- Q Where does he lives?
A By Palama Settlement.
- Q Who was in the car then?
A He, Joe and Shorty.
- Q Where was Ben?
A That time we came home from the dance he went home at Frog Lane, he said he had to practise football the next day.

- Q Where did you leave Mack off?
A King Street near Palama Settlement. There is a stop-sign there and we turn left and we let him off. We dropped him off and a Hudson car came speeding by and almost run in our car.
- Q You were always in the right?
A Last night we did not do anything wrong.
- Q Did Shorty get off the car?
A Mack got off; from there they had an argument with the other car and the people in the other car started an argument.
- Q From the time you left the Waikiki Park after the dance until you dropped these different men off at these different places, you were all together all the time?
A I don't understand what you say?
- Q Five of you were in the party, then Ben dropped off. From the time you left Waikiki Park after twelve until you went back to Correa's and Ben got off, you boys did not separate at all?
A No.
- Q So if any one of you committed rape the others would have seen it?
A I am positive we were altogether, and if we did it we must have seen it, but we didn't.

Henry Chang also made a statement to Inspector Mc McIntosh in presence of Deputy City and County Attorney Wight, September 14, 1931, at 11:35 A.M. It is as follows:

Q By Mr. McIntosh: What is your right name?

A Henry Chang.

Q Henry, you know where the old Quarantine Station is near the flying field is?

A I know where the flying field is, but I do not know where the Quarantine Station is.

Q By Mr. Wight: Well, on Saturday night any time from six o'clock did you drive down the Ala Moana Road?

A No.

Q Did you walk down there at any time at all?

A No.

Q By Mr. McIntosh: You were not near the Quarantine Station at all?

A No.

Q How were you dressed?

A Same kind clothes as I have on now (indicating) Blue denim trousers, white shirt, black shoes, and no hat.

Q How was Shorty dressed?

A I don't remember but he had the same jacket on.

Ben Ahauelo.

Ben Ahakuelo, one of the accused, in a statement to Inspector McIntosh, September 13th, 1931, at Detective Headquarters (also present were Deputy City and County Attorneys Wight and Sylva) stated, in part;

Q After the dance you all got in Shorty's car?
A Yes.

Q Where did you go?
A Went straight home. We came to Correa's house.

Q When you left the park, which road did you take?
Did you take Ala Moana Road?
A No.

Q Did you go down King St.?
A No.

Q Did you go Beretania St.?
A We went Kalakaua Avenue.

Q From there where did you go?
A We went straight up to Beretania St.

Q Did you cross King St. and take the street up the other side? The street going to Moiliili, Beretania St.?
A Yes, then we went straight Beretania St. and went to Fort St. and went to School St.

Q Who sat in the front seat of the car with the driver?
A I guess Joe.

Q Where were you sitting?
A Behind.

Q Where were you sitting, in the middle or the outside?
A I sat on the side.

Q Who sat in the back with you?
A He, Mack and Eau (Taki).

Q You are sure Joe sat in the front seat?
A I can not tell you, whether Joe was in the front or in the back.

Q You went up to Correa's place?
A Yes. We were standing around there by the car and we went in.

Q Did you ask them for some beer?
A Yes.

Q Who was with you?
A I was by myself.

Q Who did you ask?
A I asked doctor. After I asked him for beer I went home

Q Did all of you get out and go into the place?
A Three of us got out. He, Joe and Shorty and after that I said I am going home I am going to practice tomorrow morning.

Q What kind of clothes did you have on last night?
A This kind of clothes.

Q Same underwear everything?
A Same underwear everything (blue pants, blue shirt).

Q Those are the same trousers you had on last night?
A Yes.

Q Same socks?
A I did not wear no socks.

Q You fellows talked this over well last night before you went home?
A No.

Q You saw that haole wahine in the hospital?
A Yes.

Q Nobody got out?
A No.

Q They never got out of your sight from the time you left the dance until you got to Correa's house?
A They did not get out of my sight.

Q You know where the Ala Moana Road is?
A Yes.

Q You know where the Flying Field or Old Rogers Field is?
A Yes.

Q You know where the old Quarantine Station is?
A No.

Q Well on Saturday night, Sept. 12, 1931, between six o'clock that night and three o'clock the next morning were you on the Ala Moana Road?
A No.

Q You never went around that way?
A No.

- Q How were you dressed?
A (indicating) brown shoes, blue denim pants and blue gray shirt.
- Q How was Horace Ida dressed? Also known as Shorty?
A I do not know what kind of clothes he had on.
- Q Had a coat on and a pants on?
A Yes, he had pants on.
- Q What kind of a coat? (indicating - showing him Ida's coat) was it this one?
A I do not know whether that was the one but he had a skin coat on like that. (indicating pointing to the coat).
- Q When you saw him at twelve o'clock is that what he was wearing?
A I do not know whether he had it on at that time but when I saw him at nine o'clock he had it on when he was talking to me.
- Q That was when we drove from the dance Hall?
A I do not know.
- Q At 12 o'clock he drove you to Correa's house, did he have it on?
A Well I don't know.

David Takai

David Takai, one of the accused, in a statement made September 13th, 1931, to Inspector McIntosh at Detective Headquarters (Deputy City and County Attorneys Wight and Sylva also present) stated, in part:

Q. And where did you go to after you left Correa's place?
A. We went to Waikiki Park.

Q. How did you get there?
A. Ida's car.

Q. When you went there who left on your car?
A. When we went up the park they dropped Ben and I and we went in the dance.

Q. What happened to Buster and Ida?
A. They went their way. We stayed at the dance and it got thru about twelve o'clock. Later on about eleven o'clock, Ida, Joe and Henry Chang came over and got us and we went home with them.

Q. When you left the dance at Waikiki Park, there was Joe, Ben, Henry Chang and you and Ida?
A. Yes.

Q. Who sat in front?
A. Ben and Shorty.

Q. How did you two get out to the park?
A. Ida's car.

Q. He took you out there?
A. Yes.

Q. When you left the park which way did you go?
A. We came towards in town. We took Kalakaua Ave. to King and up the new road and turn down Beretania St. and went up Fort St. and went up School St.

Q. Two boys said you went on King St.?
A. I do not know.

Q. If these two boys said you went down King St. they were lying?
A. They are lying. I know we went straight up Beretania St. and turn up Fort St. and went on School and dropped Ben home.

Q. Where did you leave Ben?
A. Around School St.

Q. Did you boys get off?
A. I stayed outside, Joe and Shorty went in the yard and Henry and I stayed on the car. I was about 25 yards away, that time they took me home and they had an argument.

Q. Did you run up where the trouble was?
A. No. I got off the car over there and they stay there for awhile and they had an argument with the women.

Q Who was arguing with the woman?
A This fellow, Joe.

Q When you got off the car, didn't you jump back on the car again?
A No sir.

Q After the trouble where did they go?
A Towards town.

Q From the time you left Waikiki Park after the dance until you left Corréa's place and Ben got off, were the boys with you all the time?
A Yes.

Q They did not get out of your sight any time?
A No.

Q What is your right name?
A David Mac, also known as Mac.

Q Did you go out on Ala Moana Road on Saturday night between the hours of six p.m. or at anytime that night to three a.m. the next morning?
A No.

Q You did not go in either direction..
A No.

Q How were you dressed?
A Just like this (indicating) brown shoes, gray pants, white silk shirt.

Q How was Shorty dressed?
A Do not know how he was dressed at all.

Q He had pants on didn't he?
A Yes, he had pants on but I do not know what kind he was wearing.

Q You know whether he had a coat on or not?
A I do not know.

Joseph Kahahawaii

Joseph Kahahawaii, one of the accused
(now deceased), in a statement to Inspector
McIntosh, September 13th, 1931, (Deputy City
and County Attorney Wight also present) stated,
in part:

Q Who was in the car?

A First we took the other Chang.

Q Who was in the car?

A Mack, Ida, Henry Chang and the other Chang, but we
took the other Chang home because he pass out.

Q Ida drank quite a lot?

A No, I did not see him drink.

Q How do you know he did not drink, if you did not
see him?

A I saw him up S. P. Correa's place. I did not know
if he drank. All I know he came in and ask me to
go to the dance so we took the other Chang home
first. We dropped him on Fort Street between
School and Vineyard Sts., then we went to the
dance and we met Ben Ahakuelo and Mack and from
there we came back to S. P. Correa's place.

Q When you got to the dance what time was that?

A About 10:30.

Q Before the dance was over you got there?

A Yes.

Q Did anybody go inside the dance?

A We all went in.

Q How many of you went in the dance hall?

A Three.

Q Who were the three?

A Me, Ida and Henry Chang.

Q All you three went in the dance hall?

A Yes.

Q What fellows did you find there?

A In there we found Ben Ahakuelo and Mack.

Q Ida did not go away?

A No.

Q He was there all the time?

A Yes.

Q You did not separate?

A No.

Q You went in the dance hall?

A Yes.

Q All three of you?

A Yes.

- Q Then what did you do?
A We waited until after the dance and we took Mack and Ben along with us. We left there and we went up S. P. Correa's place.
- Q What street did you go?
A We left on the Ewa side (John Ewa Road). We took Kalakaua Avenue.
- Q Where were you sitting?
A In the back.
- Q Who was in the front seat?
A I do not know.
- Q Who was sitting in the back with you?
A Mack. If I don't make a mistake, Henry Chang was in front.
- Q What street did you go on to get back?
A We came Kalakaua Avenue. I don't remember I was asleep..
- Q The other boys say anybody was asleep. What street did you take?
A I was groggy, I don't know.
- Q You had too much beer?
A No.
- Q Do you remember going and seeing that girl?
A No. I do not know nothing about that girl.
- Q She identifies you?
A Well I do not know nothing about that.
- Q Did you have that sweater on last night?
A No, I had a blue shirt with short sleeve.
- Q When you came along Kalakaua Avenue you crossed King Street?
A Yes.
- Q How far down, right to town?
A Yes.
- Q How far to town did you go on King Street?
A I remember we turned up, I do not know what place. All I know we came School Street way.
- Q You came down King Street.
A Yes.
- Q What street did you turn from King Street?
A I do not know.
- Q Did you turn to Beretania Street before you go to Alakea or you passed Alakea Street, you passed the police station?
A Yes.

Q What street did you go up?

A I guess we turned up to Fort Street.

Q You came along King Street and turn up Fort Street and then turned School Street?

A Yes.

Q Then where did you go?

A We went straight to Correa's place.

Q Did you go in the house?

A Yes, there was some bunch singing.

Q Who went into the house with you?

A I went in with Ben.

Q Who else?

A That's all, who was in back of me I don't know.

Q Did Ida go in with you?

A No.

Q How long did you stay there?

A About 2 or 3 minutes.

Q What did Ida do?

A He was on the car outside.

Q Ida said he was not outside on the car?

A He was.

Q You do not know?

A No.

Q What did Ida do?

A I guess he came in.

Q In the house?

A Not in the house.

Q Where did you get the beer?

A We went over there and we could not get any beer so we stood there and see how the boys were singing.

Q When they got thru singing did Ahakualo tell you was going home?

A Yes, so we left him.

Q You and Benny went in the house?

A Not in the house but at the back of the kitchen.

Q You stayed in the house?

A We did not go in the house.

Q Where did you go?

A We stayed by the window looking in

Q Did you talk to the people inside?

A I talked to Mina Correa.

Q Then what did you do after that?

A I asked them if they had any beer and she said no, so I saw the brother in the back and I went over and talk to his and he told me you came too late.

- Q Did Ida and Ben go with you?
 A No. Then after they got thru singing in the house, Ben left us. He went home to Frog Lane and from there Ida told me we go home so I said I want to talk to the girl first, then he went on the car and after I seen the girl and we went down School Street and turn Liliha and after we went down Liliha and we turn King streets, that's where we supposed to drop Mack off. Then a car came and almost hit us and the car stopped and we stopped.
- Q Did you drop Mack off?
 A Yes. This car stopped and our car stopped about 10 yards from them rear, then we drove our car close to them, I went out of the car, a lady came over, a Hawaiian girl, and she grabbed hold of my throat and I said what is the matter and she grab me over here (indicating) and scratch me and I shoved her off and she fell down on the running board of their car. They took me home. We went King St. then down to Iwilei Road. I told Ida where he was going. He told me he was taking me home. I told him I don't live down here no more and turn his car around American Can and drove back.
- Q BY MR. MCINTOSH: What is your right name?
 A Joe Kahahawaii, Jr., also known as Joe Kalani.
- Q BY MR. WIGHT: You know where the Old Quarantine Station is or the Ala Moana Road?
 A I do not know.
- Q You know where the Ala Moana Road is?
 A I know.
- Q Now, Joe, on Saturday night, between six o'clock at night until early Sunday morning were you on the Ala Moana Road at all?
 A No.
- Q You positive about this?
 A Yes sir.
- Q How are you dressed?
 A Same pants (indicating) blue denim pants, blue silk shirt, and had short sleeves.
- Q After 12 o'clock when you left the dance hall how was Shorty dressed?
 A He had a leather coat on. He wore a white silk shirt and a kind of a white pants, till he dropped off a Correa's.
- Q Correa's.
 A Yes, Sylvester Correa's place at the wedding party.

These boys were also separately interrogated by our representatives, J. C. Fraser and Operative G.A.M. and no material difference was detected in their statements, excepting our interrogation of these boys occurring subsequent to the trial they were aware of the importance of the incidents in connection with the following of Matsumoto's car and related same to our representatives. Statements made by them, purporting to account for their time during the period within which the alleged rape may have occurred, were likewise investigated by our representatives, only with the result of confirming the more important factors of their story.

In the first statements made by these boys to the police, which have been quoted immediately preceding, there were some differences in alibi unessentials and disagreement in some particulars as to time. However, as the corroboration of the alibi statements of the accused would fix time the matter of slight difference in opinion as to space of time occupied at a particular place would not affect the credibility of the one thus differing from another. It is not to be expected that young men of this class, out for an evening of entertainment, would concern themselves very much about the passing of a few minutes, and only some incident directing their especial attention to the time of a day or night or the passing of time would cause them to remember actual time. Otherwise, it is quite certain their time recollection would disagree a matter of minutes.

Three of the accused, Ica, Chang and Kahahawai, have stated and maintained that they arrived at the Waikiki Park, John Ena entrance, at about between 10.30 and 11.30, according

to their statements to Inspector McIntosh, September 13th, 1931. Upon arrival, they found Ahakuelo and Takai there. These boys were seen by various other persons at the dance between their arrival and the close of the dance. That they were at Waikiki Park between 11.30 and 12 o'clock midnight seems to be established.

After the last dance the five accused state they entered Ida's car and leaving Waikiki Park via John Ena gate, following another automobile some of the occupants of which were known to the occupants of Ida's car.

The dance ended at a few minutes before Midnight.

In the statements of Ida and Chang given to Inspector McIntosh, September 15th, 1931, they said Ida's car had followed another car upon leaving Waikiki Park. It was subsequently learned that this other car was a Ford car driven by Tatsumi Matsumoto and occupied by Matsumoto, Bob Vierra, Sybil Davis, George Silva and Margaret Kana. The accused have stated in their testimony, as have Matsumoto, and the occupants of his car on this occasion, certain circumstances in connection with the Ida car following the Matsumoto car from Waikiki Park to Fort and Beretania Streets which supports the story of the accused as to the time they left the park, and their movements immediately thereafter.

Tatsumi Matsumoto and Bob Vierra were interviewed jointly by Inspector McIntosh and Deputy City and County Attorney Wight, and undated joint statement taken, as follows:

- Q. What is your name ?
A. Tatsumi Matsumoto, and I live at 2728 S . King Street.
- Q. What is your name?
A. Bob Vierra.
- Q. On Saturday night, September 12, 1931, you were at the dance at Waikiki Park, and Bob Vierra was with you?
A. Yes.
- Q. You boys waited there till the last dance and were one of the last cars to leave there about 15 or 20 minutes after the last dance?
A. Yes.
- Q. Then where did you go?
A. Down Kalakaua Avenue and down Beretania to Fort Street, and there was an accident there and we stopped to see what the crowd was there for. Benny was the only one I knew. While we were going side by side coming down Beretania St. by Thomas Square we were side by side and Bob Vierra jumped on the running board of the car Benny was riding in, and he got back on my car after two minutes later and we then stopped at Fort and Beretania Streets and that was the last I saw of them.
- Q. What time was this about - 12:40?
A. I do not know exactly, but I do know how long that was from Waikiki in, it must have been about 12:40. We were going slowly and then stopped at Fort Street.

The testimony and statements of the accused with relation to coming abreast of the Matsumoto car near Victoria or Kapiolani Street is supported by the testimony of the occupants of the Matsumoto car. In this connection, it is important to note that the occupants of the Matsumoto car were interviewed by the police the day following the arrest of the accused and there was no opportunity, so far as is known, for the accused to communicate with Matsumoto or the occupants of his car and although the accused did not at their interrogation by the police relate these particulars in connection with Matsumoto's car, Ida and Chang did refer to having following another car away from the park.

Subsequently, Ida's car and its occupants had an altercation with the Peoples at King and Liliha Streets at about 12:55 to 12:40 A. M. To fix this latter time, we have the statement of the Peoples that they drove immediately to the police station at King and Alakea Streets, reported the occurrence, and then drove to the Emergency Hospital, about five blocks away where she reported at 12:48 A. M. This latter time is shown on official hospital records.

Following are abstracts of the testimony of Tatsumi Matsumoto, Robert Vierra, George Silva, Sybil Davis and Margaret Kanae, which was not disproved at the trial. These persons were interviewed by our representatives and their account was unchanged in important particulars.

Tatsumi Tatsumi Matsumoto, a defense witness at the trial
Matsumoto of the accused, testified in direct examination, in part, as follows:

Q. On the night of September the 12th, 1931 do you recall being at Waikiki Park at a dance?

A. Yes.

Q. What time did you go there that night?

A. I am not sure, I think it is about ten or something of that kind.

Q. Where is this Waikiki Park?

A. It is over on the main entrance is on Kalakaua Avenue and the side entrance is on John King Road.

Q. And how did you go to this dance, Matsumoto?

A. On my car.

Q. What kind of car did you have that night?

A. A Ford, old model, 1926 model, Ford. I am not sure of the year, but it is a Ford roadster.

Q. Did you have a rumble seat to that Ford roadster?

A. No.

Q. You still have that roadster, have you?

A. Yes.

Q. When you went to this dance on that night did you have the top up or top down, on this roadster?

A. Top down.

Q. Who did you have with you when you went to the dance that night?

A. There was Bob Vierra, George Silva, Matilda Silva, the sister of George Silva, and Alice - I am not sure about the first name, Alves; her last name is Alves.

Q. You said Bob Vierra. You mean Robert Vierra?

A. Yes.

Q. How long did you stay at that dance?

A. We stayed until the dance closed.

Q. Do you know Ben Ahakuelo, one of these defendants?

A. Yes.

Q. How long have you known him?

A. I have known him since, - I am not sure just when, - I first knew him about 1924, met him on the beach there; he lived down at Waikiki somewhere, you know. I am sure it was before the fleet came in. I think the fleet came in 1923 or 1924; just about the time the fleet came in.

- Q. And you have known him since then?
A. Yes, known him, amateur baseball and football.
- Q. Did you see Ben Ahakubo at the dance that night?
A. Yes.
- Q. How do you recall that; how do you remember that?
A. Well, we asked the girl for a dance, and he was there asking her for a dance and I was asking her for a dance, too.
- Q. Who won?
A. Neither one of us.
- Q. Well, did you see him on and off during the dance?
A. Yes, I saw him going around the floor. I am not sure who he was dancing with. I saw him a couple of times - well, about three or four times.
- Q. Do you know Ida? Did you know him that night?
A. No.
- Q. Did you know David Jaki?
A. I knew him after this came out. I saw his picture in the paper. I used to see him around town quite a lot.
- Q. You did not know him at that time?
A. I did not know him at that time.
- Q. Do you know Joe Kahahawai?
A. No.
- Q. Do you know Henry Chang?
A. No.
- Q. What did you do after the dance was over?
A. Well, after the dance was over we went out to the car there, and this Matilda Silva and Alice left with another party, they did not stay until the dance closed, and we met two other girls. One was sitting in the car, that is, after the dance was over, but we were not sure if this other girl were going with us, so we waited for this other girl. Shall I do on with the story?
- Q. Yes.
A. We waited for this other girl, as we were not sure whether she was going with us or not. Well, she finally came on the car there and sat on the car.
- Q. Where did they sit on the car, these two girls?
A. Both of them sat on the seat right alongside of me.
- Q. You were driving?
A. Yes.

- Q. And how about Vierra and George Silva?
- A. Well, I had my top down and they sat on the top facing the back. I had no rumble seat or anything, so I put my top down and they sat on the top facing back.
- Q. Do you remember how your car was parked at that time?
- A. Yes, I think it was parked facing toward - a little towards Diamond Head way, kind of between Diamond Head and Kaimuki, and I just drove right in and did not back my car in, as when I came in about 10 o'clock it was crowded there, all the cars were parked there, and I saw this space, so I just drove right in, and I didn't back it again, just drove right in. The cars were facing about Diamond Head way.
- Q. Were you --were there any lights there at that time?
- A. I dont quite remember. There is a light there but I didn't pay no particular notice to lights. I dont remember if the lights were on or not at the time.
- Q. Now after you came out of the dance did you see Ben Ahakuelo?
- A. No. I was sitting in the car talking to this girl there, one of these girls sitting on the side of me, but when this other girl came in the car I heard her mention Benny's name, she said - she looked and said "Benny I think is over there."
- Q. Then did you turn?
- A. No, I did not look.
- Q. You did not look. You dont know where Bobby was at the time?
- A. I am not sure whether he was in the car or not; he was walking all over.
- Q. When you left the park there were many cars left in the park?
- A. Well, there were about three or four cars left there, I think; I am not sure how many. We were about the last. There were very few cars left there. I am not sure how many, but I think three or four cars.
- Q. Do you know about what time that dance closed?
- A. No, I dont know what time the dance closed. They usually close at 12, but I dont know if they close exactly right on the dot, but I know they usually close about 12. I dont know what time they closed that night.
- Q. All right, about how long after the dance closed was it when you left the grounds?
- A. I am not very sure, about ten minutes I think. I dont know just how long we stayed there. We were waiting for this girl. I was not paying particular attention to what was going on. As soon as this girl came to the car, and we were sure she was going with us, then we left. I dont know how long we stayed there. Anyway there were about three or four cars left there.

- Q. And how did you leave the Waikiki Park?
A. Oh, we came out through that entrance; there is only one entrance there for automobiles.
- Q. Where is that entrance?
A. On John Ena Road.
- Q. And as you came out John Ena Road, where did you go?
A. Well, came out to Kalakaua Avenue.
- Q. You want out John Ena Road?
A. Yes.
- Q. All right. Did you go down John Ena Road or go up Mauka?
A. Towards Kalakaua Avenue.
- Q. When you got towards Kalakaua Avenue where did you go, in what direction
A. Towards town.
- Q. Then where did you go?
A. Right up to King Street. There is a stop sign there. Then Kalakaua Avenue Extension that goes right up to Beretania Street - went up to Beretania Street.
- Q. Then when you got to Beretania Street what direction did you go?
A. Toward town.
- Q. All right. As you were going towards town did you notice anything?
A. What do you mean?
- Q. As you were going towards town there, along on Beretania Street, did you notice any car come alongside of your car?
A. No, I was driving and these two girls, - oh, I heard this other girl mention once, - she looked back, and she looked back and says "Benny and them is following us." I am not sure if that was - I think it was on Kalakaua Avenue or King Street, - I was not paying any attention - I am not sure - I just heard this girl say - she looked back - "Benny and them following us " and I didn't pay no attention to that.
- Q. All right. Along Beretania Street there--
- MR. WIGHT: I move the last answer be stricken as hearsay your Honor. "I heard one of the girls say to me Benny was following us ".

ARGUMENT

THE COURT: The motion is granted. Gentlemen of the jury, that is hearsay, as to what was said by some person who is not present, who is not a witness, and you will disregard that part of this witness' testimony.

Q. But one of these girls did make a statement to you at that time?

A. Yes.

Q. How do you remember at any time, as you were going along Beretania Street, Robert Vierra leaving your car?

A. I was not really sure, I could not look back, I was driving this way (illustrating); he was sitting in the back, but when this car came alongside of our car Bobby jumped over to this other car, on my running board - you see when he left my car I don't know how he left it; he was sitting in the back. Whether he got on this other car from my fender or not I do not know; how he got on on this other car. We were going slow and I know this car was following us; I remember hearing these girls say that, but when Bobby jumped on my car I was driving her and there is that windshield, and, well, he got on my car, on the running board, holding the windshield there.

Q. At that time did you notice who was in the other car?

A. No, I did not. I took it for granted it was Benny, as the girls said.

Q. You did not see?

A. No, I did not see.

Q. How far did you go?

A. You mean?

Q. Down Beretania Street?

A. We came on, going on Beretania Street to Fort and King we stopped there; but, before that, may I say this: when Bobby jumped on my car I asked him who it was and Bobby--

MR. WIGHT: I object to that.

Q. You spoke to Bobby when Bobby came back to your car?

A. Yes.

Q. And Bobby spoke to you?

MR. WIGHT: Objected to as being badly leading.

THE COURT: The jury has been instructed that this hearsay and they will disregard it.

MR. HEEN: I am not talking about the talk at all; just about there being a talk.

THE COURT: All right, proceed.

Q. At about what point was it when you noticed Robert Vierra getting back to your car from the other car? On Beretania Street?

- Q. I am pretty sure it was around, well, on Thomas Square, around there some place, say about Thomas Square, I don't know how far we passed Thomas Square but close to Thomas Square.
- Q. Then you continued right along?
A. Yes.
- Q. Did you stop at any point at all between Waikiki Park and Fort Street?
A. No - at the stop sign, though, the intersection.
- Q. Outside of that, I mean, did you stop at any place at all?
A. No.
- Q. You did not?
A. No.
- Q. This car from which Robert Vierra got onto your car was travelling in what direction?
A. Towards town.
- Q. On what street?
A. What was on Beretania Street, near Thomas Square.
- Q. The same place?
A. Yes.
- Q. At the time you talked to Robert Vierra, who talked to you when he got back on your car, did you happen to look around to see who was on the other car?
A. No, you see I tried to, but I am going this way, and Bobby standing on the running board here, when this car came right alongside of my car he jumped on my car. There wasn't much traffic at the time. We could have gone this way for quite a ways when Bobby jumped on my car and we kept on going. Once - I am not sure whether it was this car or not, he passed us, and then we passed this car again; I am not sure whether it was their car or not. I was not - I didn't think anything like this would happen. I was not paying any attention to every car that we passed or that passed us.
- Q. Then did you notice whether or not that car that was behind you, following, went up Fort Street?
A. We stopped at Fort and Beretania. I saw a crowd there. I don't know whether it was an accident or a fight or something, but we saw a crowd there right on the corner, close to the corner, so I stopped to see what all this crowd was doing there. That is when I looked back and I saw this other car turn for Fort Street. I am not sure about the color of the car or anything. It was a crowd then; I could not look around or anything, I was driving, and we stopped there and I would look around but I saw this car there, but I am not sure of the color.
- Q. So you didn't see Benny at all?
A. No.

- Q. You read about this Ala Moana case the next morning or the next day?
- A. I am not sure the next morning, but I read about the case shortly after that.
- Q. Now you were called down to the police station, were you not?
- A. Yes.
- Q. About when was that?
- A. I know it was not the next day, the next day was Sunday, but Monday, I believe Monday. On Monday right on Bethel and Hotel there. Then Sam Kahanamoku and Detective Machado, I think it was, picked us up on the corner there.
- Q. And you went down to the police station?
- A. Yes.
- Q. And you made a statement there at the police station?
- A. Yes.
- Q. Your statement was about the same as you told us here?
- A. Well, as close as I can remember.
- Q. As you can remember. Now, between the time you last saw Ben Ahakuelo at Waikiki Park on the night of September 12th, 1931, and the time you made your statement to the police, had you seen Ben Ahakuelo at all?
- A. No, not between. I saw him at the police station that day, the day they took us down there; they were in this other room.
- Q. That is the first time you saw him since that night, Saturday?
- A. The day they took us to the police station.
- Q. Did you talk to him at all before you made your statement to the police?
- A. No, sir.
- Q. About how fast were you driving your car after you left Waikiki Park on that Saturday night?
- A. Well, - about as, I am not sure; there is no speedometer on my Ford roadster, but we were not going very fast.
- Q. You were not?
- A. About, I am not sure, I think it would be 25; 25 miles. I can not go very slow on my junk.
- Q. Because it bucks if you go too slow?
- A. Yes.
- Q. About how fast were you travelling at the time you noticed Robert Vicerra getting back onto your car from the other car, do you have any idea at all?
- A. No, I was driving about the same speed- anyway, Beretania Street, from the time I turned from Kalakaua Avenue about the same speed, I think, not very faster or slower.

of the accused, testified in direct examination,
in part, as follows:

Q. Were with George Silva and Tatsumi Matsumoto
the evening of September 12, 1931?
A. Yes, sir.

Q. Out at what place?
A. Waikiki Park attending a dance.

Q. About what time did you go out there?
A. I would say about ten o'clock.

Q. Ten o'clock day or night.
A. Yes, at night.

Q. Who did you go with at that time?
A. Matilda Silva, Ida Alves, George Silva,
Tatsumi Matsumoto and myself.

Q. What relation is Matilda Silva to George Silva?
A. Brother and sister.

Q. How did you go out to this park?
A. On Tatsumi's Ford car.

Q. What kind of a car?
A. 1924 roadster, no rumble.

Q. Whereabouts on that roadster did you sit?
A. On the top in the back. The top was down.

Q. Who else sat in the back there?
A. George Silva.

Q. How were you facing when you were sitting on
the car?
A. My back was to Tatsumi. He was driving.

Q. You were facing, back, then?
A. Yes, sir.

Q. And how was George Silva facing?
A. The same way I was.

Q. How long did you stay at the dance that night?
A. Until the dance was over.

Q. And after the dance was over, where did you go?
A. Walked out to the car.

Q. And who got on the car?
A. I don't remember who got on the car first.

Q. What car do you mean?
A. Tatsumi's Ford car.

Q. The same car you went out to the park in?
A. The same car we went out to the park in.

Q. Do you know Ben Ahakuelo?
A. Yes, sir.

Q. How long have you known him?
A. About a year and a half.

Q. Did you see him in the dance pavilion that night?
A. Yes, sir.

Q. Do you know Henry Chang?
A. Yes, sir.

Q. Did you see him there if you remember?
A. I dont remember.

Q. Do you know Joe Kahahawai?
A. No, sir.

Q. Do you know Ida?
A. Yes, sir.

Q. Did you see him there at that night?
A. No, sir.

Q. Do you know Takai?
A. Yes, sir.

Q. Did you see him there that night?
A. Yes, sir.

Q. Well, who got on Tatsumi's Ford roadster when you people came out ?
A. I came out with another girl.

Q. Who?
A. Miss Davis.

Q. Sybil Davis?
A. Yes, sir.

Q. When you came out, what did she do?
A. She said "Wait a little while. There's another girl. She has my coat ", and so we had to wait, for the other girl to come out.

Q. Who was this other girl?
A. A Hawaiian girl; I dont remember her name.

Q. Did you see her?
A. Yes, sir.

Q. Where? When?
A. When she came to the car.

Q. What car?
A. Tatsumi's Ford.

Q. Then what happened?
A. Sybil asked for her coat and then Sybil said "Come on; go with us" and she said "Alright".

Q. Did you people get on the car?
A. Yes, sir.

Q. Who sat in the front seat?
A. Tatsumi driving, Miss Davis in the center and the other girl on the side, right side.

Q. Where were you sitting?
A. Left back.

Q. Behind the driver?
A. Yes, sir.

Q. Or behind one of the girls?
A. Behind the driver.

Q. And where did George Silva sit?
A. Alongside of me.

Q. Both facing back?
A. Yes, sir.

Q. Was the top of the car still down?
A. Yes, sir.

Q. And how long after the dance was over was it when you people left the park?
A. I would say about fifteen minutes.

Q. Did you see Ben Ahakuelo before you left the park?
A. Yes, sir.

Q. Where was he?
A. He was standing close to the booth with some boys.

Q. And when you left the park on this Ford roadster, sitting the way you sat at that time did you see Ben Ahakuelo?
A. Not when we came out. On the way to the road. In the yard.

Q. On the way to the road--
A. (Int) I didn't see him.

Q. Did you see him later.
A. Yes.

Q. Where?
A. When the car turned to go on John Ena Road.

Q. When the car turned to go on John Ena Road?
A. I saw him again.

Q. Where was he then?
A. Right front seat.

Q. Were you coming out of the Park at that time?
A. We were out on the road already.

Q. And you say he was in the right front seat?
A. Yes, sir.

Q. What do you mean by that?
A. He was sitting down with the driver.

Q. He was on the car?
A. Yes, sir.

Q. What kind of a car?
A. I can't tell you.

Q. Was it a roadster or--
A. (Int.) Touring car.

Q. And where did the car which you were on proceed?
A. Toward Kalakaua.

Q. And when it got to Kalakaua, where did it go to?
A. Turned left to King on Kalakaua, right up to King Street.

Q. Then what?
A. We crossed King Street to Beretania.

Q. Then when you got to Beretania Street, what happened?
A. They were following us.

Q. Following you?
A. Yes, sir.

Q. Have you got a clear recollection of that?
A. Yes, sir.

Q. Then as you were proceeding along Beretania Street what happened? As you were coming down Beretania Street did anything happen?
A. Yes, Bennie tried to tell me something but I couldn't hear him and I told him to drive close. I tried to get on the bumper but the car moved away - came forward and back and I told them to drive alongside and I got on the running board and I asked him what he wanted. He said "Where you going?" and I said to Judd Street. And then somebody asked me for a match - I dont remember who it was. We drove close to our car again and I got on.

Q. Whose car?
A. Tatsumi's car.

Q. Did you know at that time who these other boys were?
A. I didn't notice.

Q. Do you know who was driving their car that night?
A. No, sir.

Q. When did you know Ida?
A. We used to go to the same school together.

Q. How long ago?
A. Oh, when we were small. I would say about ten years ago.

Q. When was the last time you had seen him around town here, do you remember? Before that occasion.
A. I would say about four years.

Q. Now, this person who asked you for the matches, do you remember who that was?
A. No.

Q. Was it someone in the front seat or someone in the back seat?
A. Someone in the back seat.

Q. About how fast was the Ford roadster travelling along Beretania Street?
A. About twenty to twenty-five miles.

Q. Do you remember at about what point on Beretania Street that you got on to the running board of this car on which Bennie was at that time?
A. Close to Lincoln School.

Q. And do you know whether it was on the Waikiki side of Lincoln School or town side of Lincoln School?
A. About the center of Lincoln School.

Q. And then how far did you go along Beretania Street when you got back from that car to Tatsumi's car?
A. I got back on the car in front of the Art Academy.

Q. And were the two cars still travelling along at that time? Did they keep going or did the cars stop at any time?
A. No, the cars did not stop.

Q. Then how far did you go?
A. Proceeded down to Fort and King -- Fort and Beretania.

Q. Then what happened there?
A. There was a big crowd there. We thought it was an accident and we slowed down. We stopped to see what was wrong. The car Bennie was on turned up Fort Street.

Q. From the time you saw Bennie on this touring car following the car which you were on, the car in which you were, as you got on John Ema Road I'll ask you whether or not you saw that car all the time until Fort Street?
A. Yes, sir.

Q. After you left Waikiki Park up to the time you stopped at the corner of Fort and Beretania Street, did you stop at any place at all?
A. No, sir, only stop signs.

Q. As you were coming along from Waikiki Park down to the corner of Fort and Beretania Street, did you at some point speak to George Silva about the car that was following?

A. Yes, sir.

Q. About what point was that?

A. When we left King and Kalakaua toward Beretania.

Q. When you crossed King Street, did you go down King Street or did you go up the extension of Kalakaua.

A. Went up Kalakaua Extension.

Q. Did you go down to the Police Station to make a report about what you had seen that night?

A. Yes, sir.

Q. Now, do you remember just about what day it was that you went down to the Police Station?

A. I think it was on the fourteenth. September 14th.

Q. September 14th. About what time was it when you went down there?

A. About eleven or eleven thirty -- something like that.

Q. In the morning?

A. Yes, sir.

Q. Who went with you, anybody?

A. Tatsumi Matsumoto and George Silva.

Q. And do you remember who questioned you?

A. Mr. Wight.

Q. Was Mr. McIntosh there at that time?

A. He was, later on.

Q. Between the time that you last saw Bennie Ahakuelo at the corner of Fort and Beretania Street where he turned up that night after leaving Waikiki Park did you see him at any time before you made this statement to the police?

A. No, sir.

Q. Did you see Ida at any time before you made your report to the police?

A. No, sir.

Q. Did you see Henry Chang before you made your report to the police?

A. No, sir.

Q. Did you see Takai at any time before you made your report to the police?

A. No, sir.

Q. Showing you Defendant's Exhibit 3, calling your attention to this signature towards the bottom of the page - Bob Vierra, - is that your signature?

A. Yes, sir.

Q. Do you remember signing it?

A. Yes, sir.

Q. Now, at the time -- Oh, yes. At the time you left Waikiki Park were there many cars left?

A. No, sir.

Q. You have any idea at all just about how many cars were left at that time?

A. About three or four.

Q. Now, in this statement that you signed, you were asked this question? (Reading) "What time was this about: 12:40? Answer: "I don't remember exactly but I do know how long that was from Waikiki. It must have been 12:40. Do you remember whether or not it was 12:40 at the time you reached Beretania Street and Fort Street?"

A. No sir.

Q. Did you look at a watch at that time?

A. No, sir.

Q. Now, in this statement you said something to this effect: "Bob Vierra jumped on the running board of the car Bennie was riding in and he jumped back on my car two minutes later and we stopped at Fort and Beretania Street"?

A. I didn't say that. Tatsumi said that.

Q. Well, about how long were you on the running board of the other car? Do you remember? Have you any idea at all?

A. I said I didn't know. Mr. Wight said "About two minutes," and I said, "Yes, about two minutes."

Q. During all the time that you have known Bennie, have you heard anyone call him "Bull"?

A. No, sir.

Q. And how about Henry Chang; have you ever heard anybody call him "Bull"?

A. No, sir.

Q. Have you known him at all: Henry Chang?

A. No.

Q. You know Ida, do you?

A. Yes.

Q. Have you ever heard him called Bull by anybody?

A. No, sir.

Q. You know David Chang?

A. Yes.

Q. You know of anybody ever calling him "Bull "?

A. No, sir.

On cross examination, witness' testimony remained unchanged in important details.

George Silva George Silva, a defense witness at the trial of

the accused, testified in direct examination, in part, as

follows:

Q. Now, on a Saturday night in September, a few days after you arrived here in Honolulu, I'll ask you whether or not you went to Waikiki Park to a dance?

A. Yes, sir.

Q. Who did you go with?

A. Tats Matsumoto - Tatsumi Matsumoto.

~~Q. And who else?~~

A. My sister Matilda Silva.

Q. Anybody else?

A. Another girl friend, Ida Alves.

Q. About what time was it, if you can remember, when you got out there to Waikiki Park?

A. Must have been between ten and eleven.

Q. Did you stay there until the dance was over?

A. Yes, sir.

Q. And after the dance was over, what did you do?

A. We came home.

Q. How did you come home?

A. With Mr. Matsumoto.

Q. Well, how did you travel, - foot or street car or how?

A. On Mr. Matsumoto's car.

Q. What kind of a car did he have?

A. Ford car.

Q. What kind of a Ford car?

A. Ford motor.

Q. A touring car?

A. No, run-about car.

Q. Who got on the car at the time you came home from the dance?

A. Well, it was me, Mr. Matsumoto, Mr. Vierra, a girl I know by the name of Sybil with another girl I don't know her name.

Q. Who was driving?

A. - can't exactly tell you because I was sitting in the back. I sat in the car before he went into the car to drive.

Q. How did you sit in the back?

A. Oh, we just jumped in the back - there was no room in the front -- me and Mr. Vierra.

Q. Was there any rumble seat?

A. No, just in the back of the car.

Q. How about the top of that car - was it up or down; the roadster?

A. I cant remember.

Q. Cant remember?

A. No, sir.

Q. Then were you familiar with the streets of Honolulu at that time?

A. No, sir.

Q. Do you remember any car following the car Matsumoto had?

A. There were a few cars following us. Usually when you are riding in the car cars always following, so I didn't--

Q. (Int) Didn't pay any attention?

A. No, sir.

Q. Did George Silva call your attention to any car that was following you? No, Bob Vierra.

A. Yes; he told me --

MR. WIGHT: I object to what he said.

Q. Did you notice a car following you at that time when he spoke to you?

A. Yes, sir.

Q. Some time after that, did you notice anything between that car and the car you were riding?

A. Yes.

Q. What did you notice?

A. Mr. Vierra jumped from our car to--

Q. (int) That car?

A. Yes, sir.

Q. Did those cars stop when Mr. Vierra went from the car you were on to the other car?

A. No, sir.

Q. They kept on going?

A. And then what happened, well, I cant exactly tell you. Mr. Vierra came back into our car and we kept on going. We kept on going until we saw something like a fight or accident and stopped there to see what it was. I looked in front and when we started again, I saw no car in back of us. Tell you true fact I dont know what side the other car turned.

Q. You dont know what side the other car turned?
A. No, sir.

Q. You mean the car that was behind?
A. Yes, sir.

In the cross examining witness' testimony was not
changed in any important particulars.

Sybil Davis Sybil Davis, a defense witness at the trial of the
accused, testified in direct examination, in part, as follows:

Q. On the night of September 12, 1931, did you see Tuts,
Bob and George?

A. Yes.

Q. Where?

A. Waikiki Park.

Q. Did you dance with any of those boys that night?

A. Yes.

Q. Did you stay there at that dance until the end of the
dance?

A. Yes.

Q. And at the end of the dance with whom did you leave
that place?

A. With Bob Vierra.

Q. When did you leave that place?

A. About ten after twelve.

Q. How did you leave there?

A. In Tuts' car.

Q. What kind of a car was it?

A. Ford.

Q. What kind of a Ford car?

A. Roadster.

Q. Was the top up or down on that roadster?

A. Down.

Q. Where did you sit on that roadster?

A. In the center.

Q. Who sat on your right, anybody?

A. Margaret.

Q. Margaret who?

A. Kalia.

Q. Who was driving the car?

A. Tuts.

Q. Was anybody else in that car?

A. Yes.

Q. Who?

A. Bob Vierra and Silva.

Q. George Silva?

A. Yes.

Q. Where did they sit?

A. In the back.

Q. How were they facing?

A. They were facing back.

Q. During the time you were dancing out there and while the dance was going on did you see Benny Ahakuelo?

A. Yes.

Q. You know him, do you?

A. Yes.

Q. Do you know of any of these other boys?

A. No.

Q. Referring to the defendants you dont know these other defendants?

A. I didn't know them at the time, but now I do.

Q. Did you see Ben Ahakuelo at the time you left the Waikiki Park?

A. No.

Q. You didn't?

A. No, sir.

Q. Did you see him afterwards?

A. Yes.

Q. Where?

A. Between Williams Undertaker and Thomas Square.

Q. Between Williams' Undertaking --

A. Parlor and Thomas Square.

Q. You mean the mortuary, the new place?

A. Yes.

Q. Between there--

A. And Thomas Square.

Q. How did you happen to see Benny at that time?

A. He drove alongside of us and I turned around and I seen it was Benny.

Q. Anything happen at that time?

A. Yes.

Q. What?

A. Bob Vierra jumped on his car.

Q. Were the two cars stopped at that time, or were they moving, when Bob Vierra jumped on his car?

A. They were still moving.

Q. Do you remember what kind of car Benny was riding on at that time?

A. Yes.

Q. What kind?

A. Ford.

Q. What kind of Ford car?

A. It was an open car.

Q. Did you see any others, - any of the other boys in that car at that time?

A. Just Ida.

Q. Do you know Ida?

A. No.

Q. Did you know him at that time?

A. No.

Q. Did you recognize him at that time?

A. Just a little.

Q. Was Benny driving or not at that time?

A. Ida was driving.

Q. Where was Benny sitting on that car?

A. On the right-hand side.

Q. Right-hand side of whom?

A. Ida.

Q. What did Bob Vierra do when he jumped on to the car Benny was riding?

A. I dont know.

Q. Did he stay on that car?

A. I dont know. I didn't even know he was back in our car.

Q. You didn't even know he had got back on your car. Then how far did you go?

A. We went to about Fort and Beretania Street and we stopped there.

Q. Did you notice anything there at that time?

A. Yes.

Q. Did you notice anything there at that time?

A. Yes.

Q. What?

A. Patrol wagon was there. There was some kind of trouble. We stopped for just a second and then pushed off.

Q. Do you know what happened to the car that Benny was riding in?

A. No.

Margaret Kanac

Margaret Kanac called as a defense witness at

the trial of the accused, testified:

DIRECT EXAMINATION

By William H. Heen Esq.,

Q. What is your name?

A. Margaret Kanac.

Q. How old are you?

A. Sixteen.

Q. Are you the daughter of Frank Kanac?

A. Yes.

Q. Where do you live, Miss Kanac?

A. Nanakuli.

Q. Do you know Sybil Davis?

A. Yes.

Q. Do you know Tuts?

A. Um huh.

Q. Referring to Tatsumo Matsumoto?

A. Yes.

Q. Do you know Robert Vierra?

A. Yes.

Q. Now on Saturday night, September the 12th of this year, were you at the dance at Waikiki Park?

A. Yes.

Q. And I will ask you whether or not you stayed until the dance was over? Answer. What is the answer?

A. Yes.

Q. And when the dance was over what did you do, did you remain there or go home or leave there?

A. I left there but I came afterwards and gave Sybil's coat.

Q. You had Sybil's coat?

A. Yes.

Q. And where was Sybil, - you mean Sybil Davis?

A. Yes.

Q. Where was Sybil when you gave the coat back to her?

A. She was on the car.

Q. On whose car?

A. The Japanese boy.

Q. Tuts?

A. Yes, sir.

Q. And where was that car at that time?
A. It is in the park.

Q. And where was Sybil Davis then?
A. Sitting on the car.

Q. Now when you went to the car where Sybil Davis was at that time did you notice anybody there?
A. Yes.

Q. Did you know some of these boys there?
A. Yes.

Q. Who?
A. Ben.

Q. Benny Ahakuelo?
A. Yes.

Q. Did you see him when you were going to the car? Where Sybil Davis was sitting at that time?
A. No.

Q. Did you see him a little later?
A. Yes.

Q. Where were you at the time you saw Benny?
A. I was on Sybil's car.

Q. You had got on the car and when you got on the car you say you saw Benny?
A. Um huh.

Q. Where was Benny then?
A. He was standing by the car.

Q. Another car?
A. No, on his car.

Q. And how far was that from you?
A. Not very far.

Q. How did you happen to get on this car, Tatsumi's car?
A. Sybil told me to go with her.

Q. And then did the car leave that place?
A. Um huh.

Q. And who were on the car with you?
A. Sybil Davis and Tuts, Robert and another Portuguese boy.

Q. Do you know his name?
A. No.

Q. And what kind of a car was this?
A. It is a Ford.

Q. Ford what?
A. I don't know, just the front seat; out in the back it had nothing.

Q. No seat in the back?
A. No.

Q. Where did you sit?
A. I was in the front.

Q. Who else sat in front?
A. Sybil.

Q. And the driver?
A. Tuts.

Q. Where in front did you sit?
A. Right hand side.

Q. And who sat in the middle?
A. Sybil.

Q. Where did Bob Vierra sit?
A. In the back.

Q. And where did this other Portuguese boy sit?
A. In the back.

Q. And how were they facing?
A. They were not facing towards us.

Q. Not facing towards you?
A. They had their back towards us.

Q. Now when you left the park what road did you go out?
A. Kalakaua.

Q. Did you go straight to Kalakaua or on another road first?
A. Went to Kalakaua first.

Q. Right there from the park?
A. Yes.

Q. Is there a gate to Kalakaua Avenue?
A. A road.

Q. Do you know John Ena Road?
A. Yes.

Q. Did you go on John Ena Road first before coming to Kalakaua?
A. Um hum.

Q. Now when you were going out did you notice Ben's car?
A. No.

Q. Did you notice his car later on?
A. Yes.

Q. Where?
A. At Beretania Street.

Q. About where on Beretania Street?
A. By the garage.

- Q. By a garage. Are familiar with the roads here in Honolulu? Do you know the roads?
A. Not all of them.
- Q. Do you stay down in the country most of the time or here?
A. Here.
- Q. Now when you came up Kalakaua Avenue where did you go?
A. Beretania.
- Q. Right straight up to Beretania without turning down King Street?
A. No, straight up.
- Q. Right straight up Beretania Street, and then turned towards town, is that it?
A. Yes.
- Q. At that time you saw Benny down at the park after you got into Matsumoto's car did you remark to Sybil and Matsumoto about Benny?
A. Yes.
- Q. And later on, on Beretania Street, when you saw Benny again, did you make a remark to Sybil and Matsumoto about Benny?
A. Yes.
- Q. Then you know what happened while you were going along Beretania Street?
A. No.
- Q. Do you know what Bobby Vicerra did while you people were coming down Beretania Street?
A. Yes.
- Q. What did he do?
A. He jumped on Henry's car and he was saying something, I dont know what they were saying about, talking about.
- Q. Do you think you could tell us about where there on Beretania Street that happened ?
A. No.
- Q. You dont know?
A. No.
- Q. And then did he stay on Benny's car all the time?
A. No.
- Q. And then what did he do?
A. Came back to our car.
- Q. Where was Benny sitting on this car that he was riding on?
A. The front seat.
- Q. On the right or left?
A. Right.

Q. Then how far did you go?
A. Went as far as Liliina Street.

Q. And did you notice the car that Benny was riding on after Vierra came back to your car?
A. No.

Q. Did you notice whether or not it came alongside of your car, got in front or stayed behind?
A. Got in front.

Q. Got in front?
A. Yes.

Q. Did it stay in front?
A. They stood one place and we passed them, and they came afterwards.

Q. Afterwards?
A. And then afterwards we did not see them no more.

Q. You did not see them anymore?
A. Um huh.

Q. At the time you made a remark to Sybil about Benny, before Vierra got on their car and back again to your car, did you recognize Benny Ahakuelo?
A. Yes.

Q. No mistake about that?
A. No.

Q. Now did you make a report to the police about what you knew happened that night?
A. Yes.

Q. Where?
A. The City Hall.

Q. Somebody asked you questions and you answered them?
A. Yes.

Q. Who asked you the questions? Was it this gentleman over there? (Indicating Mr. Wight)
A. Yes.

Q. Now after you saw Benny on that Saturday night along Beretania Street did you see him again before you were asked questions, and you answered questions given by this gentleman, Mr. Wight?
A. No.

Q. You didn't see him?
A. No.

Q. Did you talk to him at all after that?
A. No.

Q. Do you know Henry Chang?
A. No.

Q: Do you know Joe Kalani?

A. No.

Q. Do you know Ida.

A. No.

Q. Do you know Takai?

A. No.

Q. Did you talk to any of those boys at all?

A. No.

Q. After you saw Benny on that Saturday night?

A. No.

Q. And before you talked to Mr. Wight?

A. No.

Q. About what time do you think it was when you left Waikiki Park?

A. It was about half past twelve.

Q. About what time did the dance get through?

A. About twelve o'clock.

Q. Were there many cars left at the time you left?

A. No.

Q. About how many cars were there?

A. Two.

Q. Just two?

A. Yes.

Q. Which car?

A. Henry's car and our car.

CROSS EXAMINATION

BY MR. WIGHT.

Q. Do you remember talking to me up in the office.

A. Yes.

Q. Did you see Benny inside at the dance?

A. Yes.

Q. And what condition was he in?

A. He was in a drunken condition.

Q. What time was that?

A. I don't know.

Q. Now didn't I ask you at the office "when was the next time you saw Benny?" and you said it was down on Beretania Street?

A. Yes.

Q. That is what you said then?

A. Yes.

Q. That is correct?
A. Yes.

Q. You are sure of that?

A. Yes.

Q. But it was before the end of the dance, before it was over, that you saw him inside of the dance, drunk, at the dance hall, wasn't it?

A. Yes.

Q. You didn't see Benny Ahakuelo following you down did you?

A. No.

Q. The first time you saw him was at the service station this side of Thomas Square, wasn't it - the town side of Thomas Square?

A. Yes.

Q. That is where they got even with you, at that point?

A. Yes.

Q. This side of Thomas Square, the town side?

A. Yes.

Q. Now did you see anybody in the back of that car?

A. No.

Q. There was nobody in the back, was there, in the back of Benny's car?

A. I didn't take notice.

Q. Didn't you tell me at the office that there was nobody in the back of Benny's car?

A. Yes.

Q. That is what you told me at the office, wasn't it?

A. Yes.

Q. That was true?

A. I don't know.

Q. But you told me there was nobody in the back of Benny's car when they went by you out on Beretania Street, didn't you?

A. Yes.

Q. That is what you told me at my office when you came up there?

A. Yes.

Q. Then when Vierra jumped over on the car, onto Benny's car, he talked to Benny in the front seat?

A. Yes.

Q. He talked to Benny there in the front seat?

A. Yes.

Q. You are sure of that?

A. Yes.

Q. He didn't talk to anybody in the back seat?

A. No.

Q. Did you see anybody light a cigarette or take a match when he jumped over there?

A. No.

Q. Who did you talk to today about this case, anyone?

A. Yes.

Q. Who?

A. That man over there, the two of them (Pointing).

Q. What two?

A (Witness points towards defense counsel).

Q. Indicating Mr. Kai and Mr. Heen?

A. Yes.

Q. Now you just said awhile ago, and you are sure of this, that you did not see Benny from the time you saw him drunk in that dance hall and until you saw him there on Beretania Street?

A. Yes.

Q. You are sure of that?

A. Yes.

Q. You are quite sure that it is the truth?

A. Yes.

Q. Absolutely positive?

A. Yes.

REDIRECT EXAMINATION

BY MR. HEEN:

Q. And that is what you told Mr. Wight when he examined you?

A. Yes.

Q. Now this morning you told us that when you got on Tatsumi's car you turned around and saw Benny nearby, standing near his car?

A. Yes.

Q. Is that true?

A. Yes.

Q. No question about that?

A. Yes.

MR. WIGHT: I object to that as impeaching his own witness, and as having been asked and answered.

THE COURT. It is not impeaching at all. She answered "yes".

Q. And at that time when you saw Benny standing by the car, nearby his car, nearby where you were, you made a remark to Miss Cyril Davis about it?

A. Yes.

Q. Is that true?

A. Yes.

Q. And when did I talk to you about this matter?

A. Just awhile ago.

Q. Just a little while ago out here?

A. Yes.

Q. Did I tell you to say that about seeing Benny?

A. No.

Q. Did I tell you to say that you saw Benny nearby that car?

A. No.

MR. WIGHT: Your Honor, I object to this type of examination.

THE COURT: She said "No".

MR. WIGHT: I will object to anything further along this line.

Q. Now if you told Mr. Wight that the only time you saw Benny was out Beretania, then later on on Beretania Street -

A. Beretania.

Q. (Continuing) Is that a mistake - if you saw Benny standing near the car outside of the pavilion later on after the dance?

A. Yes.

Q. That is a mistake.

MR. HEEN: Mr. Wight, may I look at that statement?

Mr. Wight: No.

Q. At that time when Mr. Wight was examining, was asking you questions, did he ask you whether or not you saw Benny outside near his car?

A. No.

RE-CROSS EXAMINATION.

BY MR. WIGHT:

Q. Did Mr. Heen ask you this question, if you saw Benny outside?

A. Yes.

Q. Did he ask you if you made a remark to Sybil Davis?

A. Yes.

Q. Is that what brought it back to your memory then? You hadn't remembered that before until he spoke to you, is that correct?

A. I remembered that before.

Q. You didn't tell that to me, did you?

A. I told you.

Q. You told me?

A. Yes.

Q. Told me what?

A. Told you that I made remark.

Q. You said inside the dance hall when he was drunk that is when you told me he made a remark to you?

A. No.

Q. Didn't you tell me, as you said awhile ago, you didn't see Benny from the time of the dance until you saw him on Beretania; you told me that didn't you?

A. Yes.

Margaret Kanae is apparently a very unintelligent person and repeatedly contradicted herself while testifying and likewise for no apparent reason at all, made contradictory statements to the attorneys, defense and prosecution, the police and detectives. It is not believed by us that her contradictions were deliberate, and intentional but rather due to her low grade mentality.

There is a difference in the recollection of the members of Ida's party, as to the route taken by Ida's car proceeding from the dance hall to Beretania and Victorial Streets. Ida, in his statement to the police, said that they drove down Kalakaua Avenue to King Street, down King to Keekaumoku, thence to Beretania and down Beretania to Fort Street.

Joe Kahahawai, in his police statement, stated that he was groggy from drinking beer and slept most of the way. He stated, however, that they turned from Kalakaua down King, and drove along King Street to Fort Street. The remaining three of the accused in their police statements, said they went directly through, and across King Street, over Kalakaua Extension to Beretania Street. At the trial the defense counsel endeavored to explain this discrepancy by the fact that Ida had only recently returned from Los Angeles and that Kalakaua Avenue had been extended from King to Beretania St. during his absence, which accounted for his unfamiliarity with that new extension.

They all agreed, however, upon the route which they followed from Beretania to Fort, to Liliha and King Streets, where the near accident with the Peoples group occurred.

Radio Headquarters Officer Rickard, in his statement given to Operative G. A. M., August 16, 1932, stated:

"At 12:45 a. m. on September 13, 1931, as I was returning from the undertaking parlors of H. H. Williams, and upon reaching Alakea Street at King Street, I noticed a car proceeding up Alakea Street at a high rate of speed and stop in front of the police station.

"I immediately proceeded to the said car and upon arriving, was told by Mrs. Peoples that she had been assaulted by four guys in a Chevrolet touring car and that the back boy had slapped her across the ear on her left side, causing her to fall against the running board of her car. I asked her if she could give me the car number, which she did, and which was 58-875.

"I immediately went to the radio room and broadcast this car number to the two radio patrol cars to have them pick it up. This broadcast was sent out at 12:50 a. m., and I also notified the patrol car without radio about the said car number, and make of car."

Mrs. Peeples has testified that immediately after the incident with the occupants of Iga's car, the time of which she estimates at 12:35 to 12:40 a. m., she drove to the police station, reported the occurrence, then drove direct to the Emergency Hospital, where there is definite record of her arrival at 12:48 a. m.

By the statements and testimony of the occupants of Matsumoto's car and by the accused, the route taken by them from the park, is as follows:

John Ena Road to Kalakaua Ave.

On Kalakaua to Beretania Street.

On Beretania to Fort Street.

From Beretania and Fort Streets, the accused proceeded:

On Fort St. to School Street.

On School Street to #350, Correa's home.

On School Street to Liliha Street.

On Liliha Street to King Street.

Detective Arthur H. Stagbar, in the trial of the accused, recalled as a witness for the prosecution, in rebuttal, testified, in direct examination, in part as follows:

Q. Did you take the time from that last mentioned point down Beretania Street too? Did you take the time it took to drive from that point, the mauka-owa corner of Thomas Square along Beretania Street to Fort, from Fort Street to School, and to Liliha Street and down Liliha Street to King?

A. Yes.

Q. What time did it take?

A. At thirty miles an hour, five and a half minutes.

Q. Did you stop at stop signs?

A. All stop signs.

Q. What time of day did you make that trip?

A. Between ten and eleven at night, at one time. The first time I went over was in the afternoon and again at night between ten and eleven.

Q. You did it once in the afternoon and once at night?

A. Yes, sir.

Q. Did you ever exceed thirty miles an hour?

A. Never more than thirty; many times less than thirty.

The driving time, therefore, between Thomas Square and Liliha and King Streets, at thirty miles per hour asking necessary traffic stops at a late hour at night, is five and one half minutes.

After leaving Beretania and Fort Streets, Ida and companions did not drive direct to Liliha and King Streets but stopped off at the Correa home at 350 School Street where a luau was being held.

Statements of S. P. Correa, Jr., and of Wilhelmina Correa, in part, follow:

S. P. Correa, Jr., made a statement to Inspector McIntosh (Deputy City and County Attorney Wight also present) September 15 1931, in part, as follows:

Q. These boys came back the second time?
A. Yes.

Q. When?
A. After midnight. I came home and they were there.

Q. What is your opinion about the time - was it between 12 and 1?
A. I could not tell at all.

Q. You are unable to tell what time it was-between 12 and 1?
A. No, I cant say.

Q. They asked you for some more beer?
A. Yes, and I said there was no more.

Q. How long did they hand around there?
A. I dont know how long they were around there. I was out behind. I just told them we had no more beer.

Wilhelmina Correa, in statement made to City and County Attorney Wight (Inspector McIntosh also present) at the Kauluwela School, 11:05 a. m., September 15, 1931, in part, states:

Q. Now on Saturday, September 12th, your father and mother gave a luau?
A. Yes, for my sister's wedding.

Q. And Joe Kalani was there the early part of the evening?
A. Yes.

Q. And he left, didn't he?
A. Yes.

Q. Then later he came back again?
A. Joe and Ben Hakuole and --

Q. Shorty?

A. The short fellow, that's just come back.

Q. And that time, as near as you can figure, was about 1 :30?

A. Yes.

Q. Did you see Henry Chang there at 1:30?

A. No.

Q. When did you see Henry Chang?

A. Not at any time.

The recollection of the Correa family as to the time of this second visit by the accused is indifferent, but their statements support the statements of the accused to the effect that they did call there sometime after midnight. The accused differed in their statements as to how much time was consumed by this visit at the Correa home, but from their statements and testimony it would appear that they were there about six minutes.

Allowing five and one-half minutes driving time from Thomas Square to Liliha and King Streets and six minutes stop off at the Correa house, eleven and one-half minutes would have been consumed between the time the Ida car left Beretania and Fort Street until the Peoples' altercation at Liliha and King Sts. Naturally, any greater or less time spent by these boys at the Correa house would proportionately alter the time of Ida's car at Beretania and Fort Streets.

It is established that Mrs. Peoples reported to the Emergency Hospital at 12:48 A. M.; that Officer Rickard saw Mrs. Peoples drive up to Police Headquarters at about 12:45 a. m. and he received her report of the altercation with the accused at Liliha and King Streets.

We estimate that the following time was consumed from the time of the arrival of the accused at the intersection of

Liliha and King streets, ...

Emergency Hospital, reckoning in the reverse movement, as follows:

Mrs. Peeples' arrival at Emergency Hospital 12:48 a. m.

" " " " Police Station
(it probably took her 3 minutes to make her
report and 2 minutes then to drive to
Emergency Hospital) 12:43 a.m.

Mrs. Peeples' departure from scene of altercation
(driving time from Liliha and King S ts. to
Police Headquarters at King and Alakea
3 min.) 12:40 a. m.

Time consumed in Peeples' altercation with accused
at Liliha and King Sts. is estimated at 3 min.
which includes stopping of Ida's car to let off
Takai, making probable arrival time of accused at
Liliha and King Streets at 12:37 a. m.

This would seem to establish the arrival time of the
accused at Liliha and King Streets at 12:37 a. m.

The accused state that enroute from Beretania and Fort
Streets they stopped a few minutes at the Correa home, where a
luau had been in progress. Time consumed here is indefinite, but
it is believed to have been several minutes, likely about 6 min.

The Correa home is at 350 School Street, and at the time of the
Peeples' incident the accused would have been on the most direct
route from 350 School Street to their next objective, namely,
where Takai was to be let off.

Detective Stagbar, as related in the foregoing, determined
from a driving test at $5\frac{1}{2}$ minutes would be consumed driving at
a speed never more than 30, and at times less than 30, miles per
hour between Beretania and Fort Streets, to Liliha and King Sts.

Accepting a 6 minute stop at the Correa home, and $5\frac{1}{2}$
minutes travel time consumed, it would appear that the time of the
accused and likewise of Matsumoto, et al, at Beretania and Fort
Streets, was 12:25 $\frac{1}{2}$ a. m.

The accused stated they followed the Matsumoto car from Waikiki Park to Beretania and Fort Streets, via John Ena Road, Kalakaua Avenue and Beretania to Fort Streets. It is estimated that 7 minutes were consumed by the accused driving between Waikiki Park and Beretania and Fort Streets. This would have made their leaving time from Waikiki Park at about 12:18 $\frac{1}{2}$ a.m.

A time schedule prepared on the above described movements, arranged in the reverse order, viz., commencing with the established arrival of Mrs. Peeples at the Emergency Hospital, and computing backwards to the probable leaving time of the accused from Waikiki Park, would show:

| | |
|---|---------------------------|
| Mrs. Peeples at Emergency Hospital | 12. 48 a. m. |
| Driving from Police Headquarters to Hospital, 2 min. | |
| Time Police Headquarters, making report | 3 " |
| Arrival time at Police Headquarters | 12.43 a. m. |
| Driving time between Liliha and King Sts. to Police Headquarters at King and Alakea Streets | 3 min. |
| Time consumed in altercation between Peeples and the accused at Liliha and King Sts. | 3 min. |
| Arrival time of accused at Liliha and King St. | 12.37 a. m. |
| Driving time of accused between Beretania and Fort Sts. and Liliha and King Sts. | 5 $\frac{1}{2}$ min. |
| Time consumed by accused at Correa home | 6 min. |
| Time of accused at Beretania and Fort Sts. | 12.25 $\frac{1}{2}$ a. m. |
| Driving time of accused, Waikiki Park to Beretania and Fort Streets | 7 min. |
| Accused left Waikiki Park | 12.18 $\frac{1}{2}$ a. m. |

The possibility of the accused having left Waikiki Park sometime after arrival of Ida, Chang and Kahahawai, at about 11:30 p. m., committing the kidnapping and rape, as alleged by Mrs. Mascie, and reaching Beretania and Fort Sts., via Ala Moana Road and Ward Street or via Ala Moana Road, Sheridan and Beretania Streets, at the time Matsumoto, et al, were passing, has been considered.

As near as we can ascertain Matsumoto's car left Waikiki Park at about 12.18 $\frac{1}{2}$ A. M., and reached Beretania and Fort Streets about 12.25 $\frac{1}{2}$ A. M.

Detective Stagbar testified he made a time test driving an auto from the old animal quarantine grounds to Beretania and Fort Streets via Ward Street, and it consumed 3 minutes, at 30 miles per hour. His testimony at trial of accused, with respect to this point, is as follows:

Arthur Stagbar Detective Arthur H. Stagbar, recalled as a witness for the Territory in rebuttal, testified as follows under direct examination:

Q. Did you also -- I am drawing the continuation of Ala Moana from this point to Ward Street, crossing King here, and the continuation on to Beretania (drawing on blackboard) did you take time from this point to the makai-ewa corner of Thomas Square on Beretania Street?

A. Yes.

Q. At what speed did you do that?

A. At thirty miles.

Q. Thirty miles an hour?

A. Yes.

Q. Did you stop at stop signs?

A. Every stop sign.

Q. How long did it take you to cover that distance?

A. 3 minutes.

Q. From that point, the last point I am speaking of -- I am talking about the mauka-ewa corner of Thomas Square on Beretania Street --

A. To the Boulevard, that is the makai Waikiki corner.

Q. Of Thomas Square.

A. Of Thomas Square, and that is the makai Waikiki corner of Kapiolani and Beretania, which is the ewa corner of Beretania Street and Thomas Square.

Q. That is from the quarantine station to the Ewa-mauka-corner of Thomas Square.

A. Yes.

It is estimated that the time consumed by auto between the same points travelling via Sheridan and Beretania Streets would be about 7 minutes, due to narrow and poor condition, at the time, of Sheridan Street; therefore, for the accused to have kidnapped

and raped Mrs. Massie, as alleged, and arrived at Beretania Street and Fort Street, at 12.25 $\frac{1}{2}$ a. m., they would have needed to have left the Quarantine Grounds at:

| | |
|-----------------------------------|---------------------------|
| If proceeding via Ward Street | 12.22 $\frac{1}{2}$ a. m. |
| " " " Sheridan and Beretania Sts. | 12.18 $\frac{1}{2}$ a. m. |

On this basis, the time schedule would have been as follows:

| | | |
|--|---|---------------------------------------|
| Departure of accused from Quarantine Grounds | via Sheridan 12.18 $\frac{1}{2}$ a. m. | via Ward 12.22 $\frac{1}{2}$ a. m. |
| Presence of accused at Quarantine Grounds, Mrs. Massie's estimate 20 min. Dragging Mrs. Massie 30 ft., 2 min.) |) 22 min. | |
| Arrival of accused at Quarantine Grounds | 11.56 $\frac{1}{2}$ p.m. | 12.00 $\frac{1}{2}$ a. m. |
| Time enroute kidnapping point to Quarantine Grounds, 3 $\frac{1}{2}$ minutes |) 4 min. | |
| Time consumed forcing Mrs. Massie into car = $\frac{1}{2}$ min. |) min. | |
| Time at point of kidnapping | 11.52 $\frac{1}{2}$ p. m. | 11.56 $\frac{1}{2}$ p. m. |
| Time consumed by Mrs. Massie walking Inn to point of kidnapping |) 10 min. | |
| Mrs. Massie's departure from Inn | 11.42 $\frac{1}{2}$ p. m. | 11.46 $\frac{1}{2}$ p. m. |

The above schedule indicates that the accused, in order to have participated in this rape, would have had to be at the point of kidnapping at not later than 11.56 $\frac{1}{2}$ p. m., and the remainder of the performance and time schedule carried out to virtually the second of time calculated, otherwise the accused could not have reached Beretania and Fort Streets at 12.25 $\frac{1}{2}$ a. m., the time careful calculation would indicate the accused to have been there. To keep within this schedule it would mean the completion of all that Mrs. Massie states occurred at the Quarantine Grounds within the space of 22 minutes, which seems impossible.

Other points to be considered are that this schedule, viz, providing for the accused to reach Beretania and Fort Sts. by 12.25 $\frac{1}{2}$ a. m., also provides for Mrs. Massie to have left the Inn,

not at 11.35 p. m., as she maintains, but at 11.46 $\frac{1}{2}$ p. m., and further provides for the completion of the rape operations at 12.22 $\frac{1}{2}$ a. m., and a lapse of 27 $\frac{1}{2}$ minutes between the completion of the rape and the hailing of Bellinger's car by Mrs. Massie.

Had we no evidence of the accused at Beretania and Fort Streets at 12.25 $\frac{1}{2}$ a. m., and the only record of their time subsequent to the alleged rape was the time of their altercation with the Peebles at Liliha and King Streets at 12.37 a. m., and had we no testimony as to the accusing stopping off at the Correa home or elsewhere after midnight, nor the Matsumoto, et al, testimony, their time schedule would show about as follows:

| | |
|--|---------------------------|
| Arrival at Liliha and King Sts. | 12.37 a. m. |
| Driving time Beretania and Fort Sts. to Liliha and King Sts. | 5 $\frac{1}{2}$ min. |
| Driving time, Quarantine Station to Beretania and Fort Sts., via Ward | 3 " |
| Departure from Quarantine Grounds | 12.28 $\frac{1}{2}$ a. m. |

ALLOWING:

20 minutes for rape (Mrs. Massie's estimate)

2 minutes for dragging Mrs. Massie 30 ft.

4 minutes for kidnapping and driving from point
of kidnapping to Quarantine Grounds.

26 minutes would have been consumed to the time the accused could have picked up Mrs. Massie at the point of kidnapping. This would fix the time necessary for them to have been there at 12.02 $\frac{1}{2}$ a. m.

According to Mrs. Massie's own schedule, she would have arrived at the point of kidnapping at about 11.45 p. m. If the alleged kidnapping occurred at 12.02 $\frac{1}{2}$ a. m., it would advance Mrs. Massie's departure from the Inn to about 11.52 $\frac{1}{2}$ p. m., instead of 11.35 p. m., as she states.

Furthermore, it would provide a lapse of 21 $\frac{1}{2}$ minutes between time of departure of alleged assailants and Mrs. Massie's pick-up by the Bellinger car.

On the basis that the accused used Ala Moana Road, Sheridan and Beretania Streets to reach Liliha and King Streets, about 4 minutes more travel time would have been consumed, advancing the time of the departure of the accused from the Quarantine Grounds to 12.24 $\frac{1}{2}$ A. M., and correspondingly advancing the time of Mrs. Massie's alleged kidnapping to 11.58 $\frac{1}{2}$ p. m., and her departure from the Inn to 11.48 $\frac{1}{2}$ p. m.

Mr. Massie is reported by all except Mrs. Stogsdall as having been last seen at Ala Wai Inn at 11.30 p. m.

Mrs. Massie testified she left the Inn a few minutes after 11.30 p. m. probably. 11.46 p. m.

Mrs. Massie testified:

- (A) She walked slowly to point of kidnapping, consuming, it is estimated, as result of test by J. C. Fraser, 10 min. 11.45 p. m.
- (B) Physically taken hold of and forced into assailant's car 11.45 $\frac{1}{2}$ p. m.
- (C) Transported by auto to Quarantine Grounds, estimated by test by Det. Stagbar to consume 3 $\frac{1}{2}$ min. 11.49 p. m.
- (D) Mrs. Massie testified to having been dragged 30 ft. and raped 4 to 6 times and that her assailants remained at the Quarantine Grounds about 20 minutes, a total of 22 min. 12.11 a. m.

According to Mrs. Massie's own statements, and the walking and driving tests made over the route she is alleged to have taken, also allowing 2 minutes for Mrs. Massie to be dragged 30 feet, it would appear that the alleged rape had been completed and the assailants had departed at 12.11 a. m. Mrs. Massie did not hail Bellinger's car, however, until 12.50 a. m.

The completion of the rape at 12.11 a. m. would have provided Mrs. Massie 39 minutes to leave the Quarantine Grounds and hail an automobile.

Mrs. Massie does not account for so much time before hailing Bellinger's car, and this, together with common sense

deduction would warrant belief that the incidents reported by Mrs. Massie occurring at the Quarantine Ground consumed much more time than she stated.

The dance music, according to Harold Godfrey, ceased at about 11.55 p. m. This may be accurate to the minute or the dance may have stopped a few minutes later. At any rate, it is quite certain the dance closed before 12 o'clock midnight. The general understanding by the frequenters of this dance place is that the dance closes at midnight, and the determining the time to be midnight or reckoning time as so many minutes past twelve o'clock is based on their understanding that the dance closed at 12 o'clock. The end of the last dance is accepted as the arrival of midnight.

That the accused were in Waikiki Park continuously from their arrival there at 11.30 p. m., until they left, reported by themselves and Matsumoto, et al, as 15 or 20 minutes past 12 o'clock, is to a considerable extent supported by the testimony of the following witnesses at the trial of the accused:

William U. Asing, Chief Clerk at Board of Health, at trial of accused, in direct examination, in part, testified as follows:

Q. I will ask you whether or not you were out at Waikiki Park at a dance on the night of September 12th, 1931?

A. I was out there.

Q. About what time was it that you went out there?

A. I went out there at 11.30.

Q. You got out there about 11.30 you mean by that.

A. Yes.

Q. How do you remember that.

A. I remember that because, - well I came through down, passing between Aala and Beretania Streets, I looked at the watch, it was 11.20, and I figured it out by the time I reached Waikiki Park it would be 11.30.

Q. While you were out there at Waikiki Park I will ask you whether you saw Benny Ahakuelo or not?

A. I saw Benny out there.

Q. About how long after you got there was it when you saw him?
A. About 15 minutes after I got there, I saw Benny.

Q. And where was he at the time you saw him?
A. It was just opposite of the dance hall.

Q. Was he on the steps or on the ground?
A. He was on the ground.

and

Q. Did you see him later than that?
A. I saw him later than that.

Q. When?
A. After the dance.

Q. After the dance was pau?
A. Yes.

Q. Did you stay there until after the dance was over?
A. I did not stay there.

Q. I mean until the dance was over?
A. I stayed there until the dance was over.

Q. And when the dance was over you said you saw him again?
A. Yes, I saw him again.

Q. Where?
A. Outside.

Q. Outside of where?
A. Outside of the dance hall.

Under cross examination, witness testified his two companions, Agnes Kam and Alice Kam, both of whom knew Ben Ahakuelo, also saw him at the same times the witness had seen him, and the girls remarked about their acquaintance with Ben Ahakuelo.

Tomomi Muroda, at the trial of the accused, in direct examination, testified, in part as follows:

Q. Did you see Ben Ahakuelo at the dance?
A. Yes, sir.

Q. About what time did you see him?
A. At first I seen him about - he did not talk to me but I seen him, had glimpses of him about the early part of the dance, and then just before, about the close of the dance I talked to him.

(Cross Examination Waived)

Charles Kalani Charles Kalani, at the trial of the accused, in

direct examination, in part, testified:

Q. Do you know Ben Ahakuolo?
A. Yes.

and

Q. On the night of September 12, Saturday night, of this year, were you out to a dance at Waikiki Park?

A. Yes.

Q. And on that night did you see Ben Ahakuolo at the dance?

A. Yes.

Q. About what time did you see him?

A. Around 9 o'clock.

Q. Did you see him later?

A. Yes, sir.

Q. About what time?

A. Around about almost the dance over.

and

Q. At the time when the dance was almost pau did you talk to Benny?

A. Yes, sir.

(Cross examination did not alter testimony in important particulars)

George Lum

George Lum, at the trial of the accused, in direct

examination, testified, in part, as follows:

Q. On the night of September 12, 1931, were you at Waikiki Park, to a dance?

A. Yes.

Q. Did you see Takai out there that night at the dance?

A. Yes, I saw him.

Q. About what time did you first see him?

A. I first saw him during the intermission.

Q. About what time would that be?

A. Usually have about 10. 30.

Q. Did you see him later on?

A. Yes. I saw him near the last dance.

Q. Did you talk to him at that time?

A. Yes, I talked to him.

and

Q. About how many more dances were there at the time you talked to him?

A. About two or three dances to the last - almost the last dance.

(Cross Examination Waived)

John Puaaloo John Puaaloo, at the trial of the accused, in
direct examination, testified, in part, as follows:

Q. About what time did you leave the dance ?
A. About 11.30.

Q. At the time you left the dance did you see Henry
Chang?
A. Not until I left the dance hall.

Q. Where did you see him ?
A. Right at the door.

and

Q. What did he do?
A. He just called me by name and asked me for a stub.

and

Q. What kind of stub was that?
A. Return stub to get back in the dance hall.

Q. Did you give him the stub?
A. Yes.

(Note) Witness fixed the time by having examined his watch
a few minutes before.

(Cross Examination Waived)

Tatsumi Tatsumi Matsumoto, at the trial of the accused, in
Matsumoto direct examination, in part, testified as follows:

Q. Do you know Ben Ahakuelo, one of these defendants?
A. Yes.

and

Q. Did you see Ben Ahakuelo at the dance that night?
A. Yes.

and

Q. Well, did you see him off and on during the dance?
A. Yes. I saw him going around the floor. I am not
sure who he was dancing with. I saw him a couple
of times, well about three or four times.

According to our reckoning, the kidnapping and rape,
as described by Mrs. Massie, could not have been by the accused,
and they enabled to reach Liliha and King Streets at 12.37 a. m.,
the time of the Peoples' altercation, unless they had completed
the rape and left the Quarantine Grounds not later than 12.28 $\frac{1}{2}$
a. m., and then they would have had to proceed through and
without any stop-off, via Ward Street.

With the stop-off at Correa' home, the necessary departure from the Quarantine grounds would be proportionately advanced. A six minute stop over at Correa's would require that the accused leave the Quarantine Grounds at 12.22 $\frac{1}{2}$ a. m., and at the point of kidnaping at 11.56 $\frac{1}{2}$ p. m. It therefore seems that the only opportunity the accused had to have committed this alleged crime at and within a time not accounted for by witnesses and others, and disregarding the testimony of Vicerra and the others as to Ida's car following them out of the Park and along Kalakaua Avenue to Beretania and Fort Streets, is for the accused to have left the Park after those who had seen Ahakuolo around the last dance, hurry to the point of kidnaping, arriving there not a minute later than 11.56 $\frac{1}{2}$ p. m. and follow the schedule as stated by Mrs. Massie, and as in other particulars estimated or determined by time travel tests, maintaining the scheduled time for each event, and reach Liliha and King Streets via Ward Street, with a six minute stop-off at Correa's; or for the accused to have been at the point of kidnaping at 12.02 $\frac{1}{2}$ a.m., then followed the same schedule of time and events with exception of no stop off at Correa' s and instead, driving right through to Liliha and King Streets, via Ward.

In order for the accused to have left the Park, committed this crime, and returned to the Park prior to the departure of Matsumoto's car, they would have had to leave the Park not

later than 11.48 $\frac{1}{2}$ p.m., if the following time schedule is correct:

| | | |
|---|------------------------------------|-----------------------|
| Park to point of kidnaping | 1 min. | |
| Forcing Mrs. Massie into car | $\frac{1}{2}$ " | |
| Driving time to Quarantine Grounds | 3 $\frac{1}{2}$ " | |
| Time consumed in rape operations | 20 " | |
| " " dragging Mrs. Massie | | |
| 30 ft. | 2 " | |
| Driving from Quarantine Grounds to Park | <u>3$\frac{1}{2}$ "</u> | 30 $\frac{1}{2}$ min. |

In the event that the woman in the green dress, seen by Mr. and Mrs. George Goeas near the noodle stand on John Ena Road about six minutes after the close of the last dance, was Mrs. Massie, this would fix Mrs. Massie's arrival at the point of kidnapping at about 12.01, 12.02, or 12.03 a. m.

George Godfrey, who controls the dance at Waikiki Park has stated that at 11.50 p. m., he ordered the orchestra to cease playing and the orchestra stopped at about 11.55 p. m.

With counsel during cross examination Mr. Goeas agreed that the time consumed in leaving the dance hall, entering his automobile and driving to the noodle stand, was six minutes; figuring 5 minutes in walking slowly after the end of the last dance from the dance pavilion to his parked automobile, and 1 minute driving to the noodle stand. Originally, Mr. Goeas thought the time he had seen this woman was about 12.15 a. m. We believe that the earliest time which could be ascribed to Mr. Goeas seeing this woman who resembled Mrs. Massie, is at 12.01 a. m., but it may have been one or two minutes later.

To determine if the accused would have had opportunity to leave the park at this time, kidnap this particular woman and the performance as Mrs. Massie alleges to have occurred, and for the accused to have been at Liliha and King Streets at 12.37 a.m., they would have needed to have proceeded on the following schedule:

| | |
|---|--------------------------|
| Woman kidnapped | 12.01 a.m. |
| Arrival Quarantine Grounds | 12.05 a.m. |
| Departure from Quarantine Grounds | 12.27 a.m. |
| Arrival (via Ward St.) Liliha and King Streets | 12.35 $\frac{1}{2}$ a.m. |

This makes no allowance whatever for any stop-off enroute, although it is believed that these boys had stopped off a few minutes at the Correa home enroute to Liliha and King Sts. Such a routine would, of necessity, cause a disregard of the testimony of Matsumoto and his car associates of the evening to

the effect that the Ida car had come abreast of the Matsumoto car on Beretania Street between Victoria and Kapiolani Streets, both cars proceeding northwest. It would also cause to be disregarded the testimony of Vierra, et al, that the Ida car had followed the Matsumoto car away from Waikiki Park after the dance.

The route via Ward Street is the only route which the accused could take leaving the quarantine grounds at 12.27 a. m., and arriving at Liliha and King Streets by or before 12.37 a. m. the time of the altercation with Mrs. Peeples. We believe that it is not plausible, in view of the testimony of witnesses concerning the seeing of the accused on Beretania Street between Victoria and Kapiolani, and testimony of witnesses that the accused had followed the Matsumoto car away from the park at the close the dance, and the evidence that the accused had visited the Correa home after midnight, that the accused kidnapped and raped the woman seen by Mr. and Mrs. Goeas at about 12.01 a. m.

The woman seen by Alice Aramaki at about 12.10 a. m. and the woman seen by Eugenio Batungbacal, et al, at about the same time, may have been the same woman seen by Mrs. and Mrs. Goeas; but whether the same woman or another woman, would appear to be immaterial so far as the accused are concerned, because the time involved thereafter in the kidnapping and the rape, and the reaching of Liliha and King Streets by 12.37 a.m., would not have enabled the accused to accomplish this.

From the point of kidnapping to Liliha and King Sts., the time involved in the proceedings would be about as follows:

| | |
|---|------------------------------------|
| Forcing Mrs. Massie into the kidnappers' car | $\frac{1}{2}$ min. |
| Time enroute to Quarantine Grounds | $3\frac{1}{2}$ " |
| Dragging Mrs. Massie 30 ft. against her resistance | 2 " |
| Duration of the raping operations as estimated by Mrs. Massie | 20 " |
| Driving from Quarantine Grounds via Ward St. to Beretania and Fort as tested by Officer Stagbar | 3 " |
| Driving Beretania and Fort to Liliha and King Sts. as tested by Officer Stagbar | <u>$5\frac{1}{2}$ "</u> |
| Total | $34\frac{1}{2}$ min. |

To consume such time after 12.10 a. m. would have delayed the arrival of the accused at Liliha and King Streets $7\frac{1}{2}$ minutes past the time of their altercation with Mrs. Peoples.

It would seem, therefore, that in view of the evidence as to the movements and the time of the accused from 11.30 p.m. September 12, 1931, until 12.37 a.m., September 13, 1931, there was not opportunity for the accused to commit the kidnapping and the rape of Mrs. Massie either at the time alleged by her, or at other times within this period. For such to have been possible it would be necessary for many witnesses to have wilfully made false statements and to have perjured themselves at the trial of the accused.

The elapsed time since the alleged offense has caused it to be exceedingly difficult to obtain new information, from any source, having a bearing on this case. Furthermore, witnesses and others having been repeatedly interviewed by detectives and others engaged, the trial proceedings having been published in detail by the local press, each one was not only familiar with the statements of the other but their own statements and testimony thus emphasized to them caused their original stories to be well fixed in their memory irrespective of correctness or completeness. As a consequence it was early apparent that the further interrogation of witnesses and those having knowledge of the collateral facts were unlikely to disclose new material. However, we continued our efforts as a check on the accuracy of the information originally advanced and the testimony at the trial of the accused.

During the progress of our inquiry special attention was given to various persons who, because of rumor or circumstance, appeared to warrant further interrogation and investigation, among whom were the following:

Lieu J. J. Branson Lieut. Branson was interviewed by
J. C. Fraser on three occasions.

In checking his time by the statements of witnesses, we find he and his party arrived at Ala Wai Inn about 9.30 to 9.45 p. m.; that he spent considerable time with a party of civilians in one of the upper booths at the Inn during which time he did not return to the dance floor, but spent his time explaining the workings of submarines. He was a stranger to these people and just happened in by accident.

During his visit at this booth Mrs. Massie and Mrs. Branson had appeared for a few moments, evidently coming from an adjoining booth, and at this time Lieut. Massie was with Lieut. Branson, in fact, was in and out of the booth on two or more occasions during the time Branson was there which, according to witnesses, was between 10.30 or a little later and 11.55 p. m. When Massie returned he announced the time, saying, "Jerry, it 's 11.55 p.m. and the last dance is announced, " at which time all parties in this booth went to the dance floor. It was at this time that Branson took off his shoes and did some tap or other dancing. Instead of the dance closing at midnight it continued until 1.00 a.m. or a little after. The dancers would not permit the orchestra to stop. The floor was so crowded it was impossible for ordinary dancing, so they joined hands and kept up the fun until the music finally stopped, and at 1.15 a. m. Lieutenants Branson and Massie were at the telephone at the Inn, with Lieut. Massie trying to get someone on the phone.

Mr. and Mrs. Pringle stopped for a moment, made some remark to Massie who stated that he was trying to get his wife, Thalia, on the phone as he wanted to prove to her that he had looked for her, as she always accused him of not doing so. The Pringle 's place the time at 1.15 a.m. As far as the Pringles know Lieut. Massie got no reply.

As Mrs. Branson had taken the family car to take the Browns home without notifying her husband and as an invitation had been extended to meet at Lieut. Rigby's home after the dance, Lieut. Massie took Lieut. Branson in his car to Rigby's. This fact was verified by the Rigby maid.

On arrival at Rigby's Lieut. Branson, who had evidently been drinking considerable, made himself at home and laid down on a couch on the porch, and evidently went to sleep. In the meantime Lieut. Massie thinking the party might have gone to his house, again phoned. Mrs. Massie answered and asked him to come home at once, that "something terrible had happened," or words to that effect. Massie immediately left the house and Lieut. Branson stated he heard a car start and later he decided to go to Lieut. Massie's house and when within about 200 yards of the Massie home was picked up by Police Officer Simerson and a night watchman named Gomes. When questioned, Lieut. Branson refused to give any information about himself and was insulting to the officers, who decided to call the patrol wagon. At this time Lieut. Branson's shirt was open, coat over his arm, necktie to one side, shoes unlaced and the fly of his trousers open. While waiting for the patrol a radio police car arrived with Detective Furtado who was answering a call from the Massie home. He told Simerson and Gomes that a woman had been assaulted in the Manoa District and owing to Lieut. Branson's condition he was immediately under suspicion. Lieut. Branson was later taken to Police Headquarters and questioned and later released. We have been unable to uncover anything that would connect him with the assault of Mrs. Massie.

Just before leaving Honolulu J. C. Fraser was informed by Mr. Andrew Adams, Commissioner of the Board of Equalization, to the effect that a woman, name unknown, who rents out cottages in the vicinity of the Niunalu Hotel, claims to have rented a cottage to Lieut. Branson in the

summer of 1931 and that he ceased being her tenant shortly after September 12, 1931; that frequently her tenant's cottage was visited by a young woman, name unknown, who was slender, had a pale face and blond hair and slightly stooped as she walked; that she saw this young woman enter and leave the cottage sometimes at night, sometimes in the daytime and that these visits were rarely brief.

This information came to Mr. Fraser on the 31st of August, the day he was sailing for the mainland. That same day he interviewed Lieut. Branson at Pearl Harbor and he positively denied that he had ever rented a cottage and had a lady caller as described. Lieut. Branson consented to face at any time the woman who had rented out this cottage.

On his return to Honolulu Mr. Fraser reported this to Deputy Attorney General Harold T. Kay and suggested that he see Mr. Adams and inform him of the result of his, Mr. Fraser's visit to Lieut. Branson and advised following up this matter, which Mr. Fraser was unable to do because of his early departure for the mainland.

GROUPS OF LOCAL YOUTHS To refer to these groups of local youths as "gangs" is likely to give the impression that the members are of the type known on the mainland as "gangsters". This is not correct. These are merely groups of local youths who drink beer, fight and may be regarded as a rough element but they are not of the type of mainland gunmen and gangsters.

During the investigation, particular attention was paid to members of the so-called "gangs" listed as Joe Kahahawai's group which consisted of the defendants, Henry Chang, Joe Kahahawai, David Takai, Horace Ida and Benny Ahakuelo;

and Tinny Tommy's group, consisting of "Tiny Tommy", Edward Murty and Ah Fat (real name Lin Fat Chung) and the Crawford group consisting of George Kaahae, William Cruz, Fred Kauchi and Joseph Crawford.

Members of these groups were seen, questioned and their statements relating to any important details taken, but without developing any further information.

These boys of the Crawford group had visited the Island of Maui to furnish music for a dance held there and stopped with the sister-in-law of Isaac Hao (one of the members of the orchestra) and after they returned to Honolulu, the sister-in-law, Rose Hao, circulated the report these boys were the ones supposed to have assaulted Mrs. Massie.

Jimmie McCabe. There was considerable suspicion directed against one, Jimmie Mc Cabe, caused principally through information given by one, Philip Kemp, known as "Tahiti" who at this time is serving a sentence in the Oahu Prison and who was seen by J. C. Fraser at the request of Princess Kawanānakoā, but he could not furnish any definite information. It was finally decided that his information was without real foundation. Jimmie Mc Cabe was induced to return to Honolulu from Los Angeles, where he had gone after the killing of Joe Kahabawai at which time he was again thoroughly questioned and later was interrogated by Public Prosecutor Kelley, but without anything helpful being obtained.

Omar T. Under date of May 23, 1932, Omar T. Pfeiffer,
Pfeiffer
Captain, U. S. M., District Legal Officer, reported to the
Commandant, Fourteenth Naval District, as follows:

"On a Saturday night in September, 1931, H. J. Boquette, E. J. Watkins, and H. A. Patrick, all seamen first class, U. S. Navy, went joyriding in the Ship's Service Store truck from the Submarine Base. Late in the evening around eleven o'clock they drove on Kalakaua Avenue to Kapiolani Park, and then turned around and were going toward town on Kalakaua. While driving along they were passed by a Ford touring car containing a number of men. The navy men were in white uniforms so were easily recognized as belonging to the navy. The men in the Ford called the navy men some names, the word "dog-face" being particularly remembered. The Ford continued on, and the three navy men decided to follow to have further conversation with these men and find out whether they wanted to defend their words by combat. While this decision was being made, the Ford had gained considerable distance and it was seen to turn left into John Ena Road. When the truck following into John Ena Road, the rear light of a car was noticed just around the bend in the road. The truck came abreast of this car, which was moving slowly at the time. It was the same car from which the men had shouted names while passing the navy truck on Kalakaua Avenue. Two of the navy men noticed a white woman in a peculiar position in the rear seat of the car. There were two men in the front seat and three in the rear seat with the woman at this time. The driver of the car wore a jacket with knitted cuffs and neck-band. The occupants of the Ford gave no attention to the navy men when they passed, so the navy truck continued on followed by the Ford, which one man described as being the new model Ford with light body and black top. The navy truck turned to the left and the Ford turned to the right toward the city on Ala Moana road.

"The navy men read newspaper accounts of what had happened in this vicinity of September 12th, which was the same night they observed these things. They spoke to each other about it but decided to say nothing which might involve them for taking the truck for a joy-ride. One of the men finally told Jones about what had been seen and Jones divulged it.

"I informed Mr. Kay, Deputy Attorney General in charge of the Ala Moana investigation, about these men, about a month ago and he was to inform me when he could see the men. I have received no word from him, so I interrogated these men on May 21, 1932. "

It will be noted that Captain Pfeiffer's report is dated May 23, 1932, and in last paragraph thereof, he states:

"I informed Mr. Kay, Deputy Attorney General in charge of the Ala Moana investigation, about these men, about one month ago, and he was to inform me when he could see the men. I have received no word from him, so I interviewed these men on May 21, 1932. "

From Captain Pfeiffer 's report it appears that the information referred to was not submitted to the Territory authorities until one month prior to May 23, 1932, which would have been about five months after the trial of the accused and seven months after the time of the alleged kidnapping and rape.

During the investigation by our representatives about the Harbor, made possible through the cooperation of the Commandant of the Fourteenth Naval District, on August 24, 1932, we learned of the above report, and J. C. Fraser consulted Capt. Pfeiffer in connection with it.

On August 25, 1932, J. C. Fraser and Operative G. A. M. interrogated and took statements from the U. S. seamen mentioned, i.e.; H. J. Boquette, E. J. Watkins, and H. A. Patrick.

The statements of these men are quoted herewith.

"I am H. J. Boquette, U. S. N., stationed at the Submarine Base, Pearl Harbor, Honolulu, T. H.

"On the night of September 12, 1931, I was with E. J. Watkins and H. A. Patrick. We were riding around in a Chevrolet bus which was obtained from Ships Service at the Submarine Base. We had taken the bus without permission, and were driving from Kapiolani Park towards Honolulu, when we met another car, I am not sure, but I believe it was a model A Ford touring car, painted a light grey, and with the top down. I do not know if the color was grey or not, but it was a light colored car, and it appeared to be a 1929 or 1930 model. This car was coming from the opposite direction. It was close to the Waikiki Park when we first saw this car.

"There were two men in front, and three men seated in the back. I saw no woman in the car. This car passed us and as they passed they hollered at us, I forget what they called us. After we thought it over we started back after this car. When we caught up with them it was right behind Waikiki Park on John Ena Road between Ala Moana Road and Kalakaua Avenue. I was driving our car, It was on this side of the John Ena entrance to the park, that is, toward the Ala Moana Road. We drove slowly alongside of them to see if they would pass any more remarks, but they said nothing. At this time I observed there was a woman in the back seat of this other car. I am sure this was a white woman. There was not room for four in the back seat so one of the men sort of propped himself up on the back of the seat where the top comes down, and the woman was between the other two men. Did not notice if the woman wore a hat or not. I heard no one scream. The dance

had not let out yet and I could not say just what time it was then. I know the dance had not yet left out because there were plenty of cars there and I could hear the music. I could not say how the woman was dressed, or what color her hair was. She seemed to be hunched in the seat.

"I got a look at the male occupants of the car and would say they were Kanakas. One of the men, the driver of the car, I am pretty sure was a Kanaka. He wore a tan, light tan jacket, but I am not sure, but I know it was a jacket. I am pretty sure it was open in the front so presume it had buttons. I don't remember if the driver wore a hat or not. The fellow seated beside the driver was a dark skinned fellow, but can't say what he was, but he wore dark clothes, but am not sure. The fellows in the back seat were dark skinned, but do not remember how they were dressed. We then kept on going into the road that leads into Fort De Russy. We turned into one of those roads leading into those homes there. Don't remember the name of the street. We noticed that the Ford car turned right onto the Ala Moana Road. We saw nothing of it after that. About ten or fifteen minutes we drove back past Waikiki Park and noticed that the dance was still in progress.

"The reason why we did not report this incident is because we had no proof of what we saw as none of us knew Mrs. Massie at that time. We took no license number of the Ford car.

"When we got turned around on Kalakaua Avenue and started back the Ford was about 100 yards distant from us, when it turned into John Ena Road. We were going pretty slow, about ten or fifteen miles per hour, and when we caught up with the Ford it was moving along on John Ena Road and had rounded the curve in that road.

"I can give no opinion in this case.

"I have read the foregoing statement and believe it to be true to the best of my knowledge."

--

"I am H. A. Patrick, U. S. Navy, and stationed on the S-43, at Pearl Harbor, Honolulu.

"On the night of September 12, 1931, I was in company with H. J. Boquette and E. J. Watkins, also U. S. Navy men. We were driving down the right hand side of Kalakaua Avenue toward Honolulu when we were passed for a Ford touring car. One of the people in the front seat of this car made a slurring remark to us. As I remember he said something about you "G-d" sailors. They were going in the same direction we were. When this remark was passed the Ford car and ours was just about at the Moana Hotel. This Ford car then drove on ahead of us. We were driving very slow. Boquette was driving our car. After they got a little ways ahead of us, Boquette asked us if we had heard that remark. I said yes, Let's follow them. Then Boquette picked up his speed and went after the other car. We saw them turn into John Ena Road. We were over two blocks distant from the Ford car when it turned into John Ena Road. We then drove into John Ena Road and spotted the tail light of this car just as it was making an approach to the curve in the John Ena Road which is some distance past the John Ena entrance to Waikiki Park. We then caught up to the car and drove alongside of it.

"We by this time were very close to the intersection of the Ala Moana and De Russy Roads. We waited for the occupants of this other car to say something but they did not even look at us. Our car, which was a Chevrolet truck, and the other car, arrived at the intersection of De Russy and Ala Moana Roads at practically the same time. We continued down the De Russy Road, while the other car, we noticed, turned on to the Ala Moana Road. This was the last we saw it.

"There was two men in the front seat of the Ford car, one of which I am sure was an Oriental. I paid no attention as to how he was dressed. I paid no attention to the man seated beside him either. In the back seat were I should say three men, as the rear seat was filled and one man was seated on the door with his back toward us. Our car was on their left. I paid no attention to the men in the back seat of the other car, and do not know if they were white or Orientals. I noticed a woman in the back seat and seated between two men. She was bent or slumped over like. I could not say if she was a white woman or not. As the street light hit their car I could see a dress as we passed by the car. I can give no description of the woman.

"I am sure this other Ford was a model A. The top of this car was up. I could not say what color this car was, whether dark or light. I did not notice the license number. I paid little attention to the car as I was more concerned as to how many were in the car in case we had a fight. We did not see this car stop on John Ena Road anywhere or at any other point.

"We did not report this incident because the car we were in had been taken without permission.

"I knew none of the defendants in this case except Joe Kahahawai, the one who was killed, I had heard of him as being pretty tough.

"I have no opinion to give in connection with this case.

"I did not notice if the dance at Waikiki Park was over or not.

"I have read the foregoing statement and believe it to be true to the best of my knowledge."

"I am Edward J. Watkins, U. S. Navy, and stationed at Pearl Harbor on the Submarine S-27.

"On the night of Saturday, September 12, 1931, I was in company with H. J. Boquette and H. A. Patrick, also navy men. We were driving a service Chevrolet truck along Kalakaua Ave. going toward Honolulu, a touring car passed us. I don't know if it was a Ford or not. As this car passed by us one of the occupants made a remark to us 'you dog-faces', and passed on. We kept going also and after a few minutes it was decided to pick up this car. I did not see this other car turn into John Ena Road, but Patrick decided they had turned into that road. We turned into that road and caught up to this car, which we thought was the same car, but I am not sure if it was or not. We caught up to this car a short distance below the dance hall inside Waikiki Park, and just a little ahead of the sharp curve in John Ena Road. We drove alongside of this car but as they made no more remarks we kept going. The occupants of the other car did not seem interested at all.

"We drove alongside of the other car for just a short distance, then drove on, and I paid no more attention to the car and we drove on to the De Russy Road. I paid no attention as to which way the other car turned or whether it did or not.

"It seemed to me as though there were two people sitting in the front seat of the other car. They were males, and one of them seemed to be an Oriental. I could not see the other as he was on the far side. I paid no attention as to how the driver of the car was dressed and do not know if he had on a jacket or not. I did not take any notice of the other part of the car at all, and dont know who were back there. I saw no woman.

"I know it was a touring car, with the top up, but I do not know what make car it was. I dont know if it was new or old or what color it was.

"I have no fixed opinion on this case.

"We arrived back at the Base about 1.00 a.m.

"We did not report this incident to our superiors because we did not want to get in trouble over having the Chevrolet truck out without permission.

"I have read the foregoing statement, and believe it to be true to the best of my knowledge. "

Analyzing these statements, we find :

(A) Where suspect's car was first seen:

Bouquette: "We were driving from Kapiolani Park toward Honolulu. It was close to Waikiki Park when we first saw this car."

Patrick: "We were driving on the right hand side of Kalakaua Avenue when we were passed by a Ford touring car when we were just about the Moana Hotel (Waikiki). "

Watkins: "We were driving a service Chevrolet truck along Kalakaua Avenue going toward Honolulu. A touring car passed us. I dont know if it was a Ford or not. As the car passed by us, one of the occupants made a remark to us. "

(B) Direction suspects' car was going:

Boquette: "This car was coming from the opposite direction. "

Patrick: "They were going in same direction as we were. As they passed one of the people in front seat made a slurring remark about us. After they got a little way ahead we decided to follow them. Then Bouquette picked up his speed and went after the other car. "

(C) Occupants of suspects(car when first seen :

Bouquette: "There were two men in front and three men seated in the back. "

(D) Fosition of' suspects ' car when seen on John Ena Road:

Bouquette: "When we caught up with them it was right behind Waikiki Park on the John Ena Road between Ala Moana and Kalakaua Avenue. It was this side of the John Ena entrance to the park, that is toward the Ala Moana Road.

Patrick: "We saw them turn into John Ena Road. We were over two blocks distant when, it turned into John Ena Road. We then drove into John Ena Road and spotted the tail light of their car just as it was making an approach to the curve in the road which

is some distance past the John Ena entrance to Waikiki Park. We then caught up to the car and drove alongside of it. By this time we were very close to the intersection of the Ala Moana and DeRussy Roads. We arrived there at practically the same time. "

Watkins: "We kept going and after a few minutes it was decided to pick up this car. I did not see it turn into John Ena Road but Patrick decided it did. We caught up with this car which we thought was the same car but I am not sure if it was or not. We caught up with this car a short distance below the dance hall inside Waikiki Park and just a little ahead of the sharp curve on John Ena Road. I know it was touring car with top up but do not know what make car it was. I dont know if it was new or old or what color. "

(E) Speed of suspects' car.

Bouquette: "When we got turned around on Kalakaua Avenue and started back the Ford was about 100 yards distant from us. When it turned into John Ena Road we were going pretty slow, about 10 or 15 miles per hour and when we caught up with the Ford it was moving along on John Ena Road and had rounded the curve in the road."

(F) Occupants of suspects' car and their description:

Bouquette: "I got a look at the male occupants of the car and would say they were Kanakas. One of them, the driver, I am pretty sure, was a Kanaka. He wore a tan, a light tan jacket but I am not sure, but I know it was a jacket. I am pretty sure it was open in front so presume it had buttons. I dont remember if the driver wore a hat or not. The fellow seated beside the driver was a dark skinned fellow but cant say what he was, but he wore a dark clothes but I am not sure. The fellows in the back seat were dark skinned but dont know how they were dressed. I cannot say how woman was dressed."

Patrick: "There were two men in the front seat of the Ford car, one of which I am sure was an Oriental. I paid no attention as to how he was dressed. I paid no attention to the man seated beside him either. In the back seat were, I should say, three men, as the rear seat was filled and one man was seated on the door with his back toward us. Our car was on the left. I paid no attention to the men on the back seat and do not know if they were white or Orientals. "

Watkins: "It seemed to me as though there were two people sitting in the front seat of the car. They were males and one of them seemed to be an Oriental."

(G) Presence of woman in suspects' car:

Bouquette: "At this time (on John Ena Road) I observed there was a woman in the back seat of this other car. I am sure this was a white woman. There was not room for four in the back seat so one of the men sort of propped himself up on the back of the seat where the top comes down and the woman was between the other two men. "

Patrick: "I noticed a woman in the back seat between two men. "

Watkins: "I saw no women."

(H) Time of suspects' car on John Ena Road.

Boutquette : "The dance had not let out yet, and I could not say just what time it was then. I know the dance had not yet let out because there were plenty of cars there and I could hear the music. About ten or fifteen minutes we drove back, passed Waikiki Park and noticed that the dance was still in progress. "

(I) Stopping of suspects' car on John Ena Road:

Patrick: "We did not see this car stop on John Ena Road anywhere or at any other point. "

(J) Screams and outcries.

Bouquette: "I heard no scream."

It will be noted that:

Bouquette stated that on suspects' car the top was down. Patrick and Watkins say the top was up.

Bouquette stated it was close to Waikiki Park when they first saw suspects' car.

Patrick states they were on Kalakaua Avenue, "just about the Moana Hotel. "

Bouquette states the suspects' car was coming from opposite direction.

Patrick states both cars were moving in same direction.

Patrick states, "we did not see this car stop on John Ena Road or at any other point."

No screams or outcries were heard.

No struggling was reported seen on rear seat of suspects' car.

The dance at Waikiki Park was still in progress when the suspects' car passed the park and on the return of Bouquette et al ten or fifteen minutes later the dance was still in progress.

These seamen had provided themselves with a bottle of liquor, "Oke" before undertaking this ride and acknowledge to having consumed it while riding about.

There is nothing in their statements which would indicate that the woman in the car which they saw was there by force, nor is there anything in their statements which would connect the suspects' car and occupants with

Mrs. Massie and the events recited by her other than the alleged presence of a car on John Ena Road containing about five or six persons consisting of one or more Orientals and one white woman.

When considering the statements of these men it should be taken into account that they did not disclose to the authorities what they allege to have been until seven months after the occurrence notwithstanding the great publicity given to the alleged kidnapping and rape and the great interest by the Navy personnel as well as civilian public following the alleged crime and the prosecution of the five young men accused. No effort was made by these seamen to see and identify, if possible, the accused as those seen on the occasion they seven months later reported.

The circumstances of their report, its inaccuracies and the absence of anything connecting the accused with the mentioned car and occupants leads us to believe these seamen, if they saw a car under the circumstances they relate, were either in no condition to observe closely or they sought some personal notoriety from publishing an incident which could likely not be investigated with any satisfaction or success at such a late date. We place no belief or importance in their story.

Mr. Fraser reports that during his stay in the Islands he had the opportunity to come in contact with many Hawaiians in different walks of life and conversed with many prominent citizens, police officers and others who are familiar with the Hawaiians and without exception the same verdict has been pronounced - that an Hawaiian will talk. Police records also show that confessions have been secured from Hawaiians with little or no difficulty and if the accused are guilty this would practically be the first case in their memory where some of a number of accused in the same crime did not talk.

Altho there has been found no corroboration of the statements of Mrs. Massie that the alleged kidnaping and rape occurred at the times and places and with all the circumstances described by Mrs. Massie, neither has it been proved that the kidnaping and rape did not occur.

We believe, however, that it has been shown that the five accused did not have opportunity to commit the kidnaping and the rape described by Mrs. Massie between the time she states she left Ala Wai Inn at 11.35 p.m. September 12, 1931 and the time she was picked up by the Bellingers and Clarks on Ala Moana Road, at 12.50 a.m. September 13, 1931.

That other persons would have had opportunity to commit the offenses as related by Mrs. Massie, there is no doubt, but a check up nine months after the alleged offenses of all persons who may have opportunity to be at the places and at the times described by Mrs. Massie in her narrative is impossible.

S

Furhter, Mrs. Massie 's idenitification of these five youths was so much in detail and so positive that any investigation of the alleged offenses would naturally need to first determine the probability of the guilt or innocense of those accused by Mrs. Massie. We have completed that portion of the investigation with the result as indicated by this report.

During the progress of our investigations we were keenly alert to any opportunity to obtain information of assistance in determining the true facts of the alleged assault and the identity of the assailants. No worthwhile leads were obtained however, and no additional information was secured concerning the movements of Mrs. Massie between the time her companions of the evening of September 12, 1931 report last seeing her at 11.30 p. m. and the time she hailed Bellinger's car on Ala Mcana Road at 12.50 a. m. Sepetember 13, 1931.

Numerous independent and exhaustive investigations of this case had been conducted under the direction of

Police Department of Honolulu

Deputy City and County Attorney Wight

Harold T. Kay, Esq., of Attorney General's Office.

John Kelley, newly appointed Public Prosecutor, prior to the employment of this Agency and a large reward offered by the local Chamber of Commerce, but to no avail.

11-11-11
11-11-11
11-11-11

Deputy City and County Attorney Wight, who conducted the prosecution has had extensive experience in criminal prosecutions and we are informed that during the two year period he was in charge of the criminal calendar he tried forty three felonies with only eight result in acquittals. In blocking out the method of trial of this case he had the assistance of the Attorney General's office and of Eugene Beebe and Frank Thompson, prominent local attorneys.

It seems fair to assume that the prosecution of the accused was forced upon the Territory by reason of Mrs. Massie's story and her identification of these boys. No other course appears to have been possible in view of the circumstances, than to try the case which had its basis and support exclusively upon Mrs. Massie's narrative and identifications. That the prosecution failed for want of corroboration of essential parts of Mrs. Massie's story and the alibi of the accused was inevitable.