

LAW ENFORCEMENT IN THE
TERRITORY OF HAWAII

U. S. - Dept. of Justice

LETTER

FROM

THE ATTORNEY GENERAL

TRANSMITTING

IN RESPONSE TO SENATE RESOLUTION NO. 134
CERTAIN INFORMATION RELATIVE TO
LAW ENFORCEMENT IN THE
TERRITORY OF HAWAII



APRIL 4, 1932.—Referred to the Committee on Territories and
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LETTER OF TRANSMITTAL

DEPARTMENT OF JUSTICE,
Washington, D. C., April 4, 1932.

THE PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR MR. PRESIDENT: Under date of January 11, 1932, the Senate adopted a resolution (S. Res. No. 134) requesting the Attorney General of the United States to report to the Senate at the earliest practicable date upon the administration and enforcement of criminal laws in the Territory of Hawaii by the police authorities, the prosecuting officials, and the courts in said Territory, and whether in his opinion any change in the organic law for the Territory is desirable in the interest of prompt and effective administration of justice in said Territory.

Pursuant to the foregoing resolution, I have the honor to transmit herewith the following documents:

A volume consisting of a report concerning law enforcement and crime conditions in the Territory of Hawaii with various and certain recommendations for legislation, contained therein, and including three subreports covering police administration, the administration of the prosecuting attorney's office, the jury system, and the administration of the prison and parole system.

A volume consisting of an appendix of exhibits identified in the foregoing report.

A volume consisting of an index to the transcript of material covered by the investigation.

A volume¹ consisting of a transcript of 15 volumes of statements and interviews covered by the investigation.

A summary of the report above referred to.

Respectfully submitted.

WILLIAM D. MITCHELL,
Attorney General.

¹ Printing not ordered.

SUMMARY

Of Report on Law Enforcement in the Hawaiian Islands, Prepared by
Assistant Attorney General Richardson

GENERAL CRIME CONDITIONS

We found in Hawaii no organized crime, no important criminal class, and no criminal rackets.

We did not find substantial evidence that a crime wave, so called, was in existence in Honolulu, either disproportionate with the increase in the population or when viewed in comparison with crime records in cities of similar size on the mainland.

We found, however, ample evidence of extreme laxity in the administration of law-enforcement agencies.

We found a condition of inefficiency in the administration of justice which, in effect, constituted an invitation to the commission of crime and which had largely destroyed the morale of the law-enforcement agencies, with a resulting loss of public confidence.

We found that such conditions had given rise to a feeling of personal unsafety among a substantial portion of the citizens.

We therefore believe that the unusual conditions of race, society, and industry in the Territory make a continuance of such laxity fraught with much social and political danger.

We found in the Territory no present serious racial prejudices. The races seemed to be still carrying on together with exceedingly little friction.

We are quite cognizant of the suggestion that if the condition of affairs in the islands to-day seems fairly comparable with conditions on the mainland the mainland ought not to ask of Hawaii more law observance than it itself presents.

We appreciate the force of the suggestion, but the following reasons have persuaded us that steps should properly now be taken, when not only Congress but the public is interested in the subject, which will tend to improve things in the future:

(1) The Territory, because of its small area and great isolation, is reasonably capable of more consistent law enforcement than areas of similar size on the mainland.

(2) The Territory's position as a military and naval post of great importance requires a higher degree of law enforcement in order to avoid embarrassment of the military and naval force.

(3) The conditions which we found to exist in the Territory will, unless changed and remedied, quite certainly prevent effective law enforcement in the Territory in the not distant future.

(4) Moreover, Congress has no authority or control over crime conditions or law-enforcement administration in cities on the mainland or in the various State governments. In Hawaii, however, the Congress has full control and may therefore address itself toward

the establishment of such laws and prohibitions as, in its opinion, will create the best possible conditions in the Territory. Congress may not do more than this, and it certainly should not do less.

(5) Finally, the character of the Territorial population, with its oriental and polynesian background, presents such an extraordinary experiment in the development of the American constitutional form of self-government among such peoples that no effort should be spared in providing proper conditions of law enforcement and a suitable administration of justice for the people of the Territory.

In detail:

POLICE

We found the police administration in Honolulu impotent, undisciplined, neglectful, and unintelligent, with its chief concern, political activity.

We found the county sheriff, the head of the police system, wholly inexperienced in police administration.

We found that the governor, aided by organizations and citizens, had, more than a year ago, initiated steps to remedy such situation through the appointment of a crime commission, looking to the enactment of its recommendations into law.

As a result, the head of the police department, formerly an elective official, is now under appointment from a police commission, itself under original appointment from the governor, such commission, in the future to be appointed by the mayor of Honolulu. Residence in the Territory for such chief of police for a period of five years is required.

We regard the step thus taken as an improvement, but as insufficient to meet coming necessities. To be effective the head of the police department should be removed from politics. The racial characteristics of the population, as well as the great political activity, require it. Moreover, in event of a great national emergency in the Pacific area, any police organization subject to political control will make more difficult the task of national defense. Hence, we recommend the appointment by the President, with confirmation by the Senate, of a Territorial police head for the entire Territory, the full power of control and organization to be given to such police head, to the end that ultimately a Territorial constabulary may be formed, similar to the various organizations of State police in various of our States.

Such an organization would be removed from politics and would be in an available position to cooperate with the Government in time of national emergency and would afford to the people of the Territory efficient, independent, reliable, and modern police protection. Such a plan is similar in many respects to the plan originally adopted upon the formation of the Territory of Hawaii, but which has been inoperative since the organization of county government in 1907.

PROSECUTING ATTORNEYS

We found the prosecutions of crime to be in the hands of various county attorneys throughout the Territory. In Honolulu we found an inexperienced, inefficient county attorney, immersed in politics,

his deputies appointed largely for political purposes, with insufficient funds at his disposal to provide suitable deputies. As a result, prosecutions had fallen into disrepute, and there was a lack of public confidence in the county attorney. To remedy such conditions, Governor Judd and various citizens, while pressing the police bill, also pressed for passage by the legislature, early in 1931, a county and city prosecutor bill, and such bill finally passed in January, 1932. The bill as proposed provided for appointment by the attorney general of the Territory, with the approval of the governor, but before passage the legislature changed the mode of appointment to appointment by the mayor, with the right of removal in the governor.

Like the police bill, we are inclined to the view that the prosecutor bill is an improvement over existing conditions; but the office is still in politics, and when the present public interest passes, it will be increasingly so. Improvement in police administration requires a like improvement in prosecuting conditions. The two should go hand in hand. Hence, we recommend the appointment by the President, with the consent of the Senate, of an attorney general for the Territory, who shall be the public prosecutor and, with his deputies, shall have exclusive charge of prosecutions throughout the Territory, superseding all other prosecutors.

Under such an appointment we think politics in the office would be minimized and prosecutions given serious and experienced attention. Such a plan is similar also to the plan originally applicable to the Territory, under legislative act, which also fell into disuse with the coming of county government in 1907.

With these two recommendations, the three great agencies in the administration of law enforcement, to wit, the courts, the prosecutor, and the police, would be directly responsible to the National Government, and, in view of the pressing problem of national defense, racial diversity, and industrial development, together with the surpassing importance of the Territory as a military and naval base, would thus tend to promulgate a feeling of security, safety, and preparedness throughout the Territory and the mainland.

COURTS

We found no serious criticism of the courts.

There are now the United States district court, and the Territorial circuit courts, with separate jurisdiction, and a Territorial supreme court.

The appointment of the judges by the President, with the advice and consent of the Senate, has provided good judges and a minimum of political interference. It is felt, however, that since both the Federal and district judges and the Territorial circuit judges are appointed by the President of the United States, and are paid by the United States, that a considerable saving of expense could be effected by abolishing the United States district court and transferring its jurisdiction to the circuit courts, with an appeal to the supreme court of the Territory, whose decisions are reviewable by the Supreme Court of the United States. Considerable complaint is made of the time and great expense necessary to prosecute appeals from the Fed-

eral district court to the Circuit Court of Appeals of the Ninth Circuit, on the mainland, and the standing of the Territorial supreme court is of such a high nature that that court might well be substituted in the place of the Circuit Court of Appeals of the Ninth Circuit as an appellate court for all island litigation, with review in proper cases by the Supreme Court of the United States. Such a proposal would involve abolishing the offices of United States attorney and marshal, and giving to the attorney general of the Territory, under supervision of the Attorney General of the United States, charge of criminal and civil litigation in which the United States is interested. The present United States district judges could be allowed for the balance of their terms to serve as circuit judges. It is recommended that Congress give consideration to this proposal.

JURY SYSTEM

We found no serious complaint of the jury system. Objections were made on account of the racial make-up of the juries, but the judges minimized such objections. However, there is pending now in the legislature proposed amendments to existing jury laws which, if passed, would make the jury system function as well as any jury system can be expected to function.

PRISONS

The prison system was very inefficient. The high sheriff was by law in charge of the State prison. He was a man entirely without experience or disciplinary ability. The prisoners were improperly guarded, both within and without the prison, and the entire administration of prison affairs was extraordinarily lax. Since July, 1931, however, a new prison board has been in existence, which has made a very careful review of the prison conditions, and on February 24, 1932, this board filed a voluminous report with the governor, pointing out the serious defects and conditions in the prison administration. Unfortunately the board had not been given authority to eliminate such defects or to appoint the warden of the prison. A bill is now pending in the Territorial legislature to cure this lack of power, and if such bill passes the laws covering prison administration will be, in my opinion, sufficient.

PAROLE SYSTEM

The parole system was found to be exceedingly lax. No proper record was kept of paroles, no report of paroled prisoners was required, and only a single parole officer was provided, and his duties were largely "playing politics." There were several hundred paroled prisoners about the Territory, concerning whom no report had been made for years.

The prison board included a report on the deficiency of the parole system in its report to the governor, and steps are now being taken to remedy conditions. It is imperative that more parole officers be provided by the legislature and that greater care be used in granting paroles.

MISCELLANEOUS

We found much prostitution in the Territory, due largely to the large number of single men and the large number of service men stationed within the Territory.

The enforcement of the prohibition law compared favorably with conditions on the mainland. There seemed to be no organized liquor traffic, no large importations, and no criminal liquor rackets. With the active support of the local police force, much improvement can be made in the enforcement of the prohibition law.

We were not impressed with the seriousness of alleged bad conditions on the public beaches. Undoubtedly objectionable incidents have taken place in that regard, but we do not think they constitute a material element in crime conditions in the Territory.

We are strongly inclined to think that a moving-picture censorship ought to be enforced in the Territory in order that the class of pictures that are being shown to the island youth, constituted, as it is, of a mixture of Polynesian and oriental races, might be materially improved.

We do not think the public reports with respect to alleged proclivity of members of the Hawaiian race in sexual crimes is substantiated by the facts. The investigation which we made and the crime tabulations which we prepared do not show that crime, including sexual crime, in the islands can properly be laid at the door of the Hawaiian. He has his place in the picture, of course, but there are other races in the Territory which give more trouble in that regard. After all, the amount of sex crime in the Territory seemed less than reported from many cities and localities of similar population on the mainland.

We found Army and Navy conditions normal. We found no particular racial resentment between the service units and the island population, and while the service units undoubtedly contribute materially to the crime situation in the Territory, we do not think such conditions are any different than exist on the mainland where an equal number of service men are stationed adjacent to an urban population.

We found considerable demand for an appointive commission government for the islands. But the great majority of the citizens of the Territory were opposed to such commission government, and, in view of the fact that the United States has now for 30 years been extending to the Territory a form of local self-government, we are unwilling to agree that the general form of such government should now be changed; but we think that the Federal Government should assume a closer responsibility for the law-enforcement agencies in the Territory, as we have above indicated in our specific recommendations.

We see a very serious unemployment condition looming in the not-distant future. The importation of foreign common labor into the Territory, together with the education of island youth, which results in an unwillingness on the part of the youth to do common labor on the islands, with only two industries, to wit, sugar and pineapples, makes the unemployment situation in the immediate future one of very serious portent.

Something must be done to stop the importation into the Territory of any more common laborers. The Territory must be required to furnish its own island labor on the island plantations. We have made some other recommendations which are referred to in our main report and to which we do not now refer.

So far as existing cases of prominence in which the public has shown much interest are concerned, we have not occupied ourselves with an examination of those cases. These cases will have to be conducted under existing laws, by agencies for the administration of criminal justice, as they now exist. Judges who deal with these cases seem competent. The present prosecutor also seems competent, and it is to be hoped that the courts of the Territory can function fearlessly and efficiently.

We have some apprehension as to the effect upon racial antagonisms in the Territory, due to the violent partisanship existing in the islands with respect to the pending rape and murder cases. What that situation may eventually be no man may at this time intelligently foresee.

It has been therefore our hope that this report which we are making, and the recommendations attached thereto, may result ultimately in a better administration of justice and in improved conditions of law enforcement in the Territory.

LAW ENFORCEMENT IN THE TERRITORY OF HAWAII

I

PRELIMINARY

On January 11, the Senate adopted the following resolution:

SENATE RESOLUTION 134

Resolved, That the Attorney General of the United States is requested to report to the Senate at the earliest practicable date upon the administration and enforcement of the criminal laws of the Territory of Hawaii by the police authorities, the prosecuting officers, and the courts of said Territory, and whether in his opinion any changes in the Organic Law for the Territory of Hawaii is desirable in the interest of prompt and effective administration of justice in said Territory.

Thereupon, on January 14, 1932, the Attorney General, pursuant to such resolution, directed Seth W. Richardson, Assistant Attorney General of the United States, to proceed at once to Honolulu and examine into the conditions affecting law enforcement in the Hawaiian Islands. Such directions of the Attorney General referred specifically to matters involving conditions in the police department, jury system, parole board, and certain narcotic and prohibition matters. (See Appendix, Exhibit 1, p. 171.)

Immediately upon the receipt of Exhibit 1, the following personnel was selected to assist Assistant Attorney General Richardson in the task of complying with the Senate request:

- Charles E. Stewart, administrative assistant, Department of Justice, Washington, D. C.
- Paul D. Miller, attorney, Department of Justice, Washington, D. C.
- Clifford E. Fix, attorney, Department of Justice, Washington, D. C.
- Albert E. Sheets, assistant United States attorney, northern district of California.
- W. A. McSwain, agent in charge, Chicago office, Bureau of Investigation, Department of Justice.
- J. V. Murphy, agent in charge, Department of Justice, San Antonio, Tex.
- J. P. McFarland, agent in charge, Honolulu, Bureau of Investigation, Department of Justice.
- J. L. McNally, clerk to presiding judge, Circuit Court of Appeals for the Ninth Circuit, San Francisco, Calif.
- L. C. Finley, court reporter, State court, San Francisco, Calif.

Every effort was made in Washington to provide the organization with all available books, treaties, reports, and other data bearing upon and having reference to the Hawaiian situation, and an extensive list of such publications was placed at our disposal. (See bibliography list, Exhibit 2, Appendix, p. 173.)

The organization, thus constituted, sailed from San Francisco on the Steamship *President Lincoln* January 29, 1932, arriving in Honolulu February 4, 1932.

Immediately upon arriving at Honolulu, extended interviews were secured from the following persons:

- Governor Lawrence M. Judd.
- Admiral Yates Stirling, jr.
- Maj. Gen. B. H. Wells.
- Mr. Lang, president and secretary, Honolulu Chamber of Commerce.
- Mr. Arthur McDuffy, former chief of detectives, Honolulu police force.
- Mr. Frank Thompson, attorney for law enforcement committee, chamber of commerce.
- Mrs. Harry Kluegel and committee, representing the Citizens' Good Government League.
- Mr. Romanzo Adams, professor at the University of Hawaii.
- Princess Abbie Kawananakoa.
- Mr. Walter Dillingham, president Oahu Railway and Land Co. (Ltd.).
- Mr. Frank Atherton, director, Castle & Cooke (Ltd.).

These conferences, which were participated in by our entire group, covered Friday, Saturday, and Sunday, February 4, 5, and 6.

I determined that the investigation should cover the following conditions and situations in Hawaii:

1. Police and police administration.
2. County and city prosecutor and administration.
3. Jury system and administration.
4. Prisons and parole system and administration.
5. Courts and administration.
6. Crime conditions and records.

A detailed investigative program was then prepared. (See Appendix, Exhibit 5, p. 179.)

It was deemed necessary, in order to cover the entire field expeditiously, to divide the investigating group into units, and the following assignments were made:

Police and police administration: Mr. Miller, Mr. McSwain, Mr. Murphy.

County and city prosecutor and administration and jury system, and courts: Mr. Sheets, Mr. McFarland, Mr. McNally.

Prisons and parole system and administration: Mr. Fix.

Each of such units has submitted to me its report, which are attached hereto, under the following text reference style:

Part I. Police report.

Part II. Prosecutor and jury report.

Part III. Prison and parole report.

The general subject of crime conditions and records was embodied within the scope of all assignments, and Mr. Stewart's and my own participation covered all fields of the investigation.

A multitude of persons were interviewed under the above program. (See list, appendix, Exhibit 3, p. 175.)

A great many organizations were contacted. (See list, appendix, Exhibit 4, p. 178.)

Such method of examination was supplemented with personal visits to the city and territorial offices, the courts, the police offices, the prisons and jails, and various other places, together with personal observations in and about the city of Honolulu at various times of the day and night.

We received the fullest cooperation from practically all persons and agencies contacted, and particularly from Governor Judd and his staff.

Various Federal officials, and particularly United States Attorney Sanford B. D. Wood, as well as the Federal prohibition unit, in charge of Capt. W. P. King and Colonel Herbert, rendered us frequent and valuable help.

Attached to this report, as a transcript, is a substantially accurate report of most of the various interviews secured by us, disclosing information, suggestions, opinions, and advice, and statistics, emanating from practically all the various racial and social elements in the Territory, upon most of the phases and conditions of law enforcement.

II

DESCRIPTIVE

The Hawaiian Islands consist, in chief, of eight islands, in order as follows: Nihau, Kauai, Oahu, Molokai, Lanai, Maui, Kahoolawe, and Hawaii.

In 1931, the total population of the islands was about 375,000. Of these islands, Hawaii is the largest, containing more area than all the others together. The islands of Nihau, Lanai, and Kahoolawe, while important in the group, are without importance in considering the problems here involved.

The islands of Kauai (population 35,000) and Maui (population 48,000), containing only small urban populations, necessitates lesser attention in this report.

The island of Molokai (population 5,000) is important largely as the location of the well-known leper colony, and because of certain Federal land and homestead developments there.

The island of Hawaii has a population of about 75,000 and has one city, Hilo, with a population of approximately 20,000 people.

The island of Oahu has a population of over 200,000, of which approximately 150,000 reside in Honolulu.

The controlling importance of Honolulu, embracing nearly half of the entire population of the whole islands, is thus manifest, and an investigation into law enforcement conditions in Honolulu has occupied by far the larger proportion of the time and labor of our organization.

HISTORY

The islands are said to have been discovered by Captain Cooke in 1778. The island government remained in the hands of the natives of the islands, under monarchical form, until 1894, when a successful revolution headed by Sanford Ballard Dole overthrew the monarchy and caused the establishment of a republic. Annexation to the United States was offered and refused during the Cleveland admin-

istration, but during the succeeding McKinley administration was consummated, and since 1898 the islands have constituted a Territory of the United States by annexation.

LEGAL STATUS

Some question has arisen whether the islands are properly an incorporated Territory or merely a foreign possession of the United States. I am inclined to the view that in view of the decisions of the Supreme Court of the United States, the status of the islands is that of an incorporated Territory. (*Downs v. Bidwell*, 182 U. S. 244; *Hawaii v. Mankichi*, 190 U. S. 197; *Farrington v. Tokishege*, 273 U. S. 284.)

LOCAL CONDITIONS

Certain local conditions appear from a study of these islands.

The chief financial and industrial powers in the islands are commonly said to rest in five large companies, locally referred to as the "Big Five." The members of this group are as follows: Alexander & Baldwin (Ltd.); American Factors (Ltd.); C. Brewer & Co. (Ltd.); Castle & Cooke (Ltd.); Theodore Davies & Co. (Ltd.).

These companies are said to control the sugar interests of the islands and act in the capacity of factors or agents for the plantations. Each factor has a list of plantations for which it acts, and in which it is largely financially interested. The factors furnish fiscal resources for the extended plantation work.

Outside this group are the various companies making up the so-called "pineapple interests," as well as the Dillingham interests, which control the railroad facilities of the islands. Probably these latter interests have also material holdings in the companies which make up the "Big Five."

The so-called "Big Five" have become unified and interlocked to an unusual degree, through intermarriage and interlocking directorates, until the financial control of the islands is largely in the hands of one relatively small, general business group. (See Exhibit 6, Appendix, p. 185.)

The value of the 1931 sugar crop is estimated at about \$66,000,000 and that of the 1931 pineapple crop at about \$30,000,000.

INDUSTRIES

In the main, the islands present only two large, basic industries, sugar and pineapples.

As such industries have a direct application to the future of law enforcement in the Territory, I discuss them fully.

Neither industry appears native to the islands, both having been "imported," and the records indicate that both industries have been brought to a very high degree of perfection.

Both industries have been generally profitable in the past, resulting in the accumulation of large fortunes by the owners of the controlling factors, although both industries, under the present depressed conditions of business, are having temporary financial difficulties. So far as the plantation investment is concerned, it is as-

serted that, in 1931, as a whole, the industry returned less than 6 per cent profit.

The industrial development of the islands has been largely the work of these financial groups, and the prosperity of the people of the islands depends to a large extent upon the success of such industries.

They furnish, in the main, through taxes, the money which is running the Territory, which is building up the city of Honolulu and the other cities throughout the islands, and present by far the largest source of employment available in the islands.

It is insisted that the sugar and pineapple industries, can not be carried on in an individual way, and that close powerful control is necessary to enable the industry to operate at all. The tariff advantage possessed by Hawaiian sugar, in regard to sugar shipped to the mainland, is of incalculable benefit to the Hawaiian sugar industry.

The terrain of the islands is remarkable. The entire islands are of volcanic origin, and the land consists wholly of more or less ancient lava flows. Following a lava flow, the lava, when subject to climatic and atmospheric conditions, combined with the passage of great periods of time, disintegrates, and eventually becomes subject to cultivation. Physical conditions of such cultivation, compared with the cultivation of our ordinary farming land on the mainland, are extraordinary. To one unaccustomed to such soil conditions, the successful cultivation and farming of such land would seem impossible. Certainly, it requires an extraordinary amount of labor and preparation in order to make the land arable.

On the islands of Kauai, Oahu, and Maui crops are raised through irrigated methods, while on Hawaii irrigation is not generally used. Inasmuch as it takes 18 months to develop a crop of cane, three crops are in process of development at different stages during the same period.

Thus, from the character of the soil to be handled, the necessity for irrigation, and the carrying expense necessary under such a long crop period, the gross expense superimposed upon successful agriculture in the islands is very great. For instance, with respect to the Waialua plantation, on Oahu, it is stated that the water system necessary to irrigate approximately 9,000 acres of land involves an investment of approximately \$1,500,000.

As a result of such a condition, it is forcefully asserted that successful individual farming operations in the Territory are largely impossible. I was able to find no particular development along the lines of homesteads on any island except Molokai.

On Molokai the Territory has developed a program of homesteading originally intended to produce garden vegetables for local consumption. It was found that the homesteaders could not successfully compete with the California growers who shipped into the Honolulu market. Such homesteaders thereupon turned to pineapples and, through the negotiation of long-time, valuable production contracts with the pineapple interests, have been able to carry on successfully. With the slump in pineapples, however, the future of such homesteaders eventually is in considerable doubt—a fact which has caused the Territorial government to stop any further

development of homesteads on Molokai until the ultimate success of the present homesteads becomes assured.

It is asserted that prior to the amalgamation of the sugar interests under the control of the so-called "Big Five" the sugar industries were uniformly unsuccessful; that only through close organization formed with large financial resources was the sugar industry eventually able to stand as a profitable industry in the Territory. The sugar interests called my attention to a claimed illustration of the foregoing assertions. On the island of Hawaii there was for many years a well-known plantation known as the Waiakea plantation. The land was owned by the United States through the Territorial government and was leased to the sugar interests, with a result that the plantation returned very large dividends for many years. Under the law, upon the termination of the lease, the Territorial government was required, on demand, to divide the plantation up into homesteads for individual farming. This was done, and since such division the plantation has practically collapsed, no dividends have been paid, and the only hope had for the homesteaders is said to be the taking over of the plantation by the sugar interests under its customary method of operation. (Vol. 8, 856, Trans.)

The contentions thus made by the sugar interests, to which I have just adverted, are here presented in considering the propriety of the very obvious closely centralized industrial control of the sugar interest in the islands. In other words, the contention is that while such a monopolized control might be objectionable elsewhere, it is absolutely necessary in connection with the development of plantation industries in the Territory of Hawaii. Thus such industries, controlling the great question of living conditions and employment, are an important factor in any problem of law enforcement.

RACIAL SITUATION

The pure Hawaiian population in 1830 was estimated at approximately 130,000 people.

Because of disease epidemics, probably brought by the white race, and the effects of a change to the so-called Caucasian way of living, by 1872 this number had dwindled to about 56,000. Probably the greater part of such persons were pure Hawaiian.

By 1931 the Territorial population had increased to 375,000, but the number of pure Hawaiians had decreased to approximately 22,000, a loss in numbers during a century of more than 100,000 persons, calculated on the basis of pure Hawaiians. Thus increase in population was due to the number of alien laborers brought in, as discussed below.

Apparently, the Hawaiian did not readily respond to hard labor on the sugar plantations. It is pointed out with some force that the Hawaiian race has never exhibited a willingness to continuous hard labor.

While this point is in some dispute, I think it may be fairly said that the laborious work is, by and large, not in the hands of the Hawaiian group.

Naturally, in the former days under the monarchy excessive labor was not necessary to provide that living which the Hawaiian desired, so he can hardly be blamed for a lack of enthusiasm in adopting the white man's desire for strenuous labor.

Such fact is asserted to have impelled the sugar interests early in the history of the industry to look elsewhere than to the Hawaiians for their laborers. Such labor must be cheap, reliable, and physically fit, and the result was that the employers looked abroad for laborers, and the increase in population above noted was due largely to the importation of foreign labor. The first importations consisted of Portuguese brought from Madeira and the Azores in 1877. In 1878 the Chinese and Koreans came, and later large importations of Japanese.

The continued importation of Chinese and Japanese having been stopped by the laws and national agreements of recent years, importations became largely Porto Rican and Filipino, with by far the largest importations coming from the Philippine Islands.

The result of this thus long-continued policy of labor importation was to populate the Territory of Hawaii with a large heterogeneous population, now part citizen, part alien, which makes peculiarly applicable to the islands the appellation of "the melting pot." Whether it successfully "melts" is in serious dispute.

The governor's report for 1931 fixes the present racial group population as follows:

Japanese.....	143, 754	White-Hawaiian	16, 454
Filipino.....	66, 049	Asiatic-Hawaiian	13, 549
General white.....	41, 968	Porto Rican.....	6, 886
Portuguese.....	28, 219	Korean.....	6, 583
Chinese.....	27, 317	Spanish.....	1, 255
Hawaiian.....	22, 931	All others.....	786

The dominating size of the Japanese block, and the absence of any large number of Japanese mixed bloods, is at once apparent.

The total of Japanese, Chinese, and Filipinos, all of which races may perhaps be styled "Asiatic" population, is approximately 237,000 persons, or about two-thirds of the entire population, and this without considering the Asiatic-Hawaiian group of approximately 13,000.

With Filipino immigration still open, and the high birth rate of oriental peoples, the racial future of the islands presents an arresting situation, worthy of thoughtful study. The figures showing Filipino immigration for the last five years are attached. (See Exhibit 7, p. 185, appendix; Exhibit 10, p. 196, appendix.)

The employing industries claim that such continued importation is necessary to provide sufficient common labor, and assert that the island-born youth is being educated away from plantation work, and may not be relied upon as a dependable labor supply. It is certain that but a small percentage of present plantation labor is island born.

Practically none of this racial population thus shown is due to natural immigration to the Hawaiian Islands. It has been directly caused by the controlling financial group of sugar and pineapple interests, with a claimed result that the operations of such interests have been as widely developed as the available lands in the islands will permit, to the end that practically all of the industrial life of the islands to-day is dependent upon the operation and welfare of these selfsame industries.

The matter of resulting unemployment, due in a large part to the subsequent refusal of a portion of the laborers thus imported to continue work upon the plantations, is one of the major problems confronting the Territory to-day.

Thus, although the Japanese were originally brought in to work on the plantations, now, with nearly 150,000 (privately estimated) in the Territory, less than 10,000 are on the plantations to-day.

The unemployment problem is elsewhere discussed (p. 37).

GOVERNMENT

Vigorous claim is made by naval and military authorities, that the attachment of the islands to the United States, through annexation, was basically for military and naval purposes, that is, in the interest of national security, and it is insisted that government in the islands should be rigidly confined to a commission form, on which commission, the Army and Navy should be adequately represented. Civil rights of self-government, it is asserted, should follow the establishment, as a fact, after an experience of years, that the aforesaid polyglot oriental and Polynesian population, may be and actually is, loyally amalgamated into the American theory of constitutional government. (Exhibit 11, p. 197, Appendix.)

Whatever may be said for such a contention, following annexation, our Government did not take that view of the situation, and initiated the usual American form of government. The question is elsewhere further discussed (p. 42).

The government of Hawaii is modeled after the government of most of the American States. It presents the usual outline of a government of three coordinate divisions—the executive, the legislative, and the judicial.

EXECUTIVE

The head of the executive department is the governor, who, together with the secretary of the Territory, is appointed by the President of the United States, with the advice and consent of the Senate.

The secretary of the Territory corresponds somewhat to the combined duty of a lieutenant governor and a secretary of state, under the usual State form, except that the secretary of the Territory does not preside over either branch of the legislature.

The appointive power of the governor is very extensive. Most of such appointments require the consent of the Territorial senate. Unfortunately, the consent of the Territorial senate is also necessary in the event the governor decides to remove an appointee.

The governors of the Territory have always been of the white race, and have usually been selected from the ranks of the prominent business men of the Territory.

The attorney general is appointed by the governor.

LEGISLATIVE

The legislative branch consists of a senate and a house of representatives, the senators being 15 in number and the representatives 30. Such senators and representatives are selected under a fixed apportionment, which results in the senators and representatives from other portions of the Territory than the island of Oahu and the city of Honolulu numerically controlling both branches of the legislature, notwithstanding the fact that a majority of the inhabitants of the Territory live on the island of Oahu. All attempts to secure a new apportionment have failed, notwithstanding the fact that the organic act requires a new apportionment.

The claim is made that the last census was so defectively taken that the method of apportionment set forth in the organic act can not be lawfully effectuated.

Because of the control of the legislature in the outlying districts, it is claimed by many that the financial interests, which, it is argued, quite completely control the activities of such outlying districts, are able to exercise, when deemed necessary, a very effective control over the operations of the legislature. If this be true, I am inclined to think that such a situation would not be changed by a new apportionment increasing the representation of Oahu and Honolulu, as such control seems as possible in Honolulu as elsewhere. The fact of control is as vigorously denied, as it is asserted, by various residents of the Territory. (See vol. 4, p. 693, and vol. 5, p. 942, Trans.)

The present howl over high taxes, made by the sugar and pineapple interests, throws some doubt on the actuality of the political supremacy of the so-called "Big Five."

The make-up of the senate and house, its officers and committees, is quite similar to that in the legislatures of most of the States.

JUDICIAL

The judicial department consists of a supreme court, a circuit court, and a district court.

The supreme court consists of three judges appointed by the President of the United States for a term of four years.

The circuit judges for the island of Oahu are four in number, and are also appointed by the President and serve for a term of four years. Other circuit judges are appointed for the other counties.

The district judges, who are equivalent to what we know as police magistrates, have a limited civil and criminal jurisdiction, and are appointed by the chief justice of the Territorial supreme court. Unquestionably there is a great superfluity of such district magistrates. Their salaries are uniformly high, and at least half of the incumbents could easily do all the necessary work. (Vol. 14, 3074, Trans.)

The circuit courts are the nisi courts, and one of the judges of such courts (Watson) sits as a juvenile court and domestic relations judge, handling such cases exclusively.

In addition to the foregoing system of Territorial courts, there is also established for the Territory, a Federal court, consisting of two judges and the usual court machinery, which operates with the usual jurisdiction and procedure of the ordinary Federal district and circuit court.

It has been suggested with some force that, since both the Federal district judges and the Territorial circuit judges are appointed by the President of the United States usually from Island sources, and are all paid by the United States, that a considerable saving in expense would be effected by the elimination of the Federal court, placing all the work upon the circuit courts, with an appeal to the supreme court of the Territory, from whence cases could go to the Supreme Court of the United States, upon certiorari. Considerable complaint is made that the loss of time and great expense necessary to prosecute an appeal from the Federal district court to the circuit court of appeals of the ninth circuit on the mainland, is practically prohibitive of appeals, and the standing of the Territorial supreme

court is of such a high nature, that that court might well be substituted in the place of the circuit court of appeals of the ninth circuit as an appellate court for all island litigation, with a direct review upon certiorari in the Supreme Court of the United States. At any rate, there seems to be no necessity for two Federal judges for the Territory.

COUNTY GOVERNMENT

It will be observed that the general Territorial government does not greatly differ in form from the usual State government. The county government, however, shows considerable differences. The functions of a county government in the Territory are much more extensive and elaborate than county government is on the mainland.

The Territory operated for a number of years after annexation without county government, but approximately 25 years ago, a system of county government was inaugurated under which the Territory was divided into four counties. Considerable dispute exists as to whether the change thus made was an improvement. Certainly it has resulted in a greater expense of administration.

The island of Oahu and the island of Hawaii each practically constitute a county, while the remaining islands form the other two counties. The boundaries of the island of Oahu and the city and county of Honolulu are coterminus, and embrace the entire island of Oahu.

In the other counties, save the city and county of Honolulu (Oahu), no municipal government, as such, exists, all government being furnished through the county government.

On Oahu, because of the presence of the great city of Honolulu, some municipal government is provided for. Provision is made for a mayor and board of supervisors who are elected every two years. In addition thereto, an attorney, sheriff, clerk, treasurer, and auditor are also elected. Dispute also exists as to the necessity for such municipal machinery. Salaries are inordinately high. A magistrate receives \$6,000 per annum, and the chairman of a county board of supervisors gets \$5,400. In Honolulu, it amounts to \$7,000, and the prosecuting attorney gets \$7,200, while all the United States attorney (paid by the United States) receives is \$5,400.

The resulting make-up of the city government is not basically different from that found in municipalities of similar size on the mainland.

The usual municipal departments exist, with the usual fire department and police department.

While the attorney general of the Territory seems nominally under the law, to be in charge of all prosecutions, the actual duty of prosecution falls upon the county prosecutor, who functions in that respect without any particular contact with the attorney general. In many respects, the situation is not dissimilar to the situation in various of our own States with respect to the relations existing between the attorney general of the State, and the various county attorneys, so-called.

The qualifications for jurors is about the same as on the mainland, with a further provision requiring a proportionate number of electors to be chosen as jurors from each voting precinct. This per-

mits, in view of the fact that some of the voting precincts are practically all racial, the existence of an overwhelming percentage of nonwhite jurors. In view of the fact that a great part of the litigation, and particularly the criminal litigation, involves other than white persons, the matter of mixed juries is a question of much discussion among the lawyers and litigants in the Territory. (See vol. 7, p. 1412, transcript.) This question, as well as the proposed changes in the jury laws, now before the legislature, is discussed hereafter (p. 22).

The prison system consists of a Territorial prison, located in Honolulu, run by the usual prison management, the high sheriff of the Territory being in legal charge of the prison. Considerable complaint exists with respect to the prison management and operation, and radical legislative changes are contemplated. This will be discussed hereafter (p. 23).

A parole system for offenders is provided, supposed to be superintended by a parole board, the operations of which have caused much complaint in the islands. This is elsewhere discussed.

Within the municipal government, provision is made as above stated, for a police organization, the county sheriff, an elective officer, heretofore having had the duties of chief of police. There are the usual deputies, and the police department presents the usual structure of a so-called detective bureau, and a body of ordinary police patrolmen. Since the functioning of this police department is a very controversial matter in connection with our investigation, a full discussion of such police administration and recent changes therein, is hereinafter submitted.

POLITICAL PICTURE

The political set-up in the islands is quite similar to that found in the various States. The contending factors are the Republican Party and the Democratic Party, and an extremely active interest is taken in the various political situations, and in the various elections held. It is everywhere conceded that the Hawaiian is exceedingly interested in politics, takes to the political game naturally, and wields, in effect, the controlling influence in the elections, with the result that by far the largest proportion of county officers is held by the so-called Hawaiian group, which embraces not only full-blooded Hawaiians but the various Hawaiian-blood mixtures.

CITY OF HONOLULU

Considerable mention has also been made of the importance of the city of Honolulu in the Territory of Hawaii. It embraces, as we have seen, nearly one-half the people of the Territory and contains within its legal limits the entire island of Oahu. It claims to be in all respects a modern, up-to-date city, with all the appurtenant advantages which usually pertain thereto.

It is said that the number of ships which enter and leave its harbor is exceeded only by the number entering and leaving the harbor of New York. It has an up-to-date street-car system, water supply, and school system. There is hardly a municipal activity which may be found in any of the mainland cities which is not in existence in

Honolulu, under elaborate and advanced laws and rules with respect thereto. This includes a system of workmen's compensation, as well as old-age insurance, and the like.

Immediately adjacent to the city of Honolulu are several military reservations, consisting of Schofield Barracks, Fort Shafter, Fort Armstrong, Fort de Russy, Fort Ruger, Fort Kamehameha, and Luke Field, which present a military organization of approximately 15,000 men, the largest concentrated military organization of the United States at the present time.

There is also an extensive naval force with its control of operations at the famous Pearl Harbor base, which force aggregates 4,000 men.

It is at once apparent that some of the law-enforcement problems of Honolulu are materially complicated by the presence of such military organizations immediately adjacent to the city.

EDUCATIONAL INSTITUTIONS

The Territory of Hawaii has a modern, up-to-date university, which is accommodating approximately 1,500 students. The usual degrees are granted, and the institution is in good condition.

The public schools of Honolulu are modern and up-to-date, and the amount of money spent for education, per capita, is said to be larger than that spent in the usual American jurisdiction. Considerable interest exists in the educational curricula, due to the claim that they are ill-adapted to the needs of the Territory.

There are several private schools of high grade, including the Kamehameha School for Boys and the Kamehameha School for Girls, very completely endowed institutions of high grade (Hawaiian), which function under the auspices of the Bishop Trust Estate, a private agency.

Very advanced steps have been taken in the city in the establishment of recreational playgrounds, and an extensive park system is being maintained. Social-survey work is carried on by an especially competent staff, and corrective institutions, for both boys and girls, are maintained by the Territory. The Palama Settlement, of a social-service nature, is really a magnificent institution, and is privately supported. (See p. 1567, vol. 8, transcript.) Remarkable interest is maintained in the scout movement, for both boys and girls, of all races, without any distinctions of color or social status.

SPECIAL CONDITIONS

It may be well to here observe that the Territory presents some quite unusual conditions, which materially affected our operations.

(1) The existence among a majority of the population of different sexual standards than customarily had by Caucasians.

(2) An oriental type of mind on the part of a majority of the people, exceedingly observant of the example of the white race, and particularly affected thereby, coupled with considerable difficulty on the part of the Caucasian in fully understanding and comprehending the oriental complexes.

(3) An unusually large proportion of young male persons of low intellectual grade and uncertain moral standards. (See Pt. I, p 67.)

(4) A comparatively small number of unusually influential Caucasians.

(5) A large number of young, unmarried men in the service of the Army and Navy, tributary to Honolulu.

(6) A majority of the electorate with an acquaintance with the American system of government only since annexation in 1898, or with a recent oriental governmental background.

(7) An extraordinary concentration of business and industrial control.

(8) An extraordinary Territorial isolation, intensified by the distance from the mainland, the lack of contact with other peoples, the absence of national voting power, and an inordinate local pride.

Essentially enveloped in such general picture is the aspect of the Territory as an essential military outpost of the United States, as well as the presence of the power of complete governmental control on the part of the Congress, through the power to amend the Territory's organic act.

Thus the familiar contention "things are no worse than on the mainland" is not entirely satisfactory.

National security must be paramount in such a vitally important strategic military outpost. What might be "good" on the mainland might be disastrous on a military reservation.

And bad conditions in a mainland city, not under the control of the Congress, does not quite measure the duty placed upon the Congress through the power to establish governmental control in the Territory through change in the organic act.

I desire to keep the foregoing "phase conditions" in mind as my report progresses.

III

ULTIMATE OBSERVATIONS ON CONDITIONS

The Senate resolutions covered two propositions: (1) Law enforcement, and (2) changes in the organic act.

Very properly the Senate pointed out in its resolution the three great agencies necessarily involved in the problem of law enforcement, to wit, police, prosecution, court administration.

We have endeavored to survey these great agencies in detail, and my conclusions are herein presented.

The conditions which we did *not* find existing in the Territory appear fully as interesting as the *existing* conditions.

FAVORABLE CONDITIONS

We found in Honolulu and the Territory, no considerable organized crime, graft, or corruption.

We found no considerable known or reputed vicious criminal element, nor any powerful so-called underworld influences, at all organized in character.

We were unable to establish the existence of any wealthy or powerful class of lawbreakers, nor did we find any formidable organized opposition to good government.

There seemed to be no extensive organized violation of the prohibition law, and there seemed to be no evidence of the existence of so-called criminal rackets.

We were unable to establish the charge of illegal or fraudulent elections, or any corruption of the electorate.

There was little extreme poverty or suffering, and there was everywhere displayed profuse expressions of complete loyalty and affection for our Government.

Indeed, from my observations, it would be hard to find a community on the mainland in which the claim of loyalty to our Government is more continuously expressed by the citizens than in the Territory of Hawaii.

The business houses, the atmosphere of society, the churches, the schools, the civic movements, all seemed in their essence, typically American, of high grade and intelligence.

We found the medical profession active, and well equipped with modern hospital facilities and clinics.

The bar association was active and the membership of high grade. Social work, such as the Young Men's Christian Association, the Young Women's Christian Association, scout work, Salvation Army, was in an advanced state of development.

The public and private school system seemed modern and adequate. Indeed the claim was prevalent that the school system was entirely too modern for island conditions of ultimate employment.

The press of the Territory seemed to be of a high order, well conducted and edited, and responsive to local conditions.

The recreational work for young people was exceptional in its extent and equipment, and seemed adequately financially supported.

The people in control of the financial interests, and considerably potent in Territorial affairs, were highly respected, personally, and were conceded to be benevolent, clean, and public spirited.

There were no labor troubles, save unemployment, and the Territory teemed with pride and self reliance.

Racial intolerance was at a minimum, and serious racial resentments seemed infrequent. Everywhere I saw the races mixing freely, from the children in the public schools to the golf courses and places of amusement.

We found no report of religious bigotry or dissension and the church memberships seemed large and interested.

Physically the cities and country as a whole was extremely clean, well kept, and prosperous looking. Apparently every available acre of arable land was in cultivation, as a result of prodigious labor and effort, and with remarkable production results.

Thus, externally, there was much to support the claimed title "The Paradise of the Pacific."

UNFAVORABLE CONDITIONS

Yet we found many troubles present, despite the foregoing pleasant picture. I am strongly inclined to the view that the complete, complaisant acceptance of the foregoing picture by the citizens of the Territory has caused and is still causing much of the Territory's present troubles.

The contemplation of these material evidences of fine territorial accomplishments, I think, has blinded the eyes of the people in the islands to the existence of other ominous signs of actual and potential danger.

The greatest trouble with the Territory, particularly Honolulu, I think, is *laxity in governmental and administrative affairs*.

Almost every element in the political, social, and moral life of the Territory is more or less subject to the charge of laxity.

The population is complex, polyglot, and chiefly oriental and Polynesian.

The climate is semitropical, with the usual tendency toward, as well as the claimed necessity of, consequent greater relaxation on the part of the inhabitants. The climatic benignity affords unusual opportunity for pleasure, with consequent increased activity in recreations, resulting in limited hours of labor.

So far as the Hawaiian is concerned, in his former monarchical background, life was simple and the rulers of the country were supposed to look after the subsistence of the people. Something similar by way of support seems expected of the present government. An entirely different sexual standard prevailed, with a consequent essential effect on the racial disposition in sex relations. The disposition thus developed was friendly, trustful, emotional, and lax, and the characteristics still potentially prevail.

We found considerable differences of opinion to exist with reference to a proper estimate of the racial characteristics of the Hawaiians and part-Hawaiians. The Kamehameha schools are wholly devoted to the bringing up and education of Hawaiian and part-Hawaiian boys and girls, and the work of these schools has, in my opinion, afforded the best fact basis for an opinion as to the Hawaiian disposition and character. In that connection, attention is specifically called to the statement of President Midkiff and Principal Schaeffer. (Tr., vol. 8, pp. 1547-1649.)

The Hawaiians can not be thus disposed of as an absolute class. There are among the members of the Hawaiian race in Hawaii men of the very highest character, education, and attainments, who are the equal, in all respects, of any members of the white race in the Territory. Such men as George I. Brown and S. W. King are conspicuous illustrations of some of the prominent members of the Hawaiian race. Princess Kawanakoa is a Hawaiian woman of the highest mental attainments. Her presentation of the position of the Hawaiian race in the Territory at the present time is exceedingly well stated. (Tr. vol. 3, p. 475.)

It seems pertinent here to refer to the stories recently published in the press throughout the country tending to indicate that the Hawaiian and part-Hawaiian presented an unusually dangerous, lawless, and vicious criminal complex, particularly along sexual lines.

I do not think that this report and estimate is accurate. I do think the Hawaiians have a different sexual standard than we have and that the act of sexual intercourse is not, in and of itself, so vitally regarded as is customary among white races, but I found no reason for believing that the result of such a different standard predisposes the Hawaiian to violent sex crime or other outrages of that sort. Unquestionably the old condition of affairs referred to by Governor

Judd in his statement (Tr. vol. 1, p. 1) with respect to the original abhorrence of the Hawaiians toward forceable sexual assaults no longer exists. The present-day Hawaiians do, in some instances, commit these abhorrent crimes, but I do not think it is just to claim that the Hawaiian people generally have any unusual tendency toward the commission of such crimes or, in fact, from the record show as much tendency toward such crimes as do either the Porto Rican, the Filipino, or the Portuguese. From such limited comparison as we were able to make with the mainland the Hawaiians seem to have a lower rate of forceable sex crimes charged up against them than exists among white people in many communities on the mainland.

The racial proclivity to crime in the Territory has been the subject of a group of 29 charts, which charts, I think, tend to support the contention which I have just advanced. (The 29 charts are attached in the appendix as Exhibits 12 to 40, incl., pp. 200-242.)

Hence I think an injustice has been done to the Hawaiian race by the sensational stories which were extant a couple of months ago.

But with the racial mixture of Polynesian and oriental bloods and with the coming of serious racial resentments or antagonisms, any prolongation of the laxity or apathy in the enforcement of law and order might cause speedy disaster.

The orientals are also different in their background. Like the Hawaiians, they have a different standard of sexual conduct than ours and are not imbued with our ideas of stress and endeavor, and exhibit that inclination to let administrative things "go slack," said to be indicative of the Orient.

The perpetuation of such an atmosphere of laxity has probably been aided by surrounding physical conditions.

The Territory is small and isolated. These islands are probably the most isolated important Territory on the globe. The Territory is not integral but is divided up into various islands, thus multiplying political agencies of government. The population of the islands has become, nevertheless, singularly closely interwoven.

The original missionary element produced children who even more actively developed the commercial interests of the islands than their forbears had developed the religious aspirations of the people. Thus these long-established residents became the chief employers in the islands, owned or controlled most of the land, with a resulting intimate acquaintance and association between all classes of people, quite unusual in degree.

The absence of serious racial discriminations through the years, with little trouble through racial antagonisms, has brought the entire population into close friendly contact in the public-school system, as well as in business affairs, with consequent lasting acquaintances, friendships, and associations resulting therefrom.

Essentially involved in this picture is the extraordinary unity of the business interests of the islands, coupled with a consequent unusual unification of control.

This physical unity of control is intensified by the great limitation in number (two) of island industries, together with the development of such control through intermarriage, by school life and association, by constant personal contact in the limited island Territory, by the political life and activity in the Territory, which directly affects

the business interests. Then there is the ever-present local-pride complex, swelled by such close acquaintance, limited Territory, and centralized control.

In such a picture there is, I think, every inducement to a laxness in the administration of public affairs. "What is the Constitution among friends?"

As might naturally be expected, there was early exhibited by the people of the Territory, an intense aversion to the "carpetbagger." Of course, save the Hawaiians, everyone else partook somewhat of the the nature of a "carpetbagger," but to-day the distinction seems to have a difference. Any suggestion for the appointment of a non-resident official for the Territory naturally meets with a storm of opposition, now expressed to the limit in the territorial laws, which try to make it certain that all political and administrative positions in the Territory shall be filled from the ranks of present residents of the Territory.

The result has been that because of the limited original white stock, and the natural difficulty of developing the inexperienced Hawaiian and oriental stock to an appreciation of American governmental and political principles, a condition of political "inbreeding" seems existent. A lack of new political blood and a want of a detached viewpoint in political and Government affairs, seem apparent.

I was much impressed with the difficulty which the Territory was experiencing at the time of my visit in securing high-grade, experienced candidates for the judicial vacancies and the new prosecuting attorney position. Apparently, the more experienced men deemed such public service unprofitable, and apparently expected the President, as a direct result, to appoint inexperienced men, with the hope that they might gain experience in the future, at the expense of the Government, to say nothing of the litigant.

I have mentioned above the aversion in the Territory to the "carpetbagger," but it probably would be a good thing for the Territory if the "powers that be" in the Territory were admonished to either present experienced men, residents in the island, for these judicial vacancies, etc., or take the chances of having some one appointed from the mainland, i. e., a "carpetbagger." This would require amendment of existing acts, which now require residence in the Territory before appointment.

In other words, in that way the President might be assured that the proposed candidates from the Territory were of the best grade of men there, or feel fully at liberty to make the appointment direct from the mainland.

The white citizens, claiming to be the dominant race, are in entire control industrially, and apparently have until recently been quite content, or possibly afraid, to attempt to change the method of political administration which has grown up through the years. The political picture bears no marks of the unusual intelligence which distinguishes the industrial picture.

In such conditions I think it is impossible to expect political affairs to remain in status quo. There is a tendency to recedence, to looseness, and laxity seems to follow.

To such a condition the essential Hawaiian disposition of kindness and tolerance, plus an essential difference in moral and sexual

standards, directly contributes. As we Caucasians view such standards, they seem lax, and our own laxity increases precisely as we accept such laxity in others. While the white race affects the Polynesian and Oriental, in turn such races leave their imprint on the white race. An inferiority complex in the racial groups follows, and the resulting effect upon the controlling white group induces a fear of the development of new ideas, advance in affairs becomes more difficult, and general relaxation is a result of such mixture of ideas and ideals of government as well as of morals and sex relations.

And the political life of the Territory has likewise contributed to the general flood of laxity. Because of the necessity of catering to the large Hawaiian vote, as well as because of an evident feeling of public obligation to the Hawaiian, the great majority of political offices in the Territory are held by Hawaiians, chosen without much interest in the question of personal ability, with a consequence in many instances, of a lack of seriousness in the administration of the duties of such offices.

The Hawaiians have many fine and admirable qualities, but exactness and discipline seem lacking. As a rule, well led and disciplined they perform satisfactorily, but relying on them for leadership and discipline is usually disastrous.

This point is particularly illustrated in the consideration of the Honolulu fire department. This department is a model department exhibiting unusual efficiency, and seems utterly free from most of the objectionable conditions which exist in the police department, although the racial personnel of the two departments is practically identical. The vital difference is that the fire department has disciplined, aggressive leadership, with the asserted beneficial effect upon the individual members of the department.

In ordinary employment, however, in stores, offices, banks, and other places where steady, continuous regularity of employment is essential, the Hawaiian seems to have lost out. The Japanese and the Chinese seem to possess greater qualifications of responsibility and persistency, and for that reason have practically driven the Hawaiian youth out of such occupations.

As a result, as claimed by Princess Kawamanakoa (Tr. vol. 3, p. 476), the Hawaiian has been forced to turn to politics and political and public jobs for his general livelihood. Unquestionably the Hawaiian holds a greater majority of such positions, but I am very strongly inclined to the view that the prospect of less arduous labor, and the native Hawaiian delight in politics, has attracted him to the political employment field from choice rather than from necessity.

No serious attempt seems to have been made by the dominant Caucasian group to consider the capability of the officeholder, due quite possibly to absorption in business and a lack of personal political interest.

The result is an excessive interest in politics, particularly on the part of the Hawaiians, not for governmental reasons but as a means of livelihood, with a result that political activities paralyze the administrations of most of the important political offices in the Territory, and the loss of governmental perspective on the part of the average citizen, coupled with his insular self-pride, has until recently prevented any serious attempt to remedy the situation. Salaries are fixed high, as has been already pointed out.

The picture is one of laxity in the Territorial background and in the underlying Territorial conditions. Such laxity can be traced into practically every part and portion of the Territorial and local government. The following will serve to illustrate my point.

IV

ILLUSTRATIONS OF LAXITY

The startling facts revealed in the recent report of the prison board (see Exhibit 78, p. 292, appendix) disclose not only lamentable laxity in the immediate prison management and administration, but also laxity in the conscious acceptance of such prison conditions by both the governor and the attorney general, as well as the citizens generally, apparently without public objection or complaint.

The courts themselves have been subjected with some reason to the same charge of laxity, though in a lesser degree. Short sessions of court, plus frequent adjournments, delay litigation; light sentences and easy paroles, as well as careless suspension of sentences, have already excited protest.

The legislature itself, faced with the necessity of real remedial legislation, was apparently more than reluctant to act thereon until the necessities of a special session called by the governor, plus the fear of direct action by the Congress, stirred it out of its lethargy.

The organic act provides for reapportionment, a direction which the legislature has consistently ignored, due to a condition of minority control in both houses. Thus the outside island districts, a minority, control.

But it is when the local executive and administrative offices are reached that the most apparent effects of this curse of laxity are disclosed.

The city and county attorney, elected by an overwhelming majority, partly because of physical defects and partly because of inexperience, tried no cases. He picked his deputies from the different racial groups chiefly for political reasons. Insufficient salaries were provided for such assistants by the board of supervisors, preventing the securing of able men. The prosecuting vice of reduction of the criminal charge made in order to get a plea without trial was ever present. There was an utter failure to cooperate with the police administration, gangs and bootleggers multiplied, and politics, with all its attendant evils, was in full sway.

The result of such a laxity of administration was pertinently illustrated in the faulty preparation and trial of the sensational Ala Moana rape case, in September, 1931.

The police administration was equally lax. It presented an unskilled politically minded chief, supported by many inexperienced and undrilled detectives, and a force filled with ignorant and inexperienced patrolmen. Among the list were policemen who had previously been convicted of crime, others who had frequently failed to investigate complaints of crime, others who were associating with the lawless elements of the community, and whose appointments were solely due to political desires and political influences.

The lax condition of the prisons is best illustrated in the prison commission report. The head of the prison management, the high

sheriff, was utterly incompetent and of purely political origin. There was embezzlement of supplies by many of the officers and employees of the prison, special favors were granted to the inmates, liquor was frequently introduced in the prison, and the laxity of the guarding of the prisoners was a matter of common public knowledge. Whether the prisoner was inside the prison or outside the prison, he was subjected to little or no supervision.

So ridiculous was the whole performance that inmates wrote friends who were held in the boys industrial (reform) school, telling them to change to the penitentiary, if possible. (See p. 1746, vol. 8, Trans.)

The system of paroles was just as lax. Regardless of the number of prisoners paroled, only one parole officer wholly inexperienced, was provided. There was no investigation other than the name of the subject of parole, no proper showing in many cases upon which to base the parole, and no system of supervision over the paroled prisoners after parole. The resulting deteriorating effect upon the prisoners was only surpassed by the danger thus imposed upon the public.

Even the controlling business interests of the Territory, in spite of their success in the administration of the industries of the Territory, were also subject to the charge of laxity. For years they have permitted the importation of foreign labor of the lowest grade into the Territory to continue, without, until recently, considering any serious attempt to establish an educational system for the island youth suitable to island conditions, and without working out any real employment program for the purpose of carrying on the island industries with island labor. To-day I found many of them without any particular ideas on this vitally important subject.

These interests have until recently exhibited a passive reluctance to any changes in existing political conditions and have shown no particular concern in selecting competent candidates for office, with the result that political affairs throughout the Territory are in a state of ineptitude, due, to a large extent, to the lack of interest therein on the part of the dominant island industrial group itself.

The same laxity appears in connection with the problem of suitable moving pictures. As has been pointed out, the island youth is largely a polyglot mixture of the Polynesian and oriental races. One of the essential things in the development of such youth should be care on the part of the white race to exhibit to the youth a high Caucasian standard of personal conduct, habits, and morals. The moving-picture houses in the Territory are filled with sex, gang, and underworld pictures, featuring white men and women, thus contributing an extraordinary effect upon the ideals and morals of such racial groups. Yet so far as I am advised, no serious attempt has ever been made to provide proper censorship.

Even the bar association, when the Territory was faced with the necessity of calling upon its highest grade of legal talent for the post of public prosecutor in the present emergency, signally failed to present to the community any outstanding member of the bar to act for the community in the pending crisis. "They were too busy," or "the salary was too small." That an able man (Kelley) was finally secured can not fairly be credited to the bar association.

The school system, with its educational curriculum modeled largely on the mainland school system, was apparently little adapted to the development of youth in the Territory for suitable employment in the only employment which the Territory had to offer, to wit, sugar and pineapple, and the educators are still lukewarm in agreeing to suggested changes in the system of education to fit Territorial needs.

Even the very "reform" movement itself, so called, having as its purpose the appointment of a prosecuting attorney and a chief of police, met at first, in part, a legislative refusal to enact the program, which was eventually consummated through changing essential provisions in the bills, such changes being well calculated to ultimately again—when public interest passes—subject the appointed officers to the pressure of political influence and control.

These illustrations of laxity in Territorial and municipal affairs might be multiplied indefinitely. They serve to illustrate a general condition which we found to have far-reaching results.

ACTUAL CONDITIONS

As a result of such laxity, we found a general condition of impairment in the administration of affairs in practically the entire field covered by the Senate resolution, so far as the police authorities and the prosecuting officers were concerned.

POLICE

We found the police administration in the following condition:

The office of chief of police was subject to frequent changes. The head of the police force was inexperienced and incompetent in police affairs. He had no right to "hire and fire." His detective force was large and unwieldy, practically without experience and with no discipline. His force of patrolmen was untrained and disorganized and many of them unfit for public service. There was want of cooperation with the prosecuting department. The entire police organization was without morale and public reliance and public confidence in the chief of police and the police department was at low ebb.

The police report (Part I, p. 89) refers in detail to the records of some of the patrolmen found on this police force.

We found that there was a resulting condition of loss of self-respect on the part of the police personnel itself, with a resulting potential encouragement to all kinds of disorder and crime, with a consequent condition of fear and apprehension on the part of many people in Honolulu.

The fact, as I believe, that no greater actual basis for fear exists in Honolulu than exists generally throughout the country, does not fully dispose of the situation. With a loss of confidence in law enforcement and in police administration, naturally comes a condition of fear and apprehension, which only a restoration of confidence in the authorities, and in the administration of law and order, can generally dispel. This is illustrated by the present improvement in public confidence already manifested, resulting partly from the recent change in police administration in Honolulu.

CIVIL SERVICE

A civil service commission was provided under legislative act, but in fact it existed practically only in name. Its examinations of prospective policemen were ridiculously insufficient and about the only evidence of real activity which it presented was in further embarrassing the police officials in getting rid of incompetent members of the force. The civil service conditions are set forth in the police report (Part I, p. 62).

The affairs of the police administration were submitted by us to an exceedingly searching examination and the detailed report of the precise conditions found is contained in the attached police report, identified as Part I.

PROSECUTIONS

The prosecution department, that is, the city and county attorney's office, may be said to embrace for our purposes, the county attorney's office itself, the jury system, and the administration of law on the part of the courts.

We found the prosecutor to be so handicapped by physical impediments and legal inexperience, as to be wholly incompetent to act to any material extent, as an efficient prosecutor. He was deeply immersed in politics, made his appointments of deputies largely for political reasons, and wholly failed to cooperate with the police administration.

What happened is graphically illustrated by the figures in the governor's report for 1931, page 113. The percentage of convictions which in 1928 was 95 per cent, fell off to 43 per cent in 1931. And the prosecutions, which in 1928 were 8,000 in number, receded in 1931 to 5,000. Significantly, the percentage of convictions in the district courts remained the same.

This condition is particularized in the Prosecutor's Report, Part II.

JURIES

We found the juries drawn proportionately from all precincts with the result that from many precincts chiefly racial, only jurors from such races were drawn. We found considerable dispute as to the effect of the racial mixtures on the work of the juries, and a vigorous claim was made that too few of the better class of citizens were selected, and too many excused. We were unable to verify this charge. I feel that the work of a prosecutor in prosecuting criminal cases against racial defendants, might well be more difficult than ordinarily. Particularly might this be true in sexual crimes, due to different sexual standards involved.

I am inclined to think, however, that, generally speaking, people of the Territory are fairly well satisfied with the character of their juries. The judges seemed satisfied. A careful examination of the jury commissioners tended to convince me that a fair amount of care was being expended in the selection of the jurors. As mentioned above, new legislation is now pending which should tend to improve the jury standard. (See July Report, Part II, p. 112.)

COURTS

We have but little serious criticism of the courts. The personnel of the judges is good, legally and morally. We think there is some basis for the claim that the judges are rather predisposed toward short sessions and frequent and lengthy adjournments, resulting in rather long-drawn-out litigation. There seems some fair basis for criticism that the courts are, as a rule, administering too light sentences and too many suspended sentences. Some complaint was made as to juvenile-court administration, but I do not think there is much basis for complaint. (See Prison and Parole Report, Pt. III, p. 154.)

Generally speaking, however, we found less to criticize in the administration of justice in the courts than in any other feature of the law-enforcement field. It may be well to note before we leave the point that all judges are appointed by the President and confirmed by the Senate of the United States, which fact, it is said, is the reason for a minimum of laxity and politics in such judicial tribunals.

A detailed report of the precise conditions found in the prosecutor's office, and in the court administration and the work of the juries, is found hereto attached and identified as Part II.

PRISONS

The prison conditions were unusually bad.

The high sheriff, nominally in charge of the prison, was a man of excellent reputation, utterly without training, experience, or discipline in prison work. The result was an utter absence of responsibility in the management of the prison, a complete loss of efficient supervision, and an incompetent, neglectful prison force. Prison supplies were embezzled and many of the prisoners were practically free to come and go as they pleased without serious surveillance. It is almost impossible to exaggerate the conditions of laxity prevailing in Territorial prison affairs.

The result, of course, was a complete destruction of discipline, a loss of public confidence, and an actual increase of danger to the public. A direct encouragement to the commission of crime thus existed, appallingly illustrated by the criminal assaults made by one of the prisoners carelessly permitted to escape in December, 1931.

An exhaustive review of actual prison conditions is found in the attached report of the prison unit, marked "Part III."

PAROLES

The parole system prior to July 1, 1931, was likewise in lamentable condition. Paroles were carelessly granted, no proper records were kept, no investigation worthy of the name had been made before granting the parole, no suitable system was being followed, and politics was rampant. (See Pt. III, p. 147.) After the parole of the prisoner affairs were even worse. Few reports were required, there was almost a total failure of any check or observation kept of the paroled prisoner, and no experienced parole officers were provided. Apparently the only parole officer was a purely political appointee, who was without parole knowledge or experience.

AHAKUELO PAROLE CASE

This negligent, lax condition was pertinently illustrated in the Ahakuelo case. Almost the entire conduct of this case was abnormal. The nature of the offense—a gang assault upon a young girl, whether with or without consent is somewhat immaterial—seemed to arouse no particular indignation in the mind of either the court or the parole officials. Ahakuelo demanded a separate trial, quite evidently fearing a severe punishment for his offense. So light and insufficient was the sentence of the other defendants (under the minimum-sentence rule) that Ahakuelo had the wisdom to present himself, enter a plea of guilty, and accept the insufficient punishment.

Ahakuelo was a skilled pugilist, and his appearance thereafter in boxing bouts in Madison Square Garden, New York, being desired, he was soon made the subject of a special parole. I was advised that all the boys, although equally guilty, were not treated alike, Ahakuelo being apparently the favorite one. That it is claimed that Ahakuelo was finally discharged long before the others. Whether this is true I do not know. The claim that Ahakuelo was paroled in order to permit him to go to New York as a boxing contender is vigorously denied, but the officials of the Hawaiian Boxing Commission did want him to go to New York, they did petition for his parole, and he did go to New York, so the point is at least debatable.

Very shortly following his New York boxing appearance we find him involved in the Ala Moana rape case as an admitted member of a lawless, disreputable criminal gang. It is inconceivable that any fair attention to a proper parole system could have made any such record as is exhibited in the Ahakuelo case.

The result of such an administration of the parole system—and the Ahakuelo case is simply an example—made criminal trials themselves something of a farce and tended to destroy the effect of whatever sentence the court imposed. Public confidence was destroyed, crime encouraged, and the public itself actually endangered.

Governor Judd has submitted his explanation of the Ahakuelo parole in a written memorandum. (See Exhibit 9, appendix, p. 195.) (See also Transcript, vol. 5, pp. 989, 998–1026.)

We made an exhaustive examination into the conditions and operations of the parole system as well as the system of suspended sentences, and the report on the facts is attached hereto as a portion of Part III.

V

GOVERNOR'S REMEDIAL PROGRAM

I desire at this point to particularly note that my investigation may not be credited either with the original discovery of the foregoing lamentable conditions nor with the initiation of the attempt now being made in the Territory to remedy such affairs.

Long before the Senate resolution was passed, the governor and interested citizens began serious efforts to improve law-enforcement conditions.

In January, 1930, the governor appointed a crime commission, consisting of 11 able citizens of the Territory, which commission in February, 1931, made a voluminous report recommending various material changes in aid of law enforcement.

The 1931 session of the legislature, as a result of the report of such crime commission, enacted into law a total of 21 measures out of 45 recommendations submitted. (See vol. 1, pp. 21, transcript.)

CHIEF OF POLICE BILL

Among the measures rejected by the 1931 legislature was one creating a chief of police and removing such office from the authority of the city and county sheriff. The governor again presented the matter to the special session in January, 1932, and the bill was then passed, probably for fear of what the Congress might do in the premises. The result was to make the chief of police an appointive official instead of an elective one. (See Pt. I, p. 94.)

The legislature provided that the governor should appoint a police commission, with varying lengths of individual terms, and upon the expiration of the term of any such commissioners reappointment should be made by the mayor and board of supervisors. A strong police commission was then appointed by the governor (see Personnel, Pt. I, p. 97), and it was universally hoped that, because the present mayor was satisfactory, the future of the commission and the chief of police was in good hands. It is apparent, however, that as a mayor is elected every two years, the future appointment of a chief of police through the mayor's power over the future police commission becomes again considerably involved in politics. In fact, county and city attorney, Gilliland, has practically already announced his candidacy for mayor.

Moreover, the legislature added to the chief of police measure a provision requiring any chief of police to be appointed to have been a resident of the Territory for at least five years. Such a provision was for the purpose of effectuating the hereinbefore referred to attitude of the Territory on nonresident appointees (carpetbaggers). The particular vice of the situation, however, lies in the fact that the Territory was wholly without experienced police officials, and the police situation in Honolulu stood—and still stands—in very great need of experienced police supervision, education, and discipline. The power which was later exercised to call in skilled assistants from the mainland (Greening) ameliorates the situation but by no means cures it.

PUBLIC PROSECUTOR BILL

The special session in January, 1932, also resulted in the passage of a bill making the public prosecutor an appointive instead of an elective officer.

The legislature passed this bill in January, 1932, after materially changing the bill in various important details.

The original bill, as introduced, provided for an appointment of the public prosecutor by the attorney general, with the approval of the governor. The legislature changed the method of appointment by enacting that appointment should be by the mayor, with the approval of the board of supervisors, with the right in the attorney general, upon the approval of the governor, to remove such prosecutor. Considerable complaint was made of the change upon the ground that, as the mayor and board of supervisors were in the midst

of the political activity of Honolulu, the appointment of the prosecutor would ultimately tend to be placed on a political basis.

The bill as passed also provided that the public prosecutor must have been a resident in the Territory for at least two years and may not engage in private business during his incumbency.

I do not look with favor on either of these provisions.

The appointing authority ought to have the right to go as far afield as necessary for the purpose of securing the best material, and local self-pride ought not to thus handicap the appointing power.

The prohibition of the right of the prosecutor to engage in private business is likewise, in my opinion, bad. It definitely limits the employment to attorneys whose private practice does not amount to more than the salary, \$7,200. This automatically eliminates, as a rule, the better attorneys otherwise available.

It has long since been found, in connection with the appointment of United States district attorneys on the mainland, that a better grade of district attorney can be secured if such attorneys be allowed to engage in private practice. In some districts the work is so heavy that it takes all the time of a district attorney, but in other districts I think it may safely be said that the majority of United States district attorneys would be compelled to resign their office if its retention required a cessation of private business. It has been my observation that, under such circumstances, the argument that the Government business will suffer at the expense of the private business is not correct. Quite the contrary, I think, is true; and it is the attorney's private business that suffers and not the Government business. I think, as illustrated in the case of Members of Congress, who are also in private business, the private business suffers and not the business of the Government.

It is so wholly essential to have a first-grade man for public prosecutor in Honolulu that the securing of a first-class prosecutor should not be embarrassed by such limitations.

The governor withheld his approval of this bill for some time, but finally concluded to approve it upon the ground that, although it was not completely satisfactory, it was a step in the right direction, being a change from an elective prosecutor to an appointive prosecutor. If such a change is an advantage—and the sentiment in Honolulu seemed to be that it was—it would still appear that the power of appointment of the prosecutor by the mayor and board of supervisors still left the office considerably involved in local politics.

Thereupon, an adjournment of the special session was had until March, 1932, and such special session has now again convened, and has before it for consideration proposed measures looking toward an improved jury selection and administration, and an additional measure providing for the granting of important powers to the new prison commissioners. Detailed reference to these various measures are herein elsewhere presented and discussed. (See Prosecutor Report, Pt. II, p. 111; Prison Report, Pt. III, p. 141.)

PRISON COMMISSION BILL

The 1931 legislature had provided for the appointment of a new prison board, with enlarged powers, but the act did not make it sufficiently clear that the board was to have complete jurisdiction of

the prison and prisoners and the board was given no control over the high sheriff and warden although he was supposed to be responsible to the board. The high sheriff still remained warden, quite independent of the board, and could only be removed by the governor with the advice and consent of the Senate. Consequently, although an excellent board was appointed, it was unable to do much more than "investigate" prison conditions.

A bill is now pending in the legislature, eliminating the high sheriff, as warden of the penitentiary, and giving the commission the right to select such warden, and making him directly responsible to the board. Since such bill, if passed, would tend to remove the warden and his force from politics, I am inclined to the view that the bill will probably have rough sledding in the legislature. Already steps have been taken to delay and postpone its passage.

JURY REFORM BILL

A bill is also pending in the legislature calculated to improve the method of selection of juries in the circuit courts. The bill proposes to eliminate the selection of jurors by precincts, increases the power of the jury commissioner to investigate prospective jurors, removes the necessity for a political complexion of the jury commission, and reduces the number of names to be selected. Several other similar recommendations are incorporated in the bill, and this bill, if passed, will materially tend to improve the character of future juries. Because, however, of the political effect of some of the provisions in the proposed bill, I am inclined to think that the bill will be considerably emasculated before it is passed, if ever.

Thus, much of the credit for the present attempt to change the course of law enforcement affairs in Honolulu is due to the governor and the people of Honolulu, under a program begun long before congressional agitation started.

As may be imagined, the deplorable condition of affairs above referred to, pointed to the existence of lamentable weakness in law enforcement conditions in Honolulu. But the interest of the average citizen was not yet fully aroused. Then came the notorious Ala Moana rape case and its aftermath, with its public presentation of these lax conditions—"ad nauseum." The people of the Territory at last awakened. People were afraid, confidence was gone, and public indignation came to fever heat. The mainland blazed with concern, and the Senate resolution quickly came.

At the time this report is made, in my opinion, partly as a result of the law-enforcement program now placed upon the statute books as above set forth, and partly because of the Senate's action, an improvement in the police and prosecuting conditions has become manifest, the temper of the people has been materially allayed, confidence has been greatly restored, and tension is being appreciably lessened.

ALA MOANA AND FORTESCUE CASES

The prospective retrial of the Ala Moana rape case, as well as the trial of the so-called Fortescue murder case, is certain to again embroil the people of the Territory in most unpleasant consequences.

As frequently happens in communities where crimes of great notoriety have been committed, the community takes sides with respect to the guilt or innocence of the persons charged with the commission of such crimes, and such is the case in Honolulu. The question of the guilt of the defendants in the Ala Moana rape case is a very much disputed question in Honolulu, and whatever may be the result of the retrial of this case, any verdict rendered will be bitterly received by a large faction in the community.

Such a retrial would ordinarily be bad enough in and of itself, but the subsequent Fortescue case, with its astounding details, complicates the retrial of the Ala Moana case to an almost unparalleled degree. Community prejudices and opinions are certain to run at fever heat, and it will not be surprising if a condition of racial antagonism, resentments and, possibly, demonstrations should result.

But I see no way out of the situation except to go through it, regardless of results. The prosecution of these cases seems to be in strong, capable hands, as is also the matter of the defense, and the ability of the Territorial courts to function properly is certain to be tested to the limit. I do suggest hereafter certain changes which will, I believe, help things in the future.

The two last rape cases, one committed upon the wife of a Navy machinist, and one committed upon a Japanese servant, are, in my opinion, sporadic crimes, not based upon racial antagonisms, and the commission of which was of such a nature that it would seem impossible for any police administration to prevent their commission. The victims were in isolated locations, where it would be impossible to expect attendant, detailed police supervision. The police performed excellently in the one case, and may not, I think, be subject to criticism on failing to locate the perpetrator of the other crime.

Consequently, the commission of such crimes did not operate to change my opinion with respect to basic crime conditions in Honolulu or the Territory.

It seems to be a recognized fact in dealing with unusual crimes that, following the commission of such a crime, there comes a series of similar crimes. The public interest and excitement seems to breed like crimes. To this tendency I think the sudden burst of sex cases in Honolulu, occurring since the Ala Moana case, may properly be attributed.

Such suggestions as I have with respect to future additions to the law enforcement program are hereinafter presented.

VI

CRIME CONDITIONS

Notwithstanding certain definite and difficult problems of law enforcement in the city and county of Honolulu, we have been unable to conclude that an unduly serious or highly dangerous crime situation, as to sex crime or otherwise, yet exists, if considered on the basis of mainland conditions. On the contrary, the numerous persons contacted during the course of this investigation were almost unanimously of the opinion that the number of criminal offenses are not excessive, and that persons and property are safe in Honolulu as

in mainland cities of the same size. The only exception perhaps, was during the late fall and early winter, due to the resulting influences from the sensational incidents of that period. Likewise the available crime records indicated no abnormal crime conditions.

The governor's advisory committee on crime, which in rendering its report to his excellency, Lawrence M. Judd, Governor of Hawaii, under date of February 9, 1931, stated as follows:

The evidence before this commission, consisting of the unanimous opinion of judges, prosecuting officials, police officials, and juvenile-court officials, and also the recommendation of the courts, would indicate that there is no crime wave in this Territory. The contrast in this respect to mainland conditions that Hawaii presents is no doubt largely due to the comparatively limited field of operations, the necessary expenditure of time and money in reaching, and the prospective difficulty of escaping from the Territory. According to the statistics relating to convictions, such increase in crime as is apparent is not out of proportion to the increase of population in the Territory.

CHARTS AND STATISTICS

In order to trace crime tendencies we have endeavored to prepare charts or graphs, which, when compared with mainland conditions, might be of aid in considering the correctness of our above conclusions.

In endeavoring to secure the necessary data to accurately and graphically depict the volume and trend of crime, we have been considerably handicapped by the absence of properly correlated and recorded police statistics. Court records are available to show the number of persons tried, convicted, and imprisoned, but this does not permit of any exact findings concerning the actual amount of crime committed. Court records obviously give no indication of the number of crimes committed wherein no arrests are effected or prosecution initiated. Only a police record of known offenses will do this.

In addition to the court records concerning judicial disposition, and the data regarding offenses reported to the police for the year 1931, we have been able to obtain from the annual reports of the police department for the years 1929, 1930, and 1931 a list of the number of arrests made by the police department, segregated according to offenses. These three sources constitute the field from which the limited tables of crime statistics hereinafter set forth have been compiled.

The offenses have been grouped in accordance with the uniform classification of criminal offenses formulated by the committee on uniform crime records of the International Association of Chiefs of Police, and used by the Bureau of Investigation of the Department of Justice in compiling crime statistics. These tables are attached as Exhibits 12 to 40, pp. 200-242, appendix.

Exhibit 12 (p. 200, appendix) shows a chart of convictions in the Territory covering the years 1922 to 1931, inclusive. It will be noticed from this chart that sex cases covering the 10-year period are not numerous in comparison with other kinds of crime. There are 39 assaults and 27 carnal abuse cases, 22 rape cases, and 220 cases of sexual intercourse with a female under 16. It has been already pointed out that in the great majority of the latter type of cases the female was over 12 years of age, which, with an oriental, means a fully matured female, entirely competent to marry, and in many of

these cases the sexual intercourse was with full consent of both parties. Consequently care must be used in not confusing this type of case in Hawaii with the ordinary statutory rape case on the mainland.

In any event, it will be observed from Exhibit 12 that no class of crime seems to show any particular increase out of proportion with the population increase.

Exhibit 13 (p. 200, appendix) covers a 10-year period for the city of Honolulu. An examination of this chart covering the first, third, ninth, and eleventh descriptions, which constitute sex crime cases, does not disclose any abnormal number of these cases nor does it disclose any increase in the number of such cases, during the last few years. The same is true with reference to the different crimes shown on this table.

Exhibit 14 (p. 200, appendix) covers only the island of Hawaii for the last 10 years. An examination of this chart shows particularly the small number of so-called sex cases and shows a comparative absence of serious crime, generally, on the island of Hawaii.

Exhibit 15 (p. 201, appendix) shows the same picture for the county of Maui. The sex cases appear to be very few, the only large number of cases being burglary and larceny cases, but it can not be seen that even in that type of case there has been any increase with the years.

Exhibit 16 (p. 201, appendix) shows convictions for the county of Kauai. This table shows an even less condition of crime than the island of Maui and certainly shows no increasing criminal tendencies during the last few years.

Exhibit 18 (pp. 201-205, appendix) presents the detailed record of the administration of County Attorney Gilliland. As to an analysis of this report see the prosecutor's report attached hereto (Pt. II, p. 110).

Also a part of Exhibit 17 (pp. 205-208, appendix) is likewise a detailed report of the administration of the prosecutor's office during the administration of Charles S. Davis, who was the immediate predecessor of Mr. Gilliland.

Also a part of Exhibit 17 (p. 209, appendix) is likewise a detailed report of the administration of the prosecutor's office during the administration of Howard Hathaway, who was Mr. Davis's immediate predecessor.

The object of thus setting forth the Gilliland, Davis, and Hathaway administration records is for the purpose of comparing the Gilliland record with the records of his two predecessors.

Exhibit 18 (p. 210, appendix) is a consolidated total of violent sex crimes in Honolulu during the last five years. With the exception of an increase in the number of assaults with intent to ravish, in 1931, this table shows no increase in crime and no special crime tendencies.

Likewise also on Exhibit 18 the record of the trial in court of such cases, covering a 5-year period, shows the high rate of convictions obtained in sex cases, to wit, 82 per cent.

Exhibit 19 (p. 210, appendix) shows the sex cases affecting white women, for the last five years, as well as the nationality of the woman involved. The table indicates no great crime situation.

Exhibit 20 (pp. 210-223, appendix) is a tabulated list of sex cases of all kinds covering the years 1927 to 1931, inclusive, with a statement as to the facts and circumstances, as well as the disposition in court, or otherwise, of the case. By reading this résumé of these cases a fairly good visualization will be had of the number, kind, and nature of such crimes for the last five years. We are dependent, of course, in the listing of such cases as well as in the description, upon the records which we were able to find in either the police department or the county prosecutor's office. The list can not be considered as entirely accurate because there were a few cases brought to the attention of the police which were not shown on the county prosecutor's record, as well as a few cases brought to the county prosecutor which are not shown on the police record. Generally, however, the list is considered fairly complete.

The last two pages of the list (pp. 224-225), being cases reported to the county prosecutor and not shown on any other list, are also identified in the appendix as Exhibit 21.

Exhibit 22 (pp. 226-227, appendix) is a table which shows the prosecuting attorney's record of the cases presented to the grand jury and what happened to those cases when they were tried in court.

Exhibit 23 (p. 228, appendix) shows the number of major offenses reported to the Honolulu police during 1931 as compared with the number of similar offenses reported to the police in eight cities of similar size on the mainland. This chart is interesting in that it shows something of the comparative crime with respect to Honolulu and some eight mainland cities. While this table is not absolute, of course, there is certainly no indication from the comparison that the status of crime in Honolulu is worse than appears in the mainland cities listed.

Exhibit 24 (p. 228, appendix) naturally follows Exhibit 23, and sets forth the percentage of crime, per 1,000 people, in Honolulu as compared with percentages on the mainland.

Exhibit 25 (p. 229, appendix) purports to show the rape cases reported to the Honolulu police during 1931, based upon the nationality of the defendant. The table also shows what happened to each of such cases. The table indicates that the largest number of defendants were Hawaiians and the largest number of victims were likewise Hawaiians. It is necessary to notice, however, that this table only covers reports to the police, and the table shows that of the cases thus reported, only seven were actually prosecuted, so the table must not be understood as establishing that the cases reported were actually violent sex crime cases but only that the number listed were originally reported as such cases. As we have pointed out elsewhere, the majority of such reports usually turn out to be, upon investigation, not ravishment cases at all, but cases involving consent and acquiescence.

Exhibit 26 (p. 230, appendix) is a table showing the arrests made by the Honolulu police department during the last three years, with a description of the crime involved. The table does not seem to indicate any increase in the number of rape cases during those years.

Exhibit 27 (p. 230, appendix) is a table showing the number of offenses known to the police on the island of Hawaii during the years 1925 to 1931, inclusive.

It is submitted the table discloses neither an unusual amount of crime nor any increase in criminality during the last few years.

Exhibit 28 (pp. 231-232, appendix) is a table covering juvenile delinquencies for the last four years. The table does not indicate an unusual increase in such delinquencies beyond the natural population increase.

Exhibit 29 (p. 233, appendix) is a chart showing the racial blood of the defendants convicted for sex offenses in the Territory for the last 12 years. From this chart, the Filipino would seem to be the greatest producer of such crimes, numerically, with the Hawaiian second; but, turning to Exhibit 31 (p. 149, appendix), will be found a table showing the percentage per 1,000 of sexual crimes, which shows the Porto Rican and Filipino both leading the Hawaiian in percentages.

Exhibit 30 (p. 233, appendix) shows the convictions for a general class of serious crimes, other than rape, for the last 12 years, as shown in the reports of the chief justice of the Supreme Court of the Territory. From this chart the Hawaiian race and the white race seem about equal, with the Filipino a close second.

However, upon turning to Exhibit 32 (p. 234, appendix), the percentage of similar serious crimes, per unit of population, shows the Porto Rican first, the Hawaiian second, with the Korean a close third.

Exhibits 33, 34, 35, 36, 37, 38, 39, and 40 (pp. 235-242, appendix) are graph charts illustrating the various racial crime-tendency percentages, such as have just been discussed by me in connection with the earlier exhibits. Such charts show at a glance the racial propensities for crime as between the different races in the Territory.

In considering the foregoing tables and charts, considerable caution must be used. As is evident, we are wholly dependent upon what the available records show. Regrettably, the police records have not been carefully kept during past years and consequently do not dispose of the claim that there were a considerable number of crimes committed which were not reported to the police, or, if reported, were not recorded. As no times, dates, or specific facts were submitted to us with respect to such other alleged, unreported crimes, we were obviously unable to authoritatively prove or disprove their existence.

Our investigation indicated, as has been said before, that the overwhelming majority of cases of assault or assault with intent to rape, as originally reported to the authorities, were found, upon definite investigation, not to be such cases at all, but, on the other hand, to present, beyond question, circumstances of consent and willingness on the part of the woman assaulted, with the later charge of force made as an excuse to parents or friends, by way of justification. This condition of affairs is attested by various of the social-service workers as well as by the judge of the juvenile court.

It will be remembered that the press some months ago reported the claim that there were 40 cases of alleged rape or rapial assault reported to Honolulu hospitals in December. We investigated this charge and were unable to substantiate it. The hospital records do not indicate any such condition. In fact, it was conceded by Captain Pfeiffer, of the Navy police, that such report had been inad-

vertently made and could not be substantiated. (See transcript, vol. 10, p. 2248.)

Likewise, in considering some of the crime tabulations which we present, a considerable number of cases will be observed in which the defendant is charged with sexual intercourse with a girl under the age of consent. Our investigation indicated that a great majority of these cases involved Filipinos in their relations with Filipino or oriental girls between the ages of 12 and 16 years; 16 years being the legal age of consent. I am advised that, physiologically, the oriental or Filipino girl is mature and competent to marry at the age of 12, and that intercourse with such a girl, while an offense under our statute, does not seem so either to the Filipino or the oriental. In most of these cases there was a full element of consent, and in some cases a willingness to marry.

The point which I desire to make is that such cases do not present, as might appear from the charge, the element of forcible assault upon an actual infant, and therefore are not to be considered upon the same basis as are our own statutory rape cases on the mainland.

These crime tables and charts therefore seem to bear out our conclusion heretofore suggested that no serious crime wave exists in the Territory of Hawaii. They also seem to bear out our conclusion that there has been no sudden increase in serious sex crimes in the Territory, and it seems significant that a comparison of the situation in Honolulu with the situation on the mainland seems to support our conclusion.

It has been very pertinently suggested to us if conditions in the Territory are as good (or bad) as they are on the mainland, Congress ought to mind its own business and leave the Territory alone. As I point out hereafter, I am not wholly satisfied with this rejoinder. The Territory presents a very extraordinary experiment in government of strange peoples under the American system. Up to now affairs have been largely formative. A younger generation is growing up; the racial complex is increasing. The racial dissensions of last fall are certain to be intensified by the coming Massie and Fortescue trial. It is highly possible that much, if not most, of the heretofore existing nonracial atmosphere in the Territory will be very much disturbed. There is apparently very great interest in the entire country, as well as in the Congress, at this time, to "clean house" in Hawaii.

It seems to me therefore that the Congress ought to very carefully consider the situation of affairs in the Territory, to the end that what changes are necessary may be made now, as a wise precaution against possible, or even probable, trouble in the future.

Reserving the point for later discussion, I now proceed to discuss more particularly various aspects of the crime situation which I found to exist in the Territory.

VII

GANG SITUATION

The "gang" situation, so called, fully identified in the Police Report (pt. 1, p. 69), will be further discussed by me in considering the unemployment problem and its consequent effects on law enforcement.

To the formation of these gangs, the unemployment situation, the immigration situation, and the educational situation all contribute. As is pointed out by the superintendent of the Young Men's Christian Association, there are bad gangs and good gangs. Frequently, good gangs turn into bad gangs, but the reverse is seldom true. These gangs of loafers, usually young in years, hang around the streets, alleys, and public places in various parts of the city. Usually, some one of the gang is provided with some old, dilapidated automobile which serves as a means of conveyance for the crowd. Passing girls and women are subjected to insulting remarks, and the entire gang contributes to lawlessness and breaches of the peace. I think it may safely be said that a majority of the serious crimes visited upon Honolulu during the last few years, has been the work of these gangs. The ineptitude of the police and prosecutors' administrations, of course, left them practically free to congregate at will.

Some years ago, Sheriff Trask adopted the successful expedient of using whips to dispel such gangs, but the more tender-hearted citizens of the community made such a protest against the use of whips that it had to be discontinued.

The legislature, in January, 1932, enacted a so-called loitering statute under which the police authorities have ample power to break up the evil features of such gangs.

I entertain no doubt but that, with the creation of an efficient police administration, the objectionable activities of such hoodlum gangs can be largely eliminated. Of course, it goes without saying that the cause of the formation of the gangs goes much deeper and requires much more prolonged and careful attention.

VIII

ARMY AND NAVY

The Army and Navy Establishments present, as may be expected, material additional problems in connection with law enforcement. The details of contact of the Army and Navy with the law-enforcement officials of Honolulu is fully set forth in the police report. (See Pt. I, p. 63; see also Tr., vol. 10, p. 2241.)

As a rule, the crimes in which members of the Army and Navy personnel participate are of a petty inconsequential nature. Assault and battery and drunkenness cover a majority of the charges made. (Pt. I, p. 69.) I found no real basis for a charge that there was not a fair working arrangement between the military and naval authorities and the police administration. Generally speaking, the service men are turned over to their own police and the city police had no further contact with them. The Army, in particular, expressed its satisfaction with the contact which existed between the military police and the local police department. Such examination as I was able to make indicated to me that the service men who were turned over to their respective police for attention received severer punishment, on the whole, than did civilian residents committing the same offenses from the civil tribunals.

A certain amount of friction existed, due to competition for local women and girls, but I do not regard the same as serious. A certain

amount of bastardy cases were traceable to the service men, and some cases of desertion of family, but the records of the juvenile court seemed to show that such cases were surprisingly small in number. (Pt. I, p. 69.)

I can find no reason for concluding, however, that the resulting situation is any different than is always present when such a large body of single young men live in proximity to an urban population. A certain amount of trouble is bound to exist between portions of the civil population and the service men, due to various activities which bring them in contact. The history of such contacts inclines me to the view that it is impossible to eradicate any particular number of them.

I made a very thorough effort to investigate the charge that deep racial resentment existed between the civil population and the service men, but I was unable to verify the charge. What the future may bring forth, no one can tell.

IX

PROSTITUTION

Prostitution is exceedingly prevalent. It presents itself in nearly every section of Honolulu. Rarely have I seen a city in which this element had so far invaded many portions of the municipality. (Pt. I, p. 70.)

This problem is largely confined to the city of Honolulu, as we found no particularly disturbing conditions in our examinations of the outlying districts of Hawaii, Maui and Kauai. (Pt. I, p. 101.)

The old argument, pro and con, on a "segregated district" was fully presented to us. Former Governor Farrington and some of the other citizens suggested that if the Army and Navy have concluded that houses of prostitution were necessary for the soldiers and sailors that it might be well for the Government to provide such houses, at its own expense and control, on the military reservations and cease unloading such troubles on the urban population. (Vol. 1, p. 72.) Transcript.

The idea, of course, is not new; and in view of the diversity of opinion which has been going on all over the world for many years it seems well for me to offer no further comment or recommendation.

Without being entirely clear in my own mind as to its bearing, it seems pertinent to suggest that the percentage of venereal disease among the service men, as tabulated by the records of the Army in the Territory, is surprisingly lower than that reported in any other military organization in the United States from any other locality. (Pt. I, p. 64.)

Our personal examination of the district in which most of the houses of prostitution are located disclosed a large number of service men patronizing such places. While this seems regrettable, I am advised that it is always present, under similar circumstances, all over the world.

In that connection it is interesting to examine the interviews which we secured from a couple of women in charge of these houses. In these interviews these women discuss their problem frankly, purely on a commercial basis. The facts related are not particularly new,

but the authorship of the interview is at least direct. (See vol. 15, pp. 3371-3377 tr.)

MOVING PICTURES

Moving pictures also present a serious problem.

At the risk of being deemed old-fashioned, I am inclined to view many of the modern "movies" as catering to a taste for immorality and degenerated modes of living. Doubtless the producers cater to the public demand, but in Hawaii, where we are bringing up a youthful polyglot population, with the complexities of the Tropics, with the standards supposed to be set by the white race by way of example and precept, it seems somewhat incomprehensible that "movies" with their appeal to youth and their popular prices of admission—patronized as they are by great throngs of oriental young people—should be permitted to fill the minds and imaginations with visions of half-naked women, passionate love scenes, tales of irregular sex actions, gangs, crooks, intermingled with scenes of rapine and crime.

The resulting effect on these children must be bad and must tend to lower the standard the white people should set for the less dominant races. (Vol. 1, p. 189 tr.)

So long as we insist upon the claim that the public school is calculated to exercise an improving influence on the minds and morals of the public, it seems difficult to deny that that other popular school—that is, the moving picture—does not, in turn, demoralize the minds and morals of the children by such pictures.

There are so many good pictures brought out by the more recent leadership in the heads of the moving-picture industry, which have such an opportunity to properly mold thoughts, lives, and habits of such children as are growing up in Hawaii, that it seems a pity that the pictures in the Territory are not confined to such better class of production.

Personally, I am rather opposed to all censorships, but if a censorship may ever be justified I would be inclined to think that such justification would exist in the Territory of Hawaii.

XI

TOURIST AND BEACH SITUATION

The tourist and beach conditions were frequently discussed with us. Many citizens thought such conditions a material factor in law-enforcement troubles.

Our group had an opportunity for rather close observations of the tourist group through our domicile at a fashionable "beach hotel." Although the patronage was, quite naturally, less this season probably owing to the effect of the world depression, nevertheless, we saw nothing in the tourist and beach conditions which excited our critical interest.

In other years it is probably true that silliness and worse has existed between a few women tourists and some of the "beach boys," but our information indicates that most of the trouble lies with the so-called white women. All in all, I am unable to conclude that these conditions now materially affect law-enforcement conditions in the Territory.

XII

PROHIBITION AND NARCOTICS

The questions of prohibition and narcotics are fully dealt with in the police report, and I fully concur in the discussion therein presented. (See Pt. I, p. 73.)

Of course, there is a resulting effect on crime conditions due to violations of the narcotic and prohibition laws, but the only conclusion that I was able to reach is that the Territory is in no worse condition, because of these matters, than we on the mainland are. I am inclined to think that the Territory will handle and settle its narcotic and prohibition troubles when, as, and if the country in general does, and probably with rather less trouble. (See Table of Arrests, Pt. I, p. 74.)

The absence of an organized liquor traffic, with accompanying rackets and conspiracies, makes, in my opinion, the prohibition question in the Territory of less impelling interest than the conditions displayed in various localities on the mainland.

The smallness of the Territory involved presents a real obstacle to the employment of enforcement agents, because a brief activity on the part of such agent makes him well known in the community, with a consequent result that he is unable to function advantageously in apprehending violators of the prohibition law.

I see no way of avoiding this evil, however, except through a frequent change of agents. Hawaiian juries are slow to convict on prohibition cases, and most convictions are upon pleas of guilty.

I am advised that under the new police administration full steps are being taken to require all possible aid on the part of the police force in the enforcement of the national prohibition act, and the new prohibition administrator, Colonel Herbert, advises me that there is at present complete cooperation between his force and the local police force.

The Japanese are the chief offenders, and we secured an interview with the alleged chief bootlegger in Honolulu. His rather frank statement is found in the transcript. (Vol. 4, p. 834.)

XIII

THE UNEMPLOYMENT PROBLEM

I regard the question of employment and unemployment, in the light of future conditions of law enforcement, as being perhaps the most vitally important civil matter which confronts the people of the Territory.

As has been observed, the island industries are practically limited to two in number, sugar and pineapples. With a Territorial population of approximately 375,000 persons, 150,000 of which live in Honolulu, there is, of course, a considerable amount of civil employment from other sources than the pineapple and sugar developments. But such jobs are quite limited and it was frankly stated to us that the saturation point in such employment had already been reached, and that there was but little chance for additional employment therein.

As I have stated before, the importation of foreign labor, which has been continuing for approximately the last 50 years, is still continuing (See appendix, Exhibits 7, 8, and 10, pp. 185, 194, 196.)

But it is admitted that the immigration of labor, at least up to the present year, has always exceeded the emigration, thus the population of the Territory is being constantly augmented by immigrant common labor.

It is fair to state that at present the plantation chiefs are stopping further importations at the source. The Filipinos are anxious to come because of the superior wages and surroundings. So no labor shortage exists.

The history of the immigration question demonstrates that all the laborers thus brought in do not remain upon the plantations or remain employed in plantation work. Some leave such employment, and either drift into other employment in the towns and cities or reach an ultimate state of unemployment, but, nevertheless, remain in the Territory.

Any job which they may take off the plantation naturally throws the person who formerly held that job out of employment, so that whether the immigrant becomes employed or unemployed, the effect of his original importation, and his subsequent leaving of plantation life, directly adds to the unemployment situation in the islands.

At the same time, the public schools of the Territory are exceedingly active and, according to the 1931 report of Governor Judd, had over 73,000 pupils which, with the enrollment in private schools, raises the number to nearly 90,000. Estimating that one-half of these pupils were boys, we have a male school population of approximately 45,000.

It was everywhere conceded that the more schooling which such boys were given, the less inclined they were ever to go back and perform common labor upon a plantation. Many experienced persons professed entire disbelief that any considerable number of such boys would ever go back on the plantations, while others had more or less hope that future years might bring a change in that regard.

Not only was the claim that the educational advantages thus given the pupil were inclining him against plantation work, but it was vigorously asserted that the parents of the children of Polynesian or oriental blood were united against either the return of their children to the plantations, or any change in the educational system calculated to produce that result. All these parents were anxious to get away from the plantations, both for themselves and their children. Curiously enough, the labor itself does not seem the real objection. The fact is that such labor is looked on as menial and degrading, and the racial parents want none of it for their offspring.

The reduction in the production of rice is illustrative of the point. The work of caring for rice appears to have been so arduous and uncomfortable that the old foreign-born oriental, familiar with raising rice, as well as the island-born oriental children, have refused to continue in the production of rice. As a result, the rice production has dwindled, and the Territory is dependent on outside sources for its supply of rice. This illustration indicates the way in which the oriental population is constantly desirous of ceasing its connection with common manual labor.

This is pertinently illustrated by the fact that although the Japanese were brought into the Territory to do the common plantation work—with 150,000 (estimated) Japanese in the Territory to-day, less than 10,000 are employed in common labor on the plantations.

There seems to be no reason to believe that the same ultimate condition will not prevail with the other racial groups who are now to-day doing the common labor on the plantations.

Contributing to such a perplexing situation is the fact that the compulsory school age stops at 14 years of age, whereas the law permits the employment of island youths at a minimum age of 16 years, thus leaving a 2-year gap, during which the children may neither work nor go to school.

As naturally might be expected, unemployment conditions are growing worse. I do not refer to the temporary unemployment caused by the world depression and the immediate difficulties in the pineapple industry, but to the general condition, which is constantly being augmented as I have indicated.

And, of course, the old maxim "Satan finds work for idle hands to do" indicated that such resulting unemployment is a material factor affecting law enforcement conditions in the Territory.

The troublesome gangs of rowdies and hoodlums, discussed in length in the Police Report (Pt. I) have been growing worse during the last few years, until to-day such gangs present something of a menace to law and order in Honolulu and various other towns in the Territory.

Everyone concedes the vital necessity of the sugar and pineapple industries to the Territory. Everyone concedes that nothing should be done which will damage or impair those industries. Everyone desires to see the industries protected, assisted, and strengthened.

But it is apparent to everyone—including, finally, the employers—that the continued importation of foreign labor, plus the continued production of nonworking children, spells serious trouble for the Territory in the not distant future.

I made every effort to find out what the citizens of the Territory had in mind to meet such problems, but speaking frankly, I was unable to find much crystalized thought on this subject. The territorial inclination to "mahape," meaning, "put it off until tomorrow," seems to be particularly applicable to the consideration of the future of the unemployment problem.

There is, however, growing in the Territory, a demand for a change in the educational system, so that the curriculum might point more specifically toward education "toward" plantation industries.

It is suggested that most of the education should stop with the grammar school, and considerable impediment should be placed in the way of children wishing to go on with high-school education.

This is rather startling in our American view of the public-school system, since we have become accustomed to the view that every child should be permitted to go as far as possible in the educational system.

The fact, however, that practically all of the island children must find their future in the Territory alone, coupled with the fact that the only large source of employment in the Territory, by and large,

is in plantation work, has made a large number of the citizens of the Territory believe that the present system of education is doing the children an actual injury, by actually unfitting them, mentally, for plantation work, without which work, many children must necessarily join the ranks of the unemployed.

Thus it is reported that the teachers graduated last year from the Territorial teachers' college (normal school) are unable to find employment, and public advocacy of the termination of such school is openly recommended in the local press.

The proposition involved presents difficulties, because, as I went about in the country, I was exceedingly impressed with the clean, up-to-date character of the rural schools, filled as they were with clean, intelligent, well-dressed, and, seemingly industrious, pupils. It is to be hoped that some different educational theory will be devised which will enable such schools to continue, without at the same time, developing a class of pupils hostile to the essential work in the sugar and pineapple industries.

During recent years, more and more attention has been given by the employers to improve conditions on the plantations, so as to make them attractive to island youth, and thus win him back to the plantation. Some plantation managers reported to me that considerable progress was being made in this way, one plantation claiming that 20 per cent of its employees were island born. (P. 650, vol. 4, Transcript.) I am inclined to think, however, that the percentage of island-born youth on the plantations would amount to less than 5 per cent, on the average. (Vol. 5, p. 848 Transcript.)

I examined several plantations personally, made a personal investigation of living and housing conditions, and I am compelled to state that such conditions were better than my expectations. Each family had its own house, the interiors were clean, and the occupants seemed content. Recreational advantages, such as tennis courts, etc., were present on these plantations, and the laborers received their rent, light and heat and medical attention free of charge. Certainly the accommodations were more acceptable than the accommodations usually furnished the average farm laborer on the farms in the Dakotas and Minnesota, with which I am familiar.

I was advised by the plantation heads that it was the practice of the plantations to furnish suitable employment for, and take charge of, the aged and worn-out laborers on the plantations, and that a large number of laborers of such type were now being cared for, at plantation expense.

Moreover, the employers have put in effect what is known as the "long term contract system," under which a group of employees may take over a certain acreage, with their remuneration graduated in accordance with the amount of sugar produced from such acreage. As a result, laborers who properly perform their work and are industrious, receive very good wages—better wages than one might receive in similar farm work on the mainland. Such contract system, I was advised, applied to nearly 90 per cent of the cane raised on the plantations. No information was given me with respect to the pineapple plantations. I invite your attention to the memorandum presented to me by Mr. Russell, of the Hawaiian Pineapple Association (attached as Exhibit 8, pp. 185-194, appendix).

Moreover, as was suggested by some of the employers, sheer necessity, in order to prevent starvation, may ultimately cause the island youth to return to plantation work. The fact that the island youth, upon leaving school, can find no other employment, and needs must live, might cause him to return to the plantations.

Whether the change in the educational system, the limitation of schooling, improvement of plantation conditions, the extending of the contract system and sheer necessity will result ultimately in the furnishing of island-born labor for the island industries, is a most serious problem.

In the meantime, the right to import foreign labor still exists. Congress has before it certain measures providing for the exclusion of Filipinos from Hawaii. It would be idle to exclude the Filipinos and at the same time permit the importation of any other kind of common labor. One kind of common labor coming in would be just as bad as another. If foreign labor must be brought in, it would seem that Filipino labor would be as satisfactory as any, as the plantation managers expressed themselves as being very well satisfied with Filipino labor. To encourage Porto Rican immigration would be to introduce a poorer laborer, of a lower moral grade, and with consequent greater trouble in the Territory, for experience in the Territory discloses that the Porto Rican immigrant presents considerable of a problem to the officials charged with law enforcement.

If, however, all common labor immigration should be cut off from the Territory, and the island-born laborers should refuse to return to the plantations, disaster could certainly be in store for the island industries. The result of such a situation on the Territory would be unthinkable.

Many persons believe, however, that if Congress definitely, if not completely, restricted all the importation of foreign labor, and pointed its legislation toward ultimate prohibition of such immigration, the seriousness of the situation would be brought home to all groups in the islands, to the end that the problem would be thus more speedily settled.

It is apparent, however, that Congress must move with great care, and in any event, must authorize some official in charge to act to save the island industries, if a labor shortage should finally result.

The problem, because of its effect upon unemployment, becomes one of extraordinary significance in considering law-enforcement conditions in the future. The crimes in Hawaii, comparably with the mainland, seem to be committed by young men, youths, and boys. These are the type which form street gangs, and apparently it was a street gang of this type which perpetrated the Ala Moana rape.

I am quite clear in my own mind that there should be a definite restriction of common labor into the Territory, but I feel that the precise extent of such restriction should be determined only after a more exhaustive study than I have had time to make of it.

XIV

PROPOSED REMEDIES

The Senate resolution, in addition to requesting information with respect to law enforcement, asked for recommendations with respect to amendments to the organic act in aid of the effective administration of justice in the Territory. Under that request, I submit the following discussion of such proposed changes as have been presented to me in interviews with citizens of the Territory.

Perhaps the subject of greatest interest discussed was the question of the form of government which would be best for the Territory.

COMMISSION GOVERNMENT

In the discussion which follows, "commission government" means control by a commission appointed by the President, on which commission the Army and Navy elements are properly represented. Such commission form of government was pressed for the following reasons:

Pro:

1. The annexation of Hawaii is claimed to have been had purely because of the military significance of the islands to the United States.

The islands form, in a military sense, both an offensive and defensive spearpoint, calculated to enable the United States to protect its many interests in the Pacific. If the islands were held by an enemy, it would constitute a menace of exceeding portent to the United States, hence it is asserted that the primary basic aspect of the islands is to promote national security, and that all other interests, civil and industrial, must yield to that end.

It is pointed out that it is very desirable, because of the great naval and military establishments in the Territory, to have in the Territory a peaceable, loyal population, and that a disloyal, unfriendly, untrustworthy population might become, through espionage, sabotage, and the like, a very great encumbrance to the military and naval forces in time of war.

Consequently it is urged that the racial make-up as at present constituted, being fully two-thirds of Asiatic origin, makes the ultimate nationalistic amalgamation of such people—considered in the light of a future war with any Asiatic power—as at least doubtful with respect to friendship and loyalty, thereby imposing a formidable handicap upon war-time operations of the defensive and offensive military and naval forces of the United States in the Territory.

Moreover, it is asserted that the islands are now being subjected to ruinous taxation, of which all classes of people are complaining, because of the extensive development of an incompetent civil government.

Government by commission, it is urged, would materially reduce such expense and lower the tax rate, and thus contribute to the peace and happiness of the people.

It is also insisted that a commission government, through its elimination of the far-flung political activities in the Territory, would tend to eliminate from the Territory the paralyzing vice of political inefficiency, which now lies at the roots of most of its troubles.

It is further asserted that it would enable the National Government to make certain precisely what was going on, and why. Such a result, it is insisted, would tend to neutralize the rigid industrial control now exercised over the citizens of the Territory by the sugar and pineapple interests, since the appointment of a commission by the President, with confirmation by the Senate, would reduce to a minimum the tendency to controlling pressure on Territorial affairs by the Territorial financial interests.

It is insisted that the entire governmental scheme in the Territory, in dealing with a strange polyglot people coming from sources affording governmental views wholly dissimilar to American governmental standards and principles, is fundamentally wrong in giving to such a population the broad rights of self-government, based, in perhaps the majority of cases, on the accident of birth in the Territory, with the ultimate hope that the "inoculation" might "take" and the result be wholly favorable to American principles of government and citizenship. On the contrary, it is urged, the governmental control should be extremely precise and rigid at the outset and firmly held in national hands, and rights of self-government thereafter should be extended only to the extent to which the prospective citizen can clearly demonstrate his appreciation of, and his loyalty to, our form of government and citizenship.

Thus, under the present system, it is contended we may have been building up in the Territory for all we now know, an extremely hostile, disloyal population against which the military and naval forces can not guard until actual hostilities take place, in which case such hostile population might present great dangers to national defense. Whereas, if government were in the hands of a commission, and civil self-government were proportionately limited, the national government would be at all times in control of the future, and consequently in a better position to act untrammelled and unembarrassed in time of national emergency.

Apparently, up to this time, the Japanese citizen who is entitled to vote has not, to any great extent, exercised his right of suffrage. It is asserted that the reason for such non-voting attitude is a physiological feeling on the part of the Japanese himself that this country is not his, and accordingly he ought not to vote. Probably the fact that his parents have never voted, and his background contains no suffrage rights, has much to do with his failure to vote. Undoubtedly, family influence from the older noncitizen Japanese acts as a deterring factor on the second and third generation born in the Territory. Many citizens of the Territory are of the opinion that when the old foreign-born Japanese disappear the Americanization of the second and third generation will be appreciably more successful. As an indication that these Asiatic races still possess an active interest in their parent nations, it is claimed that during the recent trouble between Japan and China, the Chinese boycott of Japanese industry prevailed in Honolulu between the Chinese and Japanese.

To the contention that the extension of the right of self-government is an inalienable right of the citizens of the Territory, the commission advocates assert that, since the Territory is actually and potentially, and in its basic aspects, a military and naval reservation, it has never been true that upon such reservations the inhabitants were allowed the full rights of self-government. Thus they illus-

trate the point of their contention by reference to the government in the District of Columbia, as well as on every important military and naval reservation in the United States.

Admiral Yates Stirling, jr., commanding the Pearl Harbor base, has filed with me a formal statement indicating his position, from a naval standpoint, with respect to the foregoing contentions. Because of its importance, I attach it as an exhibit. (See Exhibit 11, p. 197, appendix.)

Contra:

On the other hand, the opponents of a commission form of government assert that the Territory has been operating under the usual American Territorial form of government for more than 30 years, happily, successfully, and patriotically. They insist that the imposition of a commission form of government upon the Territory destroys the hope of ultimate statehood, and directly unfits the citizens and prospective citizens of the Territory for education in self-government. It is asserted that self-government is the greatest possible educator toward American governmental principles of self-government, and that any other attitude toward the people of the Territory would be autocratic and un-American.

It is asserted that a commission form of government would thus be out of touch with the people and would be a radical departure from the form of government that has been heretofore extended by the United States toward its Territories. (Vol. 1, p. 65, transcript.)

While the polyglot nature of the population is admitted, it is insisted there is every reason to expect that this population will turn out to be loyal American citizens, upon which the country may well depend in any and all emergencies.

It is pointed out that the Territory contributes much in property and taxes to the General Government and has developed itself, within a short period of 30 years, into one of the most important municipalities in the United States.

It is urged that the education of the island-born youth is being furthered and assisted by a chance to exercise the citizen's right of expression and suffrage, to withdraw which would be disparaging, unfair, and injurious to the Territory and its citizens.

It is contended that if, in the event of war, the National Government desired immediate military occupation that such government could then be imposed on the entire Territory without obstacle or delay, and that the preexisting type of government then in operation would not, to any extent, prevent, embarrass, or impede such occupation.

Consequently, the opponents of a commission system of government urge that the great experiment which the National Government is conducting in the Territory, in its attempt to amalgamate a Polynesian and oriental population into loyal American citizenship, ought to proceed upon the broadest and most liberal lines, to the end that the experiment might demonstrate whether or not the principles of American constitutional government are applicable to the kind of a population found in the Territory and that any interference in the experiment by a change in the type of government, or a limitation in the right of self-government, would be to convey the failure of the constitutional governmental experiment to the watching nations of the world.

Consequently, it is asserted that such a commission is unnecessary and un-American and destructive to the best interests of the National Government in the Territory.

The question thus presented is a very disturbing one and, if considered at all by Congress, would require changes in the organic act.

It is perhaps well to remember that the Territory of Hawaii was not acquired by conquest or purchase, but was the result of the meeting of the minds of two independent governments, resulting in an agreed annexation. While the reason which actuated the United States Government in agreeing to annexation may have been the military and naval significance of the Territory, it may well be said by the citizens of the Territory that the Republic of Hawaii agreed to annexation in order to gain the advantages of American constitutional government, and that therefore the rights of its people to such American constitutional free self-government may not be denied upon the contention that the Territory is basically purely a military and naval outpost.

In any event, in view of the interpretation which has been placed by Congress upon the relation effected by annexation, as evidenced by the type of government which it has permitted to be in force in the Territory for more than 30 years, I am unwilling, at this late date, to agree that the time has now come to take away the right of self-government from the people of the Territory.

I do think, however, that the views and aims of the National Government in aid of its military and naval interests in the islands should be given more attention than they now receive.

I am very strongly inclined to the view that the civil interests of the inhabitants of the Territory have been permitted to take precedence over the interests of the National Government.

Therefore, I think that the direct hand of the National Government in the affairs of the Territory should be augmented and emphasized by the appointment by the President, with confirmation by the Senate, of—

(1) A territorial prosecutor, such as an attorney general, under whose authority, and by whose appointive deputies, all prosecutions in the Territory should proceed, and

(2) The appointment by the President, with confirmation by the Senate, of a territorial police head, such as a high sheriff, and the suggested organization, under such head, of a territorial police constabulary, similar to the New York, the Pennsylvania State police, or the Royal Canadian mounted police.

I make these recommendations for the following reasons:

After all, the question of the administration of government, which is being applied in the Territory to-day, is an experiment to ascertain whether Polynesian and oriental populations may fully respond to our principles of constitutional self-government.

TERRITORIAL PROSECUTOR

The political condition in the Territory to-day materially interferes with the efficiency of the various prosecutors in the different counties. Each prosecutor has built up behind him a strong political machine, the production of which has quite subordinated the proper, fearless administration of the law. In my opinion, it is im-

possible to get such a prosecutor out of politics as long as he, or the persons who select him, are elective officials. The demoralization of the administration of government in the Territory through excessive politics ties the hands of every prosecutor in the Territory. Therefore, no prosecutor in the Territory is free to, or qualified to, handle a serious crime situation.

The courts at present are maintained by the Federal Government. So the appointment by the same authority, the President, of a prosecutor for the Territory, called an attorney general for the Territory, somewhat similar to the theoretical position formerly occupied by the attorney general of the Territory, would largely neutralize the effect of politics and would permit vigorous prosecutions of the criminal laws throughout the Territory.

An appearance of National and Territorial dignity in such prosecutions would therefore be presented to the citizens of the Territory, instead of an appearance of activity by brother politicians dependent upon the defendants for political favors.

TERRITORIAL POLICE

Closely allied with such a recommendation is my recommendation of the future establishment of an organization of Territorial police. The head of such a system should be a high sheriff (a present official title in the islands), appointed by the President of the United States, with the advice and consent of the Senate. He would constitute a central police authority, nonpolitical in nature, with every probability that the personnel of his organization would be likewise free from the trammels of local politics and politicians. He should be given full time to survey the situation, and be required to report to Congress the plan he thinks best for the Territory.

The activity of such a police would be exclusive, and all policing would be done by such force. The result would be an educated, intelligent, competent, disciplined police force, such as exists at present in the personnel of the various State police. Such men would be experienced, and by a system of rotation could become entirely familiar with every condition present in the limited area of the Territory. Such a plan works well wherever it has been tried. I am advised it is now in force, under Federal authority, in the Philippines, and perhaps elsewhere.

Originally something in the nature of a Territorial police was contemplated for the Territory (Ch. 109, laws of 1925), but when county government came in in 1905 the method was unfortunately superseded, and, although the power still exists, it has never been exercised until in January, 1932, when a temporary exercise of the power provided added police protection during the search for escaped convicts in Honolulu. (See Pt. I, p. 63.)

No appropriation has been made under the said power, and it is actually impotent.

Moreover, appointment by such officials as the high sheriff, or the attorney general, is quite insufficient. The head of such a police force should be under direct presidential appointment, wholly free from any political appointment or control within the Territory, just as the governor and the judges now are.

With such a public prosecutor, and such a Territorial police force, the fears expressed by the exponents of the commission type of government, with respect to cooperation with the civil population in event of hostilities, would be largely dispelled, and the National Government would have firm control of the great agencies for law enforcement in the Territory, the courts, the prosecutor, and the police, and citizens of the Territory would have better service, better security, and less expense. Many of the citizens whom we contacted viewed the suggested recommendations favorably.

These recommendations should not be considered particularly revolutionary. The early legislation for the Territory, fixing the duties of the attorney general and the high sheriff, quite evidently had the same general view of the necessities of the Territory with respect to a prosecutor and a police system as is illustrated in my foregoing recommendations.

Such legislation contemplated the attorney general of the Territory as its chief prosecutor, and the prosecutions were to take place throughout the Territory under the supervision and control of deputies appointed by such attorney general.

Likewise, the high sheriff was to be head of the Territorial police, and was to be responsible to the attorney general.

Thus, we have much the same basic ideas as those I now recommend.

It was the coming of county government in 1907 which paralyzed both of the foregoing systems. The attorney general was supplanted, as the prosecutor, by the county attorney, and the high sheriff was supplanted as head of the Territorial police by the county sheriff.

The development of county government, particularly with reference to the prosecution and police administrations, seemed unsatisfactory. The county system seemed ridden with politics with a resulting inefficiency which made these administrations incompetent to cope with modern crime conditions. Consequently, I think it would be well to go back to the ideas of the original framers of the organic act, and again provide a Territorial police system, as well as a Territorial prosecutor in order to get a new start in the handling of those necessary administrations.

And I am very strongly of the opinion that the head of the prosecuting organization, as well as the head of the Territorial police organization, should be appointed by the President, with the advice and consent of the Senate.

Such a method of appointment seems advisable to me for several reasons. First, it will give the Federal Government an immediate responsible hand in those governmental agencies in the Territory which are vitally connected with law enforcement. Second, because of the necessity of securing the approval of the President and the Senate, the Territory will present its very best human material for those offices, instead of merely its best politicians, as is the case now. Third, the paramount interests of the United States, particularly in establishing a reign of law and order in the Territory, will be made much more effective through a presidential appointment. Fourth, the confidence of the people of the Territory in officials thus chosen will tend to allay the present widespread dissatisfaction with

either elective officials or officials who are appointed by elective political sources.

FEDERAL AND TERRITORIAL COURTS

Analogous to the foregoing recommendations is my further recommendation that there should be a complete amalgamation of the Territorial and Federal courts in the Territory. At present there are four circuit and two Federal judges on the Island of Oahu. All of these judges are appointed by the President, with the advice and consent of the Senate. The salaries are paid by the United States. All of the judges are drawn from the same Territorial bar, upon the same recommendations of the local bar association and Territorial officials.

The Territory has a competent, experienced supreme court, concerning whose ability and efficiency we have received no complaints.

Moreover, the duties of the Federal court are comparatively few. There is utterly no reason for the maintenance of two Federal judges in the Territory. In fact, I am advised that the second Federal judicial position was created a number of years ago because of the physical inability of the then Federal judge, but in creating the second position Congress failed to provide that the vacancy in the first position should not be filled upon the death or resignation of the incumbent. As a result the Territory has two Federal judges where it hardly needs one.

If one judge were added to the list of circuit judges, and the court thus constituted be given full jurisdiction in all Federal and Territorial matters, a right of appeal would then lie to the Territorial supreme court, a court entirely equal in grade to the Ninth Circuit Court of Appeals in California, to which Federal appeals must now go. Provision might then be made for a review of the decisions of the Territorial supreme court on certiorari by the Supreme Court of the United States.

There is no reason to believe that there would be much added burden upon the Supreme Court of the United States, but even if some burden were added it is evident that the Supreme Court of the United States is not now overloaded.

At the present time the time and expense of an appeal from the Federal courts of Honolulu to the Ninth Circuit Court of Appeals in California is so prohibitive that it is commonly stated that the local judges are both trial and appellate judges, since no appeal can expeditiously be taken.

In other Territories, except Hawaii, there has always been an amalgamation of all courts. This was true in Arizona and New Mexico before annexation, and it is true in Alaska. If such a condition were true in Hawaii, the expense of a United States marshal, the United States clerk, and the United States attorney and his various assistants might be eliminated and all these duties placed in the hands of the Territorial courts and the Territorial public prosecutor.

There is no particular legerdemain in Federal jurisdiction or practice. Most competent lawyers are perfectly familiar with the Federal laws and practice, and there would be no particular difficulty in the handling of such jurisdiction and practice by any ordinary circuit judge in the Territory worthy of being a judge.

REAPPORTIONMENT

Some considerable complaint was made to me with respect to the failure of the legislature to cause a reapportionment of the Territory in accordance with the mandate of the organic act. It is conceded that the island of Oahu now has a clear majority of the citizens of the Territory, and that control of both the house and the senate, under the original apportionment, lies with the outlying counties. The people in Oahu are therefore clamoring for a reapportionment, and the majority interests in the legislature will not consent.

I do not think a full reapportionment of both houses would be advisable, but I am strongly of the opinion that there should be a reapportionment in the house of representatives. In that way the larger population would be in control of the house, and thus able to resist a combination in the outlying counties in attempting to legislate against Oahu. Likewise, the outside counties would be protected from adverse legislation enacted by the city of Honolulu.

In other words, such a reapportionment of one house only would create a situation analogous to the national congress, as viewed in the light of the representation possessed by the house, as distinguished from that possessed by the senate.

DISMISSAL OF APPOINTED OFFICIALS

Under the organic act (see sec. 546, U. S. C.), officials whom the governor has appointed to Territorial offices may not be removed by him, except with the advice and consent of the senate. (Organic act, sec. 80.)

It is entirely correct, of course, that the appointments of the governor be made with the advice and consent of the senate, but it seems to me wrong to require the power of dismissal to be subject to the will of the senate.

Such a provision completely ties the hands of the governor, destroys his executive control of his own appointees, and opens the door for a flood of political combinations, cabals, and logrolling. I think the governor ought to have the same power as the President of the United States—to wit, the right to remove appointive officials by his own act.

DISMISSAL OF CRIMINAL CASES

By legislative act, at present (sec. 4030, laws, 1925) it is provided, that, in connection with the prosecution of a criminal case, upon a second disagreement of the jury, the case against the defendant must be dismissed. Thus, a second mistrial is equivalent to a verdict of acquittal. This, I think, is wrong. It puts a premium upon pettiness and jury fixing. It ties the hands of the prosecutor, since no prosecutor would ordinarily desire to keep on prosecuting a case, unless he has hope of conviction, and I know of no reason why, in a proper case, the prosecutor would not be justified in trying the defendant as many times as necessary in order to get a verdict of either guilty or an acquittal.

Such a law, applied to the pending Ala Moana rape case, already once mistried, would enable a single disagreeing juror to set the defendants free by creating another disagreement.

The legislature does not seem inclined to change this law. I am inclined to think the influence of various lawyers with wide criminal practice prevents the repeal of this statute, and I recommend appropriate legislation by Congress to get rid of it.

THE RAPE STATUTE

The 1931 legislature amended the statute on rape so as to eliminate the necessity of corroboration of the complainant on the question of the identity of her assailant. The punishment for rape was also fixed at death, or a term of imprisonment, without minimum. (Exhibit 80, p. 315, appendix.)

I have grave doubts as to the wisdom of the elimination of the necessity of corroboration of the complainant on the question of identity. As was said in Lord Blackstone's time, "The charge of rape is a hard charge to make, and still harder to defend." The extreme severity of the offense, plus the possibility of capital punishment, makes me feel disinclined to permit the conviction upon the uncorroborated testimony of the complainant on the question of identity. It results, unless an innocent defendant is able to establish an alibi, in possibly his life depending upon the verdict of a jury, as between his denial and the complainant's assertion.

And since the complainant in a rape case, because of her sex and the outrage committed upon her, usually is, in the eyes of the jury, a favorable witness, the position of a defendant, erroneously identified, is critical. I realize there is another side to the argument, but certainly if any such rule is to be adopted, the court ought to have the greatest possible latitude in the administration of punishment.

Consequently, I see no reason for any further strengthening of the Territorial rape statute.

XV

DISCUSSION OF EVIDENCE BY THE COURT

In view of the racial character of the juries, with the deficiency in experience and education which necessarily follows, it has occurred to me it would be an advisable thing to empower the judges in the Territory to comment upon the testimony in cases before the court, the same as Federal judges now are empowered so to do. (*Vicksburg R. R. v. Putnam*, 118 U. S. 545, 553.) It also occurs to me that such an intelligent consideration of the testimony by the court under the trial circumstances found in Hawaii will tend very much to clarify the issues and prevent prejudice and mistake.

It seems to me, therefore, it would be well for Congress to so provide.

SUMMARY

I have stated heretofore in this report that we were unable to conclude that crime conditions in the Territory were any worse than crime conditions in cities of similar population in the mainland.

I have, nevertheless, pointed out in detail various grave shortcomings in law enforcement and administration on the part of various

officials, and in various departments, of the Territorial and local governments.

I have also recommended a number of changes in the organic act, in aid of the better administration of justice.

It may be again suggested that there is some lack of consistency between the conclusions thus reached, and that the mainland should not ask of Hawaii more law observance than it itself presents.

In reply to the charge of inconsistency I have this to state:

1. The Territory, because of its small area and great isolation, is reasonably capable of more consistent law enforcement than areas of similar size on the mainland.

2. The Territory's position as a military and naval post of great importance requires a higher degree of law enforcement in order to avoid embarrassment of the military and naval forces.

3. The conditions which we found to exist in the Territory will, unless changed and remedied, quite certainly prevent effective law enforcement in the Territory in the not distant future.

4. Moreover, Congress has no authority or control over crime conditions or law-enforcement administration in cities on the mainland or in the various State governments. In Hawaii, however, the Congress has full control, and may therefore address itself toward the establishment of such laws and prohibitions as in its opinion will create the best possible conditions in the Territory. Congress may not do more than this, and it certainly should not do less.

5. Finally, the character of the Territorial population, with its oriental and Polynesian background, presents such an extraordinary experiment in the development of the American constitutional form of self-government among such peoples that no effort should be spared in providing proper conditions of law enforcement and a suitable administration of justice for the people of the Territory.

Consequently, in view of the foregoing considerations, I do not think the conclusions and recommendations which we have reached, and which are noted above, may properly be termed inconsistent.

XVI

COUNTIES OF HAWAII, MAUI, AND KAUAI

We were, fortunately, able to personally examine law-enforcement conditions on the islands of Hawaii, Maui, and Kauai.

The same method of examination was used as had been developed in the examination of affairs on Oahu and in Honolulu.

The police report (Pt. I, p. 99) and the prison and parole report (Pt. III) show in detail the conditions found in these outlying islands. (See also vols. 12, 13, 14, 15, transcript.)

No serious crime conditions were found to exist in these islands, and law enforcement seemed to be fairly satisfactory.

Of course, the administration of governmental affairs in these counties was subject to the same excessive political activities as we found in Honolulu and the island of Oahu. (Pt. I, p. 100.) If the law-enforcement machinery in these outlying counties was ever subjected to a severe test of dangerous crime conditions it would probably be unable to function satisfactorily.

But these counties are almost wholly rural. The life is quite generally agricultural, and the great block of the population lives in the country in and about the plantations. There are no large cities, save possibly Hilo (20,000), and the county government furnishes all of the administration machinery for the towns as well as the rural communities.

It was everywhere insisted that law-enforcement conditions were in good order and that persons and property were reasonably safe. This I believe to be true. Instances were found of the commission of serious crimes, notably the Baldwin case in Hawaii in 1928, but no evidence was found that there was any underlying bad condition of affairs which made such crimes probable. On the contrary, they seemed few in number and wholly sporadic.

We found many persons who advocated a cessation of the county form of government and a return to the Territorial government which existed prior to 1907, when county government was instituted. Were economy the only wish, such a change would probably be a good thing, but the cheapest government does not always mean the best government.

There were twice as many local magistrates appointed as was necessary, and there was a widespread complaint against the high tax rate.

The controlling financial interests were in absolute domination of the industrial activities of each of these islands, but a majority of the persons contacted insisted that such interests do not, and can not, control local politics.

Compared with Oahu, the same conditions of unemployment prevailed, and there was the same problem of getting the island-born youth to work on the plantations, with a corresponding high lack of success in that connection.

These islands are well cultivated, well kept, and are certainly pleasing to the eye. We are advised that there was no extreme poverty present and no serious wage or labor disputes.

The political representatives of these counties control the Territorial legislature. Senator Charles A. Rice of Kauai is reputed to be the "boss" of the legislature. His brother, Harold W. Rice, is one of the senators from Maui. Between the two of them, they have organized the outlying counties so well that the control of the legislature seems to follow. Both of these senators are closely allied with the so-called Big Five, and are very deeply interested in the so-called sugar and pineapple interests of the islands of Maui and Kauai. They have behind them, in their respective counties, a very well-organized and vigorous political machine, with the result that the two senators have been in the Territorial legislature for a great many years. (See p. 170, vol. 1, Transcript.) Consequently, while the islands of Kauai and Maui are, physically and industrially, rural, and of comparatively small populations, they have an extraordinary potency, politically, in determining the conduct of affairs in the Territorial legislature.

HAWAII NATIONAL PARK

We made a careful investigation into law conditions existing in the Hawaii National Park on the island of Hawaii. Congress has recently provided for the maintenance in the park of a United States commissioner, at a salary of \$2,000 per year. It is believed that such expense is wholly unwarranted. There is a United States commissioner at Hilo, less than 30 miles from the park, who could easily take care of any law violation arising in the park if Congress would give him the necessary authority. Likewise, for that portion of Hawaii National Park on the island of Maui, a resident United States commissioner on the island is always available.

Moreover, I see no objection to clothing the superintendent in charge with authority to act as a United States commissioner without pay, with respect to violations occurring within the limits of the park. The peculiar location of the Hawaii National Park would make such authority in the superintendent proper, inasmuch as the park is partly on the island of Hawaii and partly on the island of Maui, and to provide a United States commissioner to reside in each division in the park would, it seems to me, create an entirely unnecessary expense.

I would recommend, therefore, that any United States commissioner in the Territory be authorized, upon application, to act with respect to violations occurring in the Hawaii National Park, and that the park superintendent be given, within the park area, the powers of a United States commissioner, with no remuneration except expenses in connection with any breach of law occurring within the park area.

CONCLUSION

I am hopeful that the foregoing report may serve to materially inform the Congress with reference to existing conditions of law enforcement in the Territory of Hawaii.

The attached subreports, Parts I, II, and III, are the result of a very careful investigation of the subjects covered therein, made by very competent investigators, and have my entire approval. The appendix of exhibits will be found to contain much important material relating directly to questions of law enforcement and the administration of justice. The transcript, consisting of 15 volumes, being the reports of interviews taken by us from several hundred residents of the Territory, will be found to contain a wealth of discussion with reference to island needs and conditions. It must be remembered that such reported interviews contained in the transcript are, for the most part, simply our own reports of such conversations and are not intended to be either specifically accurate in the reporting of the conversations or to have been revised by the person quoted after the same were prepared by our stenographers. These transcripts should, therefore, be viewed only as an indication of the facts and circumstances upon which, to a large extent, we proceeded in reaching our conclusions and preparing our reports.

Respectfully submitted.

SETH W. RICHARDSON,
Assistant Attorney General of the United States.

MARCH 30, 1932.

REPORT ON POLICE ADMINISTRATION IN
THE TERRITORY OF HAWAII

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REPORT ON POLICE ADMINISTRATION IN THE TERRITORY OF HAWAII

HONOLULU, HAWAII, *March 12, 1932.*

HON. SETH W. RICHARDSON,
*Assistant Attorney General of the United States,
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DEAR GENERAL RICHARDSON: Pursuant to your request the undersigned have made an investigation of the police administration in the city and county of Honolulu. We present herewith our report. There is made a part of the report a brief survey of the police administrations in the islands of Hawaii, Kauai, and Maui.

In making our investigation a large number of persons have been interviewed and consulted. The views of Governor Judd, Admiral Stirling, General Wells, the Princess Kawananakoa, and other leaders have been secured. All commanding and subordinate officers of the city and county police force, the entire detective bureau, and many members of the traffic and patrol bureaus have been personally interrogated. The constables in charge of the country police have been questioned. Members of the newly created police commission, judges, the Territorial attorney general and members of his staff, the police magistrates, present and past members of the civil-service commission, the military and naval police officers, the city and county physician, ex-members of the police department, the heads of the Federal law-enforcement agencies in Honolulu, the mayor and representative members of the Territorial legislature, social-service and religious workers, representatives of local newspapers, the directors of various civic and philanthropic organizations, attorneys, prominent citizens representing all branches of political, racial, and religious affiliations, and other persons having knowledge of police conditions in Honolulu have likewise been interviewed. Public dance halls, houses of prostitution, and the slum areas have been visited and representatives of the so-called underworld have been interrogated.

Police records of criminal complaints and arrests, such as could be found, and numerous crime statistics have been examined and analyzed. The police courts have been visited and observed in operation. The police equipment, records system, and signal system have been inspected. An extensive personnel investigation has been made, including an inquiry as to the age, racial characteristics, reputation, character, and experience of individual members and officers of the police department. An investigation was made as to the method of selecting and removing police personnel. Charges of graft and corruption have been investigated. Intelligence tests have been given to all members of the police department. And finally, within the limits of the time available, the data thus secured has been evaluated and compared, and reduced to tables, graphs, and conclusions.

A study has been made of the new police statute enacted by the Territorial legislature on January 22, 1932, effective February 1, 1932, and of the police administration under that statute.

In making this survey we have had the whole-hearted cooperation of Mr. Weeber, the new police chief, and of the newly created police commission of the city and county of Honolulu. The officers of the other counties have likewise cooperated well.

We have been generously assisted by Capt. J. A. Greening, deputy chief of police of Berkeley, Calif., who, during most of the period of our investigation, was engaged in making a survey of the Honolulu police department for the police commission. Captain Greening's expert assistance permitted us to make a much more careful study than would otherwise have been possible in the limited time at our disposal. We wish also to acknowledge helpful suggestions from Mr. August Vollmer, chief of police of Berkeley, Calif.

Respectfully submitted.

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SUMMARY OF PRINCIPAL FINDINGS AS TO POLICE ADMINISTRATION IN THE CITY AND COUNTY OF HONOLULU PRIOR TO THE POLICE ACT OF FEBRUARY 1, 1932

During the greater portion of the last decade, if not prior thereto, the Honolulu police department has been operating at a low degree of efficiency and discipline. Its organization has been loose and unscientific, its leaders have lacked executive ability and police skill, and its personnel has been largely untrained, incompetent, and often unintelligent. As a result the confidence of the general public in the efficiency and integrity of the police has dwindled almost to the vanishing point. Among the chief causes which contributed to this situation are:

(1) A political system which placed the police administration under the control of an elective sheriff who was forced to use much of his time and energy in preparing for and engaging in an election campaign every two years, with the result that the police administration came under the dominance of politics.

(2) Frequent changes in the police executive, which tended to demoralize the department and prevented the establishment of a year-to-year progressive policy.

(3) The election to the office of sheriff of persons who possessed little or no police experience and who did not have the executive ability required for the creation and preservation of discipline and efficiency in the police department.

(4) The lack of adequate control by the sheriff over the appointment and removal of members of the police force resulting from placing the responsibility of appointments and removals upon a civil service commission which failed to impose sufficiently rigid qualifications for admission to the police force and to make an adequate examination of the character and reputation of applicants for positions on the police force and which, in acting as an appeal body from the disciplinary and dismissal orders of the sheriff, often failed to give such orders of the sheriff adequate support.

(5) Statutory requirements as to residence which prevented the employment of police experts from outside the Territory.

(6) The failure of the community at large to appreciate or to be vigorously concerned about the low degree of efficiency of the police administration until awakened from this apathy by disclosures incident to the Ala Moana case and subsequent events.

I

GENERAL ORGANIZATION AND STATUTORY BASIS

The city and county of Honolulu includes the island of Oahu and certain other small, unpopulated islands of negligible importance. Of the total population of the Territory of Hawaii in 1931, of approximately 375,000, more than half, or approximately 200,000, resided upon the island of Oahu. Of the latter figure, nearly 150,000 resided in Honolulu proper, the remainder being scattered throughout the rural districts. Obviously, most of the police problems of the city and county of Honolulu are city problems.

The city and county of Honolulu are served by four separate and independent police organizations: (1) the city and county police; (2) the Territorial police; (3) the Army military police; and (4) the Navy shore patrol. Only the city and county police exercise general police jurisdiction throughout the island of Oahu, the Territorial police being an organization in name only, and the two branches of service police exercising only special functions connected with the service personnel. Accordingly, this report is concerned chiefly with the city and county police, and particularly with the police administration in Honolulu proper.

In addition to the foregoing there are (1), the plantation police officers, usually two to a plantation, who are deputized by the city and county sheriff, but who are paid and maintained by the respective plantations, and who devote their energies to maintaining order and sanitation among the plantation laborers, and (2) the usual Federal agencies for the enforcement of Federal statutes, which include a special agent of the Bureau of Investigation, a prohibition administrator and agents, a deputy supervisor of the narcotic service and an assistant, immigration and customs inspectors, and others.

A. THE CITY AND COUNTY POLICE

For approximately 25 years prior to February 1, 1932, the police department of the city and county of Honolulu was under the direction and control of the city and county sheriff, who was elected biennially at the general elections of the city and county, and who was

removable only by impeachment proceedings.¹ Although the sheriff had complete freedom as to the operation of the police department, appointments to and removals from the department have, since 1913, been largely under the jurisdiction of a civil service commission consisting of three members, not more than two of whom could belong to the same political party, appointed for a term of two years by the mayor and board of supervisors.

Section 1885 of the Revised Laws of Hawaii (1925) provided that no person should be appointed to the police department without the approval of the civil service commission "in accordance with its rules and regulations." By section 1886 the commission was required to adopt regulations governing the selection of persons to be employed in the police department, such regulations to provide for ascertaining so far as possible the physical and educational qualifications, habits, reputation, and experience of the applicant, and for a competitive examination. Section 1888 provided that the examination should be practical in character and should be conducted in either the English or the Hawaiian language, at the option of the person examined. Section 1889 provided that any person appointed to the police department should hold such position during good behavior, subject to removal only as provided by the rules of the commission.

Under the civil service rules in force for several years prior to February 1, 1932, all applicants for positions on the police force were required to pass a mental and physical examination. The rules provided that after such an examination had been made the commission should certify to the sheriff a list of persons eligible to appointment. Appointments to the police department were thereupon made by the sheriff from names upon the eligible list without regard to priority of application or examination rating. Promotions were made by the sheriff in his discretion. The rules further provided that the sheriff might suspend, reduce in rank, or discharge, any person in the police department for not to exceed 30 days, or such further time as was approved by the commission, pending an investigation of the charge against such person. In such event, the sheriff was required to furnish the accused officer with a written statement of the charge against him, whereupon he might appeal from the action of the sheriff to the commission. The commission was required to hold a hearing on the charge or charges, to be conducted "in a summary manner," whereupon it might sustain or overrule the disciplinary action of the sheriff, or enter such order as it deemed requisite.

By the act of the territorial legislature of January 22, 1932 (H. B. No. 1, special session of 1932),² the basic organization of the city and county police department was completely changed. The police administration under the statute is hereinafter discussed in detail. (See pp. 94-99, *infra*.) Since the new statute did not become effective until

¹ Prior to 1907 the police of the Territory were under the supervision of the high sheriff, who in turn was under the control of the attorney general. Appointments of police officers were made by the high sheriff with the approval of the attorney general, and such officers were removable at any time by any judge of a court of record for incompetency, corruption, or misbehavior in office. In 1907, after the creation of county government, the regular police of each county were placed under the control of the respective elective county sheriffs, but the provisions creating a territorial police under the high sheriff and the attorney general were still retained. (See p. 63, *infra*.) In 1913 the police of the city and county of Honolulu were placed under a civil-service control.

² Exhibit 41, pp. 243-246.

February 1, 1932, and since, pending a detailed study of the department, the new police commission made no substantial changes in the old organization, the police department and personnel during the period of this investigation were in practically the same status as they had been prior to February 1, 1932.

B. THE TERRITORIAL POLICE

Chapter 109, sections 1496-1512, of the Revised Laws of Hawaii (1925), provides for the establishment of a Territorial police under the supervision of the high sheriff, who in turn is under the control of the attorney general. The high sheriff is given power, subject to the approval of the attorney general, to appoint deputies and police officers as occasion may require and dismiss them in his discretion. He is also given the power to appoint special police officers to serve without pay, or with pay for services during an emergency if such payment be approved by the attorney general.

Since the establishment of the county and city and county police in 1907 the Territorial police force has been an organization in name only, no funds for this purpose ever having been appropriated by the legislature, and there are at the present time no such police. Only once have the attorney general and the high sheriff invoked their power to call this organization into existence, and that was during January, 1932, when, due to the public unrest caused by the Ala Moana case and subsequent events, particularly the escape of two prisoners from the Oahu penitentiary, approximately 70 citizens were organized as a Territorial police force. This force was augmented to about 180 for a period of three days following the Kahahawai killing, and was disbanded entirely on January 31, 1932. The expense of this organization was paid from the governor's contingent fund.

C. THE ARMY MILITARY POLICE AND NAVY SHORE PATROL

The Honolulu military police are under the jurisdiction of the Hawaiian Department of the United States Army. They are interested solely in offenses involving Army personnel and need be considered only in connection with such offenses. The present force is a permanent organization, known officially as "Military Police and Captain, Hawaiian Department," consisting of 3 officers and 51 men. It maintains a receiving station and cell in the Honolulu police station and is on duty continuously. Night patrols are maintained in areas of the city which have been found to be a source of trouble.

A more or less definite "gentlemen's agreement" has been entered into between the military and civilian authorities as to the disposition and prosecution of soldiers apprehended in violations of law. In general, the provisions of this agreement are as follows:

(1) Officers and enlisted men charged with crimes involving capital punishment are held by the police making the arrest until a conference is had between the military and civilian authorities as to which shall assume jurisdiction.

(2) Officers and enlisted men charged with felonies other than those involving capital punishment and misdemeanors generally, excepting traffic offenses, are turned over to the military authorities for trial.

(3) Officers and enlisted men charged with traffic offenses, excepting manslaughter with an automobile, theft, or malicious conversion of an automobile, and driving while under the influence of liquor (in the case of officers), and a few misdemeanors of a minor nature, are held by or turned over to the civilian authorities for disposition and trial.

This agreement seems to have worked satisfactorily.

The military police follow closely all offenses involving the military personnel. If a soldier is arrested by the military police and the offense is one falling within the agreed jurisdiction of the Army, he is turned over to his command and a report is made to the civilian police; if the offense is one falling within the civilian jurisdiction, he is turned over to the civilian authorities. If in the latter event a court trial is had, an officer of the military police is present during the trial. If a soldier is arrested by the civilian police for an offense falling within the military jurisdiction, he is promptly turned over to the military police; if the offense is one falling within the civilian jurisdiction, the military police are promptly notified and are allowed to be present at all subsequent investigations and hearings.

Considerable effort is devoted by the military police to a kind of supervision over the "white" houses of prostitution operating in Honolulu in an effort to reduce venereal disease among the soldiers. Soldiers who become infected are required to disclose the source of their infection, whereupon unofficial, but quite practical, measures are employed to prevent other soldiers becoming infected from the same source. The results have been little less than phenomenal. In the Surgeon General's Current Statistical Report for Troops in the United States, Panama, and Hawaii for 1930, the following statement is made with reference to the troops of the Hawaiian department:

These troops had probably the lowest annual admission rate from venereal disease in the history of the Army, the average for the year (16.21 per 1,000) being considerably lower than it was in 1929 (21.46 per 1,000) and less than half as great as it was in the United States and less than a third as great as that for the troops in Panama.

The venereal rate for the entire United States Army for 1930 was 47.7 per 1,000 troops.

The present Navy shore patrol consists of 3 officers and 30 men.³ This organization performs the same function for the Navy personnel as the military police do for the Army personnel, operating in essentially the same manner, and under the same "gentlemen's agreement" with the civilian authorities.

There are, however, some distinguishing characteristics between the two service organizations. The military police is a permanent organization composed of officers and men who are permanently assigned to that work. The Navy shore patrol is organized upon a temporary or shifting basis, its personnel and officers, with the exception of the senior officer, being frequently changed as new reliefs are from time to time assigned to this work. Moreover, the volume of work of the military police is regular, whereas the volume of work of the shore patrol fluctuates because of the more or less con-

³ At one time, shortly after the mistrial in the Ala Moana case, the patrol numbered approximately 100 men. The extra men were used largely for patrolling outlying districts where naval families resided, in which districts police patrols are not usually maintained.

stant but irregular arrival at and departure from Pearl Harbor of naval vessels, the crews of which are usually granted shore leave.

The arrests of sailors or soldiers by the civilian police and the turning over of such sailors or soldiers to the service authorities, pursuant to the "gentlemen's agreement" above set forth, has not meant a "whitewashing" of the offenses for which the arrests were made. A study of the cases of soldiers and sailors arrested during 1931 by the civilian police and turned over to the respective service authorities for disposition shows that full hearings were had as to the offenses charged, and, when warranted, adequate disciplinary action taken.

The relations between the civil police and the military police are very friendly, and the military police report that they receive a willing, though sometimes inefficient, cooperation from the civil police. The relations between the civil police and the shore patrol have in the past been friendly, and are apparently so at the present time. For a short period following the Ida kidnaping and the Kahahawai killing there was some tension between these two organizations, but that feeling seems now to have disappeared. The officers of the shore patrol, however, complain vigorously of the lack of efficiency, discipline, and competency on the part of the civilian police during the administration of Sheriff Gleason. While an investigation of these complaints affords evidence that they are to a considerable degree warranted, it seems that the gist of the complaint of the naval shore patrol officers is that they received poor cooperation from the prosecuting officials, as opposed to the police, in cases which have involved charges by naval personnel against civilians.

II

POLICE PROBLEMS

Essential to an enlightened understanding of the police situation in Honolulu is a knowledge of the political, racial, social, economic, physical, and other factors with which the machinery of law enforcement is there confronted. Certain of these factors tend to make the problem of police administration in Honolulu more difficult than in the case in mainland cities; others tend to make that problem a more simple one. While it is not the purpose of this report to make an exhaustive statement of all these factors,⁴ it is necessary to refer to certain of them in some detail.

A. POLITICAL SYSTEM

For about 25 years prior to February 1, 1932, the Honolulu police were under the control of a sheriff elected every two years at the general elections. Almost without exception these biennial contests for the office of sheriff have been marked by bitter political contentions and strong partisan feeling. Since invariably each sheriff

⁴ For instance, little attention has been paid to the traffic problems of Honolulu. A rather detailed discussion of this is contained in Captain Greening's report to the police commission, together with numerous recommendations. (See Exhibit 61, pp. 257-261.)

An investigation into crime conditions was made but only the vice problems are herein discussed, the matter of crime generally being reserved for Assistant Attorney General Richardson's main report.

desired to continue in office, it became the common practice to spend nearly six months every other year in a campaign for reelection. Because the tenure of the sheriff depended upon popular suffrage, most, if not all of the sheriffs, became strongly interested in making the police department into a strong political machine. Thus matters such as appointments to the force, within the wide limits permitted by the civil service laws, promotions, and the taking of disciplinary action tended to be governed by political considerations. An even more serious result was the almost irresistible tendency upon the part of all members of the force to make arrests or not to make arrests, to be diligent or lax in securing evidence, and to be concerned or not concerned with law violations, depending upon whether the individual or individuals involved were influential politically or personally.⁵ Under such a system even a strong police chief and able subordinates would soon become demoralized.

Another unfortunate result of the political and legal system prior to February 1, 1932, has been frequent changes in the executive head of the police force. Thus, during the eight years preceding the date mentioned, three persons have held the office of sheriff, the longest term of office being that of Sheriff Gleason, who was appointed to fill an unexpired term in September, 1927.⁶ It is impossible for even the ablest of police executives to maintain an efficient police organization under such conditions as to tenure of office.

The situation above described is, of course, not peculiar to Honolulu. In commenting upon the general loss of confidence in the police of the United States the recent Report on Police of the National Commission on Law Observance and Enforcement states (p. 1):

The chief evil in our opinion lies in the insecure, short term of service of the chief or executive head of the police force, and in his being subject while in office to the control by politicians in the discharge of his duties.

The new police statute of January 22, 1932, above referred to, constitutes a definite improvement so far as the manner of selection of and tenure of office of the police chief is concerned, although it still leaves considerable to be desired. (See pp. 94-99, infra.)

B. ISOLATION

Honolulu is approximately 2,000 miles from San Francisco, the nearest large city. The areas of the island of Oahu and the city of Honolulu proper are, respectively, 604 and 81 square miles. An indication of the extent of these areas can be gathered from the fact that the area of the county of Los Angeles is 4,115 square miles.

It is apparent that Honolulu presents a comparatively limited field for criminal operations. The relatively small size of the territory to be policed, together with the almost complete impossibility of escape from the island after the commission of an offense, makes

⁵ See Transcript, vol. 1, pp. 85-86, 161, 167, 218, 247; vol. 2, pp. 423, 474; vol. 10, pp. 2175, 2181, 2241, 2273, 2300; vol. 11, pp. 2372, 2454.

⁶ The tenure of the various sheriffs of the city and county of Honolulu was as follows: 1905-06, Arthur H. Brown; 1907-08, Curtis P. Iaukea; 1909-1914, William P. Jarrett; 1915-1922, Charles H. Rose; 1923-1926, David K. Trask; 1927 (seven months), David L. Desha; 1927-1931, Patrick K. Gleason. It is significant that both Sheriff Gleason's immediate predecessors were, after leaving office, indicted on charges of conspiracy growing out of alleged abuses while in office, although both were eventually acquitted.

the apprehension of criminals and their control after apprehension materially easier in Honolulu than in mainland cities of comparable size. Moreover, the distance from the mainland renders Honolulu free from the serious problem confronting mainland cities of the migratory crook, and the problem of the crook who uses one city as a rendezvous in which to plan depredations and operations in another city. These are undoubtedly the chief reasons why Honolulu is free from the highly organized crime that is found in many mainland cities.

C. DIVERSITY OF RACES

A fundamental consideration in police administration in Honolulu is the great diversity of races with which the police are required to deal. This diversity is indicated by the census figures for 1930, which show the population of Honolulu proper and the Territory to be classified as follows:

	Honolulu proper	Per cent	Territory	Per cent
Japanese.....	47,468	34.5	139,631	37.9
Caucasian:				
Portuguese.....	12,297	8.9	27,588	7.5
Porto Rican.....	2,211	1.6	6,671	1.8
Spanish.....	574	.4	1,219	.3
Other Caucasian.....	23,961	17.4	44,895	12.2
Chinese.....	19,334	14.1	27,179	7.4
Hawaiian.....	9,675	7.0	22,336	6.1
Hawaiian-Caucasian.....	8,283	6.0	15,632	4.2
Hawaiian-Asiatic.....	5,959	4.3	12,592	3.4
Pilipino.....	4,776	3.5	63,052	17.1
Korean.....	2,604	1.9	6,461	1.8
Negro and all others.....	440	.4	780	.3
Total.....	137,582	100.0	368,336	100.0

Without attempting here to make an analysis of the racial problems confronting Honolulu,⁷ it is apparent that the heterogeneous character of the population presents obvious difficulties in the way of effective police administration. One phase of the situation often overlooked is the early age at which the females of certain of these races arrive at maturity, a factor which seems to have a direct relation to the volume of statutory sex offenses committed in the Territory.

Moreover, the racial division of the population being as it is, it follows that the personnel of the police department itself must be composed of many different races (see p. 87, infra). Such a situation requires exceptionally strong leadership in order to establish and preserve loyalty and discipline.

D. EXCESS PROPORTION OF MALES

Of unquestionable significance, particularly with reference to the problem of sex crimes, is the presence in Honolulu and the Territory of a predominantly large proportion of male persons. Of the total population of the Territory in 1930, 222,640 were males, as compared to 145,696 females. The population of Honolulu proper

⁷ For this, see Assistant Attorney General Richardson's main report.

for 1930 shows 74,456 males, as compared to 63,126 females. This large majority of males is a factor which has a direct bearing upon sex crimes and sex relations in the Territory.

One main reason for this predominance of male population is the presence of the service personnel, most of whom are young, unmarried men. The other chief reason is the importation of Filipino males for work upon the sugar plantations. During the 10-year period from 1920-1929, inclusive, there was an increase of Filipino adult males in Hawaii of 35,281, as compared with an increase of Filipino adult females of 2,551. Of 63,052 Filipinos in the Territory in 1930, 52,566 were males, as compared with 10,486 females.

It is believed that the undue proportion of males among the plantation laborers is a factor in the numerous sex offenses committed by this class.

E. PRESENCE OF SERVICE PERSONNEL

Another factor of importance is the presence in or near Honolulu of approximately 19,000 soldiers and sailors. Most of the personnel of the various Army groups, totaling approximately 15,000 and constituting the largest single United States military establishment, reside on military posts or reservations in or near the city. Most of the naval personnel, totaling in excess of 4,000, are quartered in barracks or on vessels at the Pearl Harbor Naval Reservation, located about 5 miles from the city limits, but approximately 400 naval officers and their families, and a considerable number of enlisted naval personnel, live within the city proper.

It seems to be almost uniformly conceded that the conduct and behavior of the soldiers and sailors in Honolulu is of as high if not higher standard, as that of the service personnel in other cities regularly frequented by soldiers and sailors, and many Honolulu citizens express pride in the friendly relations which, with rare exceptions, have existed between the Army and the Navy and the civilian population.⁸ Nevertheless, since the soldiers and sailors form so large a block of the total population, their regular and frequent presence in Honolulu creates a major problem in police administration. That problem is rendered less difficult than it would otherwise be by the very effective aid rendered by the military police and the naval shore patrol.

Some indication of the nature and extent of participation in crime by the service personnel may be gleaned from the following table, which is a statement of arrests of such personnel by the civil police during 1931 and the offenses upon which such arrests were based.

⁸ See Transcript, vol. 1, pp. 69, 139, 158, 220, 234; vol. 2, pp. 293, 305, 329, 348; vol. 10, pp. 2152, 2183, 2203, 2214, 2295.

Arrests by civil police of service personnel during 1931, classified as to the offenses charged

Offense	Army	Navy	Offense	Army	Navy
Absent without leave, desertion, etc.	28	8	Larceny, first and second degrees	3	4
Adultery, bastardy, and fornication	1	8	Malicious conversion	22	1
Assault, assault and battery, etc.	14	10	Manslaughter	1	1
Attempted rape	1	1	Murder, second degree	1	1
Breaking glass on street	3	3	Narcotic act	1	2
Burglary and attempted burglary	4	4	Possession or sale of liquor	12	2
Carrying weapons	2	3	Robbery and theft	6	2
Disposing of Government property	4	4	Sodomy	2	2
Drunk (under influence)	49	132	Trespassing	1	150
Indecent exposure	2	2	Traffic violations	2	2
Investigation required	4	53	Miscellaneous (including disorderly conduct)	26	24
			Total	187	401

In addition to the arrests shown in the above table, the service police make numerous arrests of service personnel. Thus, in 1931, the Navy shore patrol made 348 arrests of Navy personnel and the military police made 1,535 arrests of Army personnel.

Although frequent violations of law by members of the military and naval establishments occur, these violations include relatively few crimes of a highly serious nature. There is no evidence that the number of crimes committed by the service personnel in Honolulu is in excess of what must be reasonably expected in view of the large number of soldiers and sailors involved.

There have been frequent complaints that soldiers and sailors will sometimes live with native girls for two or three years, often marrying them, and then when their period of enlistment is ended, leave their wives or sweethearts, as the case may be, often with a child or children, and return to the mainland. It was, however, impossible to secure any accurate data as to the number of these cases.

A check of the records of the juvenile division of the circuit court disclosed that during the four years 1928 to 1931, inclusive, the juvenile court handled 160 cases involving sexual offenses against minors, in only 12 of which service men were charged with having had immoral sex relations with minors. During the same period, 56 bastardy cases were filed in the juvenile court, in only 2 of which service men were found to be the fathers of illegitimate children.⁹

F. STREET GANGS

For many years the sugar companies have imported in successive waves of different nationalities, large numbers of Portuguese, Chinese, Japanese, Porto Rican, Filipino, and other laborers for work on the sugar plantations. Many of the second and third generations of certain of these races, born in Hawaii and educated in the Hawaiian schools, will not accept work upon the plantations or other heavy, manual labor. Since the industries of the Territory are predominantly and necessarily agricultural, there are not enough so-called "white-collar" positions for all the persons who are seeking them. The result has been an increasing number of young boys and men who will not go to work upon the plantations, who can

⁹ See Transcript, vol. 2, p. 426.

not secure other employment, and who are consequently idle much of the time.

These boys and young men tend to form into gangs and to congregate on street corners, in the numerous pool rooms, and in other like places. There have been complaints that they would often make rude and sometimes insulting remarks to women passing by, particularly if unaccompanied. Some of them possess low-priced automobiles and, acquiring gasoline from mysterious sources, can be seen frequently driving lazily around the city. For the most part these gangs, so called, are not of the organized type, so often found in mainland cities, nor are they of a vicious or dangerous character. They are described more accurately as loiterers, or at the worst as hoodlums. They present, however, a difficult and an increasingly serious problem in police administration in Honolulu.¹⁰

The ultimate answer to the Honolulu street-gang problem is one which must be found by the educators, social workers, and industrial interests of Hawaii. The best immediate answer would seem to be a more rigorous police administration than Honolulu has had in recent years.

The situation has apparently been helped by the enactment of a new loitering statute by the Territorial legislature on January 22, 1932.¹¹ A previous loitering statute had been enacted in 1929 (Act 256, laws of 1929), but less than two years thereafter it was held unconstitutional for failure to define the offense adequately. Mr. Kelley, the recently appointed public prosecutor, has announced publicly that he intends to arrange for a special squad of police officers who shall devote their time exclusively to the supervision and control of street gangs and the enforcement of the new loitering statute.

G. VICE

Unquestionably there is a large amount of vice in certain sections of Honolulu, although it is conducted on an individual as opposed to an organized basis. While vice can not be said to be located in any particular section or sections, it is to a considerable extent confined to and is inseparably associated with a few small areas, such as Hell's Half Acre, Tin Can Alley, Aala Park, etc., not far removed from important business or residential districts. In squalor, crowded living conditions, apparent lack of sanitation, insidiousness, and vulgar practices these areas are on a scale comparable to the slums in cities of the Orient. Surrounded by innocent-appearing stores and shops and affording entrance only by means of narrow, inconspicuous alleys, or passageways through shops, they are not apparent to the passer-by. The existence of such areas tends to foster vice and to make its control impossible. Too much stress can not be placed upon the necessity for the board of health and other civic organizations to eliminate such slum areas before the police will be able effectively to control vice in Honolulu.

(1) *Prostitution*.—There is a large amount of prostitution in Honolulu, as might well be expected in view of the presence of the

service personnel and the large proportion of male persons. All the evidence available indicates that it is conducted on an individual rather than a syndicated basis. Although there are some houses where as many as 8 or 10 prostitutes are employed, there does not appear to be any organization or concerted action on the part of any number of houses.

Following is a statement of the number and general classification of the known prostitutes as determined after a careful survey:

White women (professional).....	120
Native women (professional).....	40
Native women (occasional and pay day).....	70
Mixed (dance hall and charity).....	60
Total.....	290

The location of the chief "white" houses of prostitution, of which there are about 25, and the names and addresses of the white prostitutes, most of whom come from the mainland, are well known to the civil police and the service police. Because of the careful manner in which these houses operate convictions for prostitution are difficult to secure and, generally speaking, the police do not disturb these houses in the absence of evidence of white slavery or of crimes other than prostitution. In fact, the evidence discloses instances of undue friendly relations between prostitutes and members of the police force. At irregular periods police raids are made against some of the houses. If the amount of bail fixed is low, around \$50, it is usually forfeited; if it is higher, the alleged prostitutes will contest the case, and usually win. During 1931 there were 107 prostitution cases taken to court, the dispositions of which were as follows:

Discharged.....	9
Pleaded guilty.....	24
Nolle prossed.....	12
Bail forfeited.....	56
Found guilty by court.....	6
Total.....	107

The total bail forfeited in the above cases was \$2,775, an average of \$50 per person. Of the 30 persons convicted, 24 were fined, 2 were given jail sentences of 4 months each, and 4 received suspended sentences. The average fine was about \$26 per person.

An unofficial but effective supervision over the "organized" or "white" houses of prostitution is maintained by the military police with the cooperation of the "landladies," local physicians, and the Palama Settlement, in an effort to reduce venereal disease among the soldiers. As a result of this supervision the white prostitutes are almost without exception noninfectious, and little trouble arises from this source.

The "unorganized" Portuguese, Porto Rican, oriental, and mixed-race prostitutes present a problem of more difficulty. With few exceptions they are disease-infected, often living from hand to mouth, and moving frequently from one house to another. They are usually without money, and it is difficult to make them consent to medical examinations and treatments. The difficulty, so far as the service personnel is concerned, that arises from the "streetwalker" or "dance hall" type of prostitute as compared with the "house" type is indi-

¹⁰ See Transcript, vol. 1, pp. 141, 149, 164, 226, 268; vol. 2, pp. 290, 331, 354, 372, 427; vol. 10, pp. 2149, 2176, 2183.

¹¹ S. B. No. 8, special session of 1932. See Exhibit 42, p. 246.

cated by the following Army statistics, covering cases of venereal disease during the period from May to December, 1930:

Month	Cases reported	Sources		Percentages	
		House	Pick-up	House	Pick-up
May	8	1	7	12.5	87.5
June	7	2	5	28.6	71.4
July	14	5	9	35.6	64.4
August	8	3	5	37.5	62.5
September	14	2	12	14.3	85.7
October	15	2	13	13.4	86.6
November	10	0	10	0	100.0
December	8	0	8	0	100.0

Although no figures are available, the two chief classes of patrons of prostitutes are the service personnel and the Filipino laborers from the plantations. Other regular customers are from the crews of vessels passing in and out of Honolulu. The service personnel, particularly the soldiers, patronize the "white" houses, where the prevailing rate is \$3.50. Most of the Filipino laborers patronize the native houses, where the rate is from \$1.50 to \$2, and streetwalkers. Many of the naval personnel, having more money and longer leaves than the Army personnel, will arrange "parties" of their own, often "recruited" from the dance halls, two or three sailors renting a cottage for brief periods.

Prostitution in Honolulu is not localized. Most of the "white" houses are located on upper Fort and Nuuanu Streets, and on Kuakini, North School, and South Vineyard Streets. Many of these houses are close to, and some are actually in, respectable residential districts. Most of the native houses are to be found on River Street between Kukui and Vineyard Streets, Aala Street and Aala Park, Liliha Street, and Tin Can Alley. There are numerous reports, some of a reliable character, that practices of the most vicious character are carried on in some of these places.

For many years prior to 1917 a so-called restricted district was maintained in the section known as Iwilei, now occupied largely by pineapple canneries. At that time an effort was made to confine all prostitutes to this district. This effort was largely successful, but the evidence now available indicates that little supervision was maintained over the district by the police. In 1917 the restricted district was abolished, partly as a military measure.

There are many prominent citizens of Honolulu who contend that vice conditions would be immensely improved by the reestablishment of a restricted district into which all prostitutes would be segregated with official supervision. Other citizens, equally prominent and intelligent, point out the obvious objections to a restricted district, but conceding the impossibility of the complete eradication of prostitution in Honolulu, contend that a quasi restriction somewhat along the lines now being followed is the best solution. No attempt is here made to answer this age-old problem other than to suggest that in view of the large proportion of males in the population, an attempt to eradicate prostitution entirely might result in a serious increase in the volume of sex crimes of violence.¹²

¹² See Transcript, vol. 1, pp. 243, 250, 270; vol. 10, pp. 2185, 2253, 2313.

(2) *Bootlegging*.—Violations of the national prohibition act are prevalent in Honolulu and throughout the Territory, but apparently not to a greater extent than in many mainland cities of the same size. As in most mainland cities, persons desiring to obtain liquor in Honolulu can do so.

The problem of prohibition enforcement in the Territory is considerably different than upon the mainland. There are practically no liquors smuggled into the islands which reach bootleg channels, and accordingly the law-enforcement officials are concerned only with the local manufacture and distribution. The chief bootleg liquors manufactured are "okolehao," commonly referred to as "oke," "sake," a Japanese drink made from rice, "swipes," a cheap fermentation of various things, and beer. The manufacture of these liquors is confined primarily to persons of Japanese ancestry. The production is not carried on in an extensive manner or by organized syndicates, as is the case in certain sections of the mainland, but by numerous individuals operating on a small scale. The stills which have been seized range in size from 1 gallon to 400 gallons; "sake" presses to 50-gallon capacity, and beer vats to 30-gallon capacity.

On the island of Oahu the operation of stills is confined chiefly to private homes. Due to the relative security from search of the private homes in which these stills are operated, their number is difficult to estimate. For the same reason convictions for manufacturing are hard to obtain. It is the belief of the local prohibition administrator that the number of stills is gradually decreasing, due to persistent abatement proceedings which are naturally detrimental to property owners.

There are few, if any, wholesale distributors of liquors in Honolulu, but a large number of small, unorganized peddlers. The open saloon does not exist, but there are a number of small stores, operated primarily by Japanese and Koreans, which sell liquor to a recognized clientele.

Bootleg "joints" in private homes constitute the major problem in connection with enforcement of the prohibition law. The operators of these places range from the larger bootlegger who maintains a supply of from 1 to 30 gallons, to the "blanket girl" who takes a soldier or sailor to her room and who sells him a drink or a pint as an incident to her calling. The number of places where bootleg liquor can be purchased is estimated at approximately 700 for all the islands, with not less than 500 in the city and county of Honolulu. A great many of these places are found in the slum districts of the city, particularly "Hell's Half Acre," which have a large oriental population.

The principal consumers of liquor in Honolulu are members of the military and naval forces of the United States, who number approximately 19,000, the floating tourist population of about 18,000 per annum, and residents of Porto Rican and Filipino ancestry. The large hotels have discontinued the serving of "set-ups" and cooperate heartily in enforcing the prohibition law, although hotel employees sometimes act as bootleggers to satisfy the tourist demand. The following statement of interest was made by Prohibition Administrator King:

Other districts of the city where birds of a feather flock together are the bungalow colonies; people of the so-called smart set hold high revel nightly and

consume large quantities of booze, among them being many officers, officials, and employees of the Federal Government. These people would be highly incensed if their respectability were questioned, but the fact remains that they are responsible for the major portion of the law violation.

Prohibition cases on the island of Oahu are generally disposed of in the Federal district court, except cases made jointly by local police and Federal officers, which are disposed of in the police court, the latter cases netting to the city and county an average of \$2,000 in fines monthly.

Exhibit 43, page 247, is a chart which reflects the number of arrests by Federal officers in the Territory during the years 1921 to 1931, inclusive, for violations of the prohibition law and the disposition thereof. Possibly the most significant thing to be noted is the low number of jury trials and the low percentage of convictions in such jury trials. Moreover, the proportion of fines to the number of jail sentences seems to be very much too large. Whether these results are due to the failure of local juries to render verdicts of guilty in liquor cases or lack of vigor on the part of the prosecutor's office, or other factors, is hard to determine. There is no doubt but that real difficulty with juries is encountered in prohibition cases.

One fact to be borne in mind is that an unusually large number of liquor cases in the Territory are "possession" cases, as opposed to manufacture, sale, and transportation cases. This would indicate that the cases made in the Territory were of a less serious nature than those on the mainland and would tend to explain the high proportion of fines.

Figures furnished by the office of the prohibition administrator covering the years 1930 and 1931 show the persons convicted of violations of the prohibition law in Honolulu during these two years to be classified racially as follows:

Racial group	Number	Per cent	Racial group	Number	Per cent
Caucasians.....	261	25.9	Japanese.....	413	41.1
Chinese.....	147	14.6	Koreans.....	34	3.4
Filipinos.....	89	8.9			
Hawaiians and part-Hawaiians.....	61	6.1	Total.....	1,005	100.0

The present Federal prohibition force in the Territory consists of an administrator, a deputy administrator, an attorney, an investigator, 13 agents, and 4 clerks. There is one agent in the Territory to each 23,000 people as compared to one agent for each 55,000 on the mainland. In the past the Honolulu police have not cooperated any too well with the prohibition officers. While the police department has placed its vice squad, consisting of 6 detectives, at the service of the prohibition administrator, the work of the local police is virtually limited to such tasks as are assigned to them by the administrator. The remaining portion of the police force pays little if any attention to liquor violations. The new police administration has indicated an intention to take a more vigorous attitude in liquor cases.

(3) *Gambling*.—In spite of assertions to the contrary, there appears to be little evidence of the existence of organized gambling in Honolulu, and there are at the present time no known houses where gambling may be found on a large scale. There is, however, a large amount of gambling on an unorganized or individual basis. Many of the orientals, chiefly the Chinese, are inveterate gamblers and play constantly among themselves. The games are often operated by means of wooden chips without the visible use of coins or money, and convictions are difficult to secure. There is a large amount of gambling by members of the military establishments on their own posts.

During the year 1931 and the first two months of 1932 there were 830 gambling cases taken to court in Honolulu, the great majority of which involved shooting craps. The dispositions of these were as follows:

Plead guilty.....	138
Found guilty by court.....	147
Bail forfeited.....	510
Discharged.....	23
Nolle prossed.....	12
Total.....	830

Of the 285 persons convicted, 207 were fined and 78 received suspended sentences. The average fine per person was about \$12, and the average forfeited bail per person was about \$7.

(4) *Narcotics*.—There is considerable amount of opium smoking in Honolulu and in other parts of the Territory, due chiefly to the large percentage of oriental population. The chief users of opium are the Chinese and the Koreans. The Japanese are not users but engage in the traffic in opium. There is a small amount of traffic in cocaine, of which the chief users appear to be soldiers.

Opium is smuggled into the islands in various ways. Considerable quantities are dropped overboard, near the shore, from the large liners from Japan and then picked up by small vessels and sampans. Some of it is smuggled in as freight over the docks.

The use of opium and narcotics in the Territory has decreased materially during the last 10 years, in the opinion of the narcotic supervisor. This opinion is based upon the fact that the chief users of opium are the older Chinese and Koreans, many of whom were originally brought into the Territory to work on the plantations. These are gradually dying or returning to their native countries. Very few of the Chinese and Koreans who are Hawaiian born and who have been educated in the Territory become users of opium.

A rough indication of the volume of traffic in narcotics in the Territory is furnished by the report of the commissioner of narcotics for the fiscal year ending June 30, 1930, which shows that during that year there were 230 ounces and 234 grains of narcotic drugs, mostly smoking opium, seized by narcotic officials in the Territory, as compared with seizures for the rest of the United States of 41,385 ounces and 48 grains. Following is a statement showing the violations of the narcotic law in Hawaii as compared with violations in the rest of the United States generally, and the disposition of such violations, for the fiscal year 1930:

Violations	Hawaii	Rest of the United States
Cases pending at beginning of year.....	23	2,144
Cases reported during year.....	176	4,896
Total	199	7,040
DISPOSITION		
Convictions.....	101	2,856
Acquittals.....	3	84
Dropped.....	79	2,261
Compromised.....		9
Pending at end of year.....	16	1,830
Total	199	7,040

The local police are not active in enforcing the narcotic law, and, generally speaking, do not make narcotic arrests upon their own initiative, but only when requested by the Federal officers. The Federal narcotic service representatives receive fairly willing cooperation from the local police but complain that the local police have often shown a serious lack of intelligence and experience in working with them. The local narcotic supervisor intends to request the new chief of police to assign one detective to narcotic work exclusively.

III

ORGANIZATION AND OPERATION

Proper organization and constructive leadership are conditions precedent to efficient police administration. Accordingly an inquiry has been made into the organization and operation of the police department, with special attention being given to those divisions which are most directly connected with law enforcement; little attention has been given to matters of a purely administrative or fiscal nature.

The control of the police department was transferred as of February 1, 1932, from the sheriff of the city and county of Honolulu to a police commission of five members and a chief of police, so that at the time of the present investigation the police department was functioning under the newly created commission and chief of police. At that time a survey of the department by the commission, with a view to reorganization, was in progress, but since this had not been completed and no material changes had been effected, the present inquiry was primarily concerned with the organization of the police department prior to February 1, 1932.

A. OFFICE OF THE SHERIFF

Mr. Fosdick, in *American Police Systems* (p. 215), states that "Far more than to any other factor, the irrational development of American police organization is due to inadequate leadership." This statement is peculiarly applicable to the Honolulu police administration.

The duties of the sheriff were prescribed by sections 1826-1827 of the Revised Laws of Hawaii (1925). (See Exhibit 44, p. 247.)

In addition to performing the usual duties of a chief of police, the sheriff had charge of the city and county jails and prisons, and performed the duties of coroner.

The sheriff of the city and county of Honolulu, during the period immediately preceding February 1, 1932, was Mr. Patrick K. Gleason. He was born in 1877, at Waiahole, Koolaupoka, Island of Oahu, of Irish-Spanish ancestry, attended the public schools of Honolulu, and graduated from St. Louis College, Honolulu. Following service as a clerk in the Oahu penitentiary, Mr. Gleason was for many years deputy high sheriff of the Territory, in which position his duties consisted chiefly in serving judicial processes. He left this position to serve for four months as the first Federal prohibition administrator in Hawaii. Resigning this position, he returned to service in Oahu penitentiary as clerk until September 30, 1927, when he was appointed by the mayor and board of supervisors as sheriff to succeed David L. Desha, resigned.

It is the almost unanimous opinion of the large number of persons interviewed—representing all phases and stratas of the population of Honolulu, official and otherwise—that Mr. Gleason was not a competent or efficient sheriff. Little or no attack is made upon his reputation or integrity, but rather that he did not possess the requisite executive ability, forcefulness, or police experience to be the chief of a metropolitan police force.¹⁸

A careful survey establishes that the general opinion above described is warranted by all the facts.

During the régime of Sheriff Gleason the department was poorly and unscientifically organized, and there was a serious lack of supervision, inspection, and training. Much of the police personnel was lamentably incompetent and there is abundant evidence of disloyalty and friction. Laxity throughout the department was manifest.

But, while to Gleason more than to any other person must be ascribed the responsibility for the lack of efficiency of the Honolulu police department, it must be kept in mind that much of the blame for the police incompetency must rest upon the ill-constructed political system under which the sheriff was required to operate. (See pp. 65-66, supra.)

The chart designated as Exhibit 45 (p. 248), reflects the organization of the police department under Sheriff Gleason. From that chart it will be observed that, while there were two deputy sheriffs at headquarters, those two officials exercised no active control over the various divisions of the department. The captain of detectives, the senior captain of the foot patrol, the captain of traffic, the six deputy sheriffs in the country districts, the clerical division, the vice squad, the identification bureau, the inspector of vehicles, the examiner of chauffeurs, and special traffic officers were all directly responsible to the sheriff. This basic organization was fundamentally weak, since there was no balanced delegation of responsibility to subordinate officials, and no means of coordinating the various divisions of the department, other than through the person of the sheriff. In addition it appears that the duties of the various divisions were not well defined and were frequently changed

¹⁸ See Transcript, vol. 1, pp. 85, 138, 161, 218, 242, 247; vol. 2, pp. 325, 411, 444; vol. 10, pp. 2181, 2242, 2267, 2300.

by oral instructions, with the result that the division heads and the respective personnel were often confused as to their duties. There was also some tendency for individual officers to disregard their superior officers and take matters up with the sheriff direct rather than through regular channels.

By having such a large number of units and individual officers reporting directly to him, the sheriff assumed a task which was practically impossible of accomplishment. After he had performed the immense amount of detailed work incident to such an arrangement it is obvious that there must have been little time left for the executive duties of a police chief and little or no time to study the police needs of the community. That the absence of a sound basic organization tended to destroy the discipline and morale of the department is fully exemplified by the statements of the various police officers who were interrogated.¹⁴

B. DEPUTIES

The sheriff had two deputy sheriffs at headquarters and six deputies in the six country police districts. Under Sheriff Gleason the first deputy sheriff acted as sheriff in the absence of Gleason but had no particular duties otherwise. Formerly the first deputy was the head of the detective bureau, but in August, 1931, the bureau was placed under the captain of detectives, who was made responsible to the sheriff.

The first deputy sheriff under Sheriff Gleason was Mr. David Hao. Notwithstanding Hao's apparent lack of specific duties, he exercised much authority over the heads of the various divisions, with resulting duplication of effort and destruction of discipline and morale. A large amount of friction was caused by members of one division, presumably under the head of that division, reporting to and taking orders from Hao.¹⁵

The second deputy sheriff performed the duties of the coroner and apparently had no other active duties in the police administration.

Each country district deputy sheriff had under him a small complement of police officers and a jailer. In addition to acting as a constable each country deputy sheriff was the prosecuting officer in the local district magistrate's court, and, while acting in that capacity, was under the control and supervision of the city and county attorney of Honolulu.

C. DISTRIBUTION OF FORCE

There appears to be lacking a well-defined division of responsibility for the various units of the department, resulting largely by reason of frequent changes, predicated upon oral instructions. These alterations in the organization became so confusing that the respective divisions had no definite conception of their responsibilities or relationships to one another.¹⁶ Likewise, there exists in the department a narrow conception of police duties and a tendency toward specious specialization. Thus certain members of the traffic bureau

¹⁴ See transcript, vol. 2, p. 325; vol. 10, pp. 2193, 2210.

¹⁵ See transcript, vol. 10, pp. 2181, 2196, 2216, 2242, 2280.

¹⁶ See transcript, vol. 10, pp. 2193, 2210.

confine their activities to the tagging of automobiles improperly parked. Others devote their attention exclusively to the detection of automobiles having defective lights and brakes. Patrolmen on the various beats give little concern to vice conditions and consider traffic matters the exclusive prerogative of the traffic bureau. This restriction of duties has lessened the value and effectiveness of the individual officers.

A well-defined division of responsibility, a broader conception of police duty, and a better coordination of the various divisions of the department are unquestionably needed.

1. *Detective bureau.*—The chief of this bureau under Sheriff Gleason was Mr. John N. McIntosh. He was born in Ireland in 1881. Prior to coming to Honolulu, in 1921, he had six years' experience with the South African constabulary and 13 years with the New Zealand police. Joining the Honolulu police department as a detective in 1923, he was, in 1927, made acting lieutenant of detectives, and in August, 1931, captain in charge of the detective bureau.

The detective bureau is charged with the investigation of criminal cases, including both misdemeanors and felonies, and supplying to the city and county attorney the basic facts upon which to initiate prosecutions. The personnel of the bureau consists of a captain of detectives, an investigator, two assistant investigators, and 44 detectives. The investigators act as supervisory officers and, under the direction of the captain, are respectively in charge of the three watches of eight hours each. Not all of the detectives are engaged in investigative work in the detective bureau as indicated by the following tabulation:

Detective bureau.....	16
Radio patrol.....	15
Detectives assigned to city and county attorney.....	2
Detectives assigned to identification bureau.....	2
Detectives acting as clerks in detective bureau.....	2
Detective assigned as messenger to sheriff.....	1
Vice squad.....	6
Total.....	44

The 16 detectives assigned to duty in detective headquarters handle special complaints and conduct the general investigative work. Each detective is required to make a written report upon the making of an arrest or an investigation of a criminal case. These are typed by the officer on a prescribed form, or dictated to a clerk. Each one is given a case number and filed in a bound book in numerical order.

The radio patrol operates as a separate unit of the detective bureau. The department owns and operates six automobiles equipped with radio-receiving sets. A transmitting station is maintained at police headquarters for the purpose of communicating with the radio cars which cruise within the six districts into which the city is divided for patrol purposes. Four cars operate between the hours of 12 noon and 8 p. m., and six cars operate between 8 p. m. and 4 a. m. No radio patrol cars operate between 4 a. m. and 12 noon.

In addition to the detectives working as radio-patrol officers, 11 motor-cycle officers are assigned to this unit, so that the personnel of the radio patrol numbers 26 men. Under the régime of Sheriff Gleason the radio patrol investigated practically all classes of com-

plaints, involving both felonies and misdemeanors. In the latter instance attention was being given to minor cases which should properly be handled by the foot patrolmen. As a result the radio patrolmen were precluded by an excessive volume of work from following serious felony cases to their logical conclusions. This often resulted in the reassignment of many cases to the detective personnel attached to headquarters and the radio patrol was considered by the detective force as an assignment where one's ability and potentialities could not be demonstrated.¹⁸

In both the quality of its personnel and its administration, the detective bureau is seriously deficient. It is conspicuously lacking in trained, competent investigators. Appointments to the bureau in the past have been made from the eligible list of the civil-service commission, which rarely contained the names of any persons with previous police training. Seldom was an experienced police officer whose superior qualifications had been determined in any other divisions of the department, promoted to a detective. And so long as the rules and regulations of the police department were not violated, no apparent effort was made to eliminate the incompetent. (See pp. 92-93, *infra*.)

Unquestionably a large number of the detectives are absolutely unqualified for their positions. Captain McIntosh states that two-thirds of them are unsuited for investigative work by reason of lack of intelligence, adaptability, and general competency, and that the majority of the detectives are incompetent to interrogate persons accused of crime. The case reports rendered by many of the detectives are unintelligible, devoid of the essential facts surrounding the commission of the offense, and are indicative of either carelessness or incompetency.

It should be pointed out that the entrance salary for detectives is \$150 per month, the same as that for patrolmen, while that of the motor-cycle officer is \$15 per month greater.¹⁹ Obviously no inducement is offered to policemen of superior qualifications to become detectives.

Moreover, there is no systematic distribution or organization of the investigative work. No record is maintained of the assignment of cases to the various members of the bureau, and there is no tickler, or follow-up system, by which it can be determined whether the detectives are giving or have given the necessary attention to cases assigned to them. By reason of the unusual procedure of having the interrogation of all persons accused of crime conducted by the respective supervising officials—the investigators—cases frequently are reassigned from one detective to another, thus precluding the arresting officer from following a case to its conclusion, and destroying the individual initiative and morale of the personnel.

Unquestionably there has existed a great deal of friction between the personnel of this bureau. There have been two factions, the first commonly referred to as the "McIntosh faction" and the second, as the "David Hao faction." The strong personal feeling between these two groups has resulted in a lack of cooperation be-

tween the various members of the bureau and lessened the efficiency and effectiveness thereof.

Often detectives are assigned to patrol duty and other special work of an investigative nature, with the result that detectives on such assignments have felt that no opportunity was being granted them to demonstrate their qualifications as detectives. It would help matters if fewer officers in the department were given the designation of "detective," and the activities of such officers confined to the work ordinarily performed by detectives.

2. *Vice squad*.—The vice squad is composed of six detectives, under an inspector responsible directly to the sheriff, and has primary jurisdiction over investigations involving prostitution, gambling, narcotics, and violations of the prohibition law. Information regarding vice conditions coming to the attention of officers other than members of the vice squad is reported in writing to the inspector in charge of the vice squad and as a rule, foot patrolmen, motor-cycle officers, and detectives are precluded from handling investigations of this kind unless an offense is being committed in their presence or special instructions are received. The importance of coordination between the patrolmen on the beat and the vice squad is recognized but it is believed that the powers of the police officers, other than the vice squad, have been unduly restricted with respect to vice matters.

The vice squad has complained that no funds have been available for buying evidence or paying informants. With no money at its command, with a personnel of only six, and no effort to suppress vice being made by the patrolmen or other officers, the effectiveness of the vice squad is obviously limited.

3. *Foot patrol*.—This bureau is under the direct supervision of the senior captain of police. There are three companies, A, B, and C, each being composed of a captain, a lieutenant, a sergeant, 12 patrolmen, 1 turnkey, 1 matron, and 1 clerk. The companies work on 8-hour shifts and rotate at stated periods. The lieutenant on each watch is charged with the supervision of the officers on the respective beats.

The foot patrolmen patrol the business sections of the city only. Their activities have been restricted to an extraordinary extent. Thus, during the régime of Sheriff Gleason, foot patrolmen were precluded from conducting investigations of cases involving prostitution, gambling, narcotics, or violations of the prohibition law. Since the patrolman is peculiarly able to secure accurate data as to vice activities in his particular beat, his value is materially lessened if he is precluded from all connection with such matters unless an offense is actually committed in his presence.

The police detention jail is operated by three turnkeys and three matrons. The former have charge of the male prisoners and the latter of the female. The turnkeys and matrons work on 8-hour shifts and rotate every two weeks.

The jail appears to be maintained in an excellent sanitary condition. The equipment is ample and modern. There is, however, an absence of equipment for emergency medical examination and attention to female prisoners, some of whom are prostitutes and often afflicted with venereal diseases.

¹⁸ See Transcript, vol. 11, pp. 2454, 2484.

¹⁹ Exhibit 46, p. 248, shows the complete salary schedule of the police force. With the exception of the heads of the various bureaus the salary schedule is reasonably adequate, although as pointed out above, it is not well balanced.

4. *Traffic Bureau.*—Theoretically this bureau is charged with the enforcement of all traffic laws and rules in the city of Honolulu. Actually, this bureau, in addition to enforcing the traffic laws, is concerned with the policing of the residential sections of the city and various miscellaneous duties entirely foreign to traffic matters.

The bureau consists of 1 captain and 71 motor-cycle officers, distributed as follows:

Captain of traffic bureau.....	1
Company A.....	11
Company B.....	10
Company C.....	11
Intersection traffic officers.....	13
Tagging officers.....	3
Substation officers.....	3
Motor cycle officers assigned to radio patrol.....	11
Miscellaneous assignments.....	9
Total.....	72

Companies A, B, and C, each of which is under the command of a sergeant and operates on an 8-hour shift, are concerned with the patrolling of the residential sections of the city. There are no well-defined beats for these officers, and in certain instances they roam at will throughout the city. Due to the necessity for the sergeant of the respective companies to direct operations from headquarters, there is no supervision of the men on the beats with a view to determining their conduct and attentiveness to duty.

The intersection traffic officers confine their attention to the handling of traffic at various street intersections of the business districts. The tagging officers perform no duties other than detecting offenders of parking regulations. The substation officers are engaged in patrol duty in certain isolated residential sections. The miscellaneous assignments range from clerical positions to that of janitor of the police building.

A good illustration of the loose manner in which this bureau has functioned is afforded by the procedure of requiring motor-cycle officers to patrol in pairs. There is no justification for such a procedure. The specious explanation was advanced that such a course was advisable in order to have two police witnesses to any offense.

It is believed that the efficiency of the traffic bureau has been impaired by the lack of proper organization and discipline. In addition, its effectiveness has been lessened as a result of political considerations. So many persons arrested for traffic violations escaped prosecution by reason of personal or political associations with the sheriff or some other officer of the department, that the personnel of the traffic bureau became demoralized. Politics were manifest in even the smallest details of the bureau. Thus, the captain in charge could not reassign a traffic officer from duty at one street intersection to another without the approval of the sheriff, the latter apparently fearing that transfers of this character might alienate the friendship of the individual officer or of his friends.

5. *Country police.*—The outlying sections of the city and county of Honolulu are divided for police-administration purposes into six police districts. Prior to February 1, 1932, a deputy sheriff, responsible directly to the sheriff, was in charge of each district. The size

of the force in these districts varies from three motor-cycle patrolmen in the smallest district, to six motor-cycle patrolmen in the largest. Each country police station houses a district court room, a district magistrate's office, and a jail. Some of the jails are not well constructed and others are badly maintained. Some of them are infrequently used. There is little idea of uniformity of procedure among the various deputy sheriffs, or constables as they are now called. The records are fragmentary and close coordination between the country police districts and police headquarters in Honolulu is conspicuously lacking. The extent to which the country police have become independent of the police officials in Honolulu is exemplified by the failure of some districts to furnish the Honolulu headquarters with reports of arrests and investigative activity. A closer supervision of the country districts by police headquarters is essential and a study should be made as to the possibility of eliminating some of the districts, particularly those near Honolulu, which might be policed from headquarters.

Attention is invited to the fact that the large plantations on the island of Oahu employ their own special police officers to maintain law and order and promote sanitation among the laborers. These special police officers are deputized as city and county officers by the sheriff but are paid by the plantation companies. Their operation is effective and constitutes a distinct aid to the regular police in maintaining law and order in the rural districts.

6. *Identification bureau.*—This bureau is a separate unit consisting of an identification officer in charge and two assistants who are classified as "detectives," but who have no connection with the detective bureau. It is concerned with the recording and preservation of criminal information, and formerly was directly responsible to the sheriff. This bureau also supplies the criminal records of persons arrested to the detective bureau for transmittal to the city and county attorney. The Henry fingerprint system is used and fingerprints and photographs are taken of all persons arrested. A copy of the fingerprints of persons arrested who have lived on the mainland is forwarded to the United States Bureau of Investigation at Washington, D. C. The effectiveness of this bureau has been somewhat impaired by the failure to send copies of the fingerprints of all persons arrested to the United States Bureau of Investigation at Washington, D. C., so as to insure any previous criminal record on the mainland being known and to provide the mainland with local criminal records for future reference.

7. *Other bureaus and officers.*—There are several other divisions or bureaus performing more or less specialized functions and which need not be considered separately. To the inspector of vehicles is given the task of licensing the operation of vehicles for hire and the drivers thereof. Licenses for carrying passengers are issued to all applicants who, upon examination, have been found competent. The inspector is assisted by an assistant inspector and three motor-cycle officers, and under the former régime was responsible directly to the sheriff.

To the examiner of chauffeurs is delegated the task of issuing licenses to drive motor vehicles to persons who are deemed to be competent. The examiner, who holds the rank of sergeant, has two assistants. Formerly he was responsible directly to the sheriff.

The duty of inspecting the brakes and headlights of automobiles and the prevention of the overloading of trucks operating on the public highways is delegated to a division known as special traffic officers. The personnel consists of an inspector, formerly responsible directly to the sheriff, and two motor-cycle officers.

Fiscal and administrative matters of a detail nature are handled by the clerical division consisting of a chief clerk, an assistant clerk, a pay roll and purchasing clerk, a bond and warrant clerk, an assistant bond and warrant clerk, a statistician, two clerks, and typists.

D. SIGNAL SYSTEM

The department is equipped with the Gamewell communication system, which permits telephonic conversation between the various call boxes and police headquarters. One hundred and forty-two call boxes are located at various points throughout the city, and all police officers are required to call headquarters at stated intervals. There is no recall signal device whereby the patrolman on the beat or the motor-cycle officer cruising throughout the city can be reached during the interim between the periodic reports of these officers to headquarters. Red electric lights with horns attached are placed at strategic points in the business section of the city for the purpose of enabling police headquarters to attract the attention of the patrol officers and to mobilize the force on short notice, but these lights and horns have not been in operation for several months. Some form of recall system which will enable police headquarters to reach any man or men on the beats, either singly or in groups, or the whole force at any time, is highly desirable.

The department maintains a radio transmitting set and operates six automobiles equipped with radio receiving sets. This form of communication is of great value and its usefulness can not be overstated.

E. RECORDS SYSTEM

The importance of properly reporting and preserving all significant police work can not be overemphasized. Without knowledge of the facts regarding crime and criminals and personnel efficiency, the executive head of a police department is helpless. Data regarding the nature of the offense, location and time of occurrence, races and ages of persons involved, and other like information should be readily available so that the police force can be utilized to the best advantage.

The records system of the Honolulu police department is entirely inadequate. There is no centralized records bureau, each division being the custodian of its own records. Not nearly enough crime data is secured, and that which is secured is not summarized, analyzed, or tabulated for administrative purposes.

The detective bureau and vice squad maintains a bound case-report file. The reports are filed numerically and indexed by the name of the complainant and the offender. There is no index to these case reports by subject matter or nature of offense. Accordingly it is impossible to obtain, without a review of the voluminous case reports, a list of cases involving a particular type of violation. In the course of this investigation it was deemed desirable to secure

a list of all sex crimes reported to the police department during the last five years. There being no index to the case reports by subject matter or offenses, it was impossible to obtain this data without reviewing every case report during that particular period. With considerable effort, an examination of several thousand case reports for the year 1931 was made and a list of sex crimes for that year obtained (see Exhibit 25, p. 229), but there was no means of determining the accuracy of this list, because if no record had been made or if the record had been extracted it would not be known.

An even more serious defect is the failure to maintain an accurate record of crime complaints received. When a complaint is received in the detective bureau over the telephone, the substance thereof is written on a scratch pad and handed to a particular officer for investigative attention. Although this officer is required to render a written report concerning his activities, there is no means of determining whether this regulation has been complied with. If the officer submits a case report, it is impossible for the head of the detective bureau or his assistants to compare this report with the original complaint in order to determine the accuracy and thoroughness of the investigation.

The foot-patrol division has no record system other than the "police blotter," which reflects the names and descriptive data regarding persons arrested, nature of offense, and names of arresting officers.

Unlike the other divisions, the traffic bureau maintains a fairly adequate record of all violations of the traffic laws, and the offenses are segregated as to geographical locations, nationality, ages, and types of automobiles involved. However, the records of this division should be more standardized, so as to permit of comparison with mainland cities.

F. RETIREMENT SYSTEM

Prior to 1917 there was no established pension or retirement system for members of the police department. In that year the Territorial legislature established a crude police pension fund and retirement system in the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu. This act provided that after 20 years of service a policeman might retire, on application to the board of trustees, upon a pension of 40 per cent of his salary at the time of retirement; after 25 years of service he might retire upon a pension of 50 per cent of his salary. In 1927 the legislature extended the Territorial pension system—an excellent one—to the counties, so that since that date the police force of the city and county of Honolulu have been operating under a high-grade retirement system.

G. COORDINATION WITH CITY AND COUNTY ATTORNEY AND OTHER DEPARTMENTS

Widely divergent views have been expressed by members of the police department and of the office of the city and county attorney as to the character of the coordination of the police with the prosecuting authorities. Sheriff Gleason and his chief of detectives

assert that the police have rendered every assistance possible to the city and county attorney, even to the extent of assigning two detectives specially to assist that officer. On the other hand, Mr. Gilliland, the city and county attorney, and his aides assert that the prosecuting officers received ineffective and inefficient aid at the hands of the police. Although the views of the prosecuting officers on the matter might well, for obvious reasons, be somewhat colored, it seems apparent that in making investigations and in assisting the city and county attorney in the prosecution of criminal cases, the police department often was guilty of a serious lack of effectiveness and intelligence.

This conclusion is borne out by the final report of the Territorial grand jury, January term of the circuit court, first judicial district, dated January 6, 1932, wherein it is stated:

It having become evident during our tenure of office and more particularly in its latter stage, that the police department has not performed its duties to the best advantage, and has, in fact, shown lack of organization, cooperation, and efficiency, if not worse, so that the citizens to a large extent have lost confidence in it, we recommend that an investigation of the department be instituted by the next grand jury with a view to its rehabilitation, so that it may function in a proper manner. Conditions are rapidly changing in Honolulu and they should be met promptly.

With respect to the law-enforcement agencies of the Federal Government, the Army military police and the Navy shore patrol, any lack of coordination upon the part of the police department seems to have been the result of inadequate police ability rather than of the lack of a willingness to aid.

IV

PERSONNEL

The manifold duties and responsibilities of the policeman and the need for the greatest care in the selection of the police personnel have recently been set forth in the Report on Police of the National Commission on Law Observance and Enforcement. Careful investigation of the personnel of the Honolulu police department from all angles leads regrettably, but forcibly, to the conclusion that more than half of that personnel are not fitted by temperament, training, or education for their positions. Many of the present police force are without adequate training or intelligence to carry out successfully the most ordinary of police duties, such as the making of arrests or the preparation of an intelligent report.²⁰ Since the foundation upon which a successful police administration is constructed is the personnel, one reason why the citizens of Honolulu have lost confidence in the integrity and efficiency of their police force is apparent.

A. GENERAL DESCRIPTION AND CLASSIFICATION

The present Honolulu police force totals 243. Approximately 80 per cent of the force are under 45 years of age, and more than 90 per cent are under 50 years of age. Twelve members have been on the force less than one year, 72 less than three years, and 122 less

²⁰ See Transcript, vol. 1, pp. 147, 158, 166, 218, 219, 227, 240, 270; vol. 2, pp. 305, 444, 451, 468, 474; vol. 10, pp. 2209, 2241, 2274.

than five years. Sixty per cent of the force were 30 years of age or younger at the time of their appointment; 32 per cent were between the ages of 30 and 40 at the time of their appointment, and 19, or 8 per cent, were over 40 years of age at the time of their appointment. Two hundred and five members of the force are married; 109 are below the minimum height of 5 feet 9 inches adopted by many good police departments.²¹

Of the total force of 243, 222 were born in the Territory, 13 were born on the mainland, 5 in foreign countries other than the Orient, 2 in the Philippine Islands, and 1 in Japan. The force is classified racially as follows:

Race	Number	Per cent	Per cent of total population
Caucasian.....	16	6.838	21.3
Chinese.....	12	5.128	10.9
Hawaiian.....	55	23.504	6
Part-Hawaiian.....	97	41.453	8.1
Japanese.....	9	3.846	34.3
Portuguese.....	36	15.385	7.1
Others.....	9	3.846	12.3
Total.....	234	100	100

It will be seen that the present police force is predominantly Hawaiian and part Hawaiian; in the country districts it is almost exclusively Hawaiian. This situation results from the fact that for many years and at the present time the Hawaiians have been and are the strongest single political unit in Honolulu, and since in the past the police administration has been so closely connected with politics, and since there is a feeling on the part of large numbers of people that the lion's share of political plums should go to the Hawaiians, many of the positions in the department have been filled by people of that race.

From a police-administration viewpoint, this result is of importance. The Hawaiian is uniformly conceded to be inherently of a kindly, generous, forgiving, and easy-going nature. As a result he is apt to deal very leniently with his fellow Hawaiians who suddenly find themselves enmeshed in the law, or, for that matter, with anybody else. His disposition is to help an accused person rather than to prosecute such person. It can readily be seen, therefore, that Hawaiians are not the best possible material for police officers. In spite of this fact, it is the almost uniform opinion of all persons interviewed that given proper leadership, training, and discipline, reasonably effective police officers can be made of Hawaiian and mixed-Hawaiian personnel.²²

In view of the conceded lack of highly trained police experts in Honolulu, it seems necessary that for the time being the police chief and some of the heads of the various bureaus should be brought in from outside the Territory. This condition need only be temporary.

²¹ See Exhibits 47, 48, 49, 50, and 51, pp. 249-250.
²² See transcript, vol. 1, pp. 61, 102, 194, 220, 242; vol. 2, pp. 287, 316, 395; vol. 10, pp. 2181, 2232, 2268, 2313.

Unquestionably there are persons now in the department or now resident in the Territory who, with adequate training, would be qualified to occupy executive positions in the department.

Some indications of the relative intelligence of the various racial divisions of the police force may be gleaned from the following comparative ratings in the Army alpha tests recently given to the entire force:

Mean numerical grades

[Based on possible score of 212]

Race	Low score	High score	Mean grade
Caucasian.....	46	142	96.5
Japanese.....	28	158	86
Chinese.....	29	164	78.5
Part-Hawaiian.....	9	170	58
Portuguese.....	5	171	47
Hawaiian.....	7	113	44.5

B. SELECTION

The inferior caliber of much of the present police personnel has resulted directly from the failure of the various civil-service commissions and sheriffs to impose adequate qualifications for admission to the police force and to make careful selection of those appointed. The civil-service commission, as it existed prior to February 1, 1932, consisted of three members, not more than two of whom could belong to the same political party, appointed every two years by the mayor and the board of supervisors. With every change of the mayor and board, usually every two years, came a new civil-service commission. With few exceptions there is little evidence that the various commissioners proceeded with their work in a constructive or scientific manner, and indeed few of them were in office long enough to accomplish much along these lines had they been so purposed.

Prior to February 1, 1932, no one could be appointed to the police force without the approval of the commission, which by statute was directed to adopt regulations for ascertaining the qualifications of applicants for positions on the police force, and to provide for a competitive examination. The commission did provide for competitive examinations, but a perusal of these examinations for a period of several years discloses that they were of an extremely simple and elementary character. Thus, the examination for "clerks and detectives" used in 1927 consisted solely of (a) a spelling exercise, involving 10 words in ordinary use; (b) a penmanship exercise, involving the copying of four printed lines; (c) an arithmetic exercise, involving the solution of 10 simple problems; and (d) a topography exercise, involving the location and a brief description of four well-known buildings and the largest public park in Honolulu. There was nothing in the examination specifically relating to the functions of a detective.

If an applicant succeeded in passing the civil-service examination and a subsequent medical examination given by the city and county physician, he was placed upon a so-called eligible list, which was thereupon certified to the sheriff. This completed the requirements for admission to the force. No intelligence tests were given, no finger-

printing was required as a check on prior criminal records, and only in relatively few cases was any further inquiry made by the commission as to the character, reputation, and experience of the applicants.

Upon receiving the eligible list the sheriff was free to make appointments from any of the names thereon without regard to priority of application or examination rating. That the sheriff had a wide choice in his selection is indicated by the fact that at the last examination held by the commission on June 25, 1929, 354, or approximately 75 per cent of the applicants successfully passed the examination. As vacancies occurred the sheriff was free to appoint anyone on the list. It is true that for a period of about two years, beginning in May, 1927, the commission then in office had in force a rule which required it to certify to the sheriff only the six highest names on the eligible list, but this salutary provision was promptly removed by the succeeding commission.

Under these circumstances an elective sheriff, closely connected with local politics, was naturally influenced in his appointments by political considerations, and the result has been that in Honolulu, as in many mainland cities, the spoils of politics have found an alluring source of profit in the police personnel.

Some indication of the character of the persons who have been able to secure positions on the police force is furnished by the criminal records of the present personnel. Exhibit 52, page 251, is a tabulation of such records as voluntarily admitted by the police officers involved. One detective, appointed in 1927, was convicted in 1923 of embezzlement and served six months in the Honolulu jail. Another detective, appointed in 1930, had previously been convicted of embezzlement for which he served a jail sentence of six months. A patrolman, appointed in 1928, was convicted in 1922 for assault and battery with a weapon and received a sentence of from four to five years. A motorcycle officer, appointed in 1930, was convicted in 1925 for disturbing the peace and received a \$100 fine and a six months' suspended sentence. An ambulance driver, appointed in 1930, had been previously convicted of manslaughter in the third degree and sentenced to imprisonment for one year, being subsequently pardoned by the governor. A detective, appointed in 1930, was convicted in 1926 for assault and battery and fined \$50.

Others admit having been arrested on charges such as mayhem, larceny, forgery, assault and battery, malicious conversion, and gambling, but in all these cases either no action was taken, the indictment was dismissed, or upon trial the officer involved was acquitted. The head of one important bureau was indicted in 1928 for conspiracy in connection with alleged gambling operations but the case was nolle prossed.

It is obvious from the foregoing that much too little care has been used by the appointing authorities in filling positions in the police department.

C. EDUCATIONAL AND OTHER QUALIFICATIONS

More than 83 per cent, or 202, of the present police force have never entered high school; 16, or more than 6 per cent, have not gone beyond the fourth grade; and 1 detective has had no schooling at all.

On the other hand, 34 have had one or more years of high-school work, 7 have had one or more years of college work, and 43 have taken some vocational, university extension, or business college training. A check of the former occupations of the force shows that 36 were truck or taxi drivers, 24 were laborers, 16 were clerks, 15 were mechanics, and the remainder were scattered among a large number of occupations, most of which had little connection with police duties.²³

That the intelligence of the present police personnel is not in excess of their educational attainments is indicated by the results of Army alpha intelligence-test examinations, which were given to the entire force on February 20, 1932. The ratings of the alpha test are based upon percentages ranging from 0 to 212, as follows:

Army alpha test ratings

A, very superior intelligence.....	135-212
B, superior intelligence.....	105-134
C+, high average intelligence.....	75-104
C, average intelligence.....	45-74
C-, low average intelligence.....	25-44
D, inferior intelligence.....	15-24
D-, very inferior intelligence.....	0-14

Commenting on these ratings, Yoakum and Yerkes, in *Army Mental Tests*, state (p. 21):

The immense contrast between A and D intelligence is shown by the fact that men of A intelligence have the ability to make a superior-grade record in college or university, while D men are of such inferior grade mentally that they are unable to go beyond the third or fourth grade of elementary school, however long they attend. In fact, many of the D- men are of the moron grade of feeble-mindedness. B intelligence is capable of making an average record in college. C- intelligence can not do so well, while the mentality of the C grade is only capable of finishing a high-school course.

Further, in regard to these ratings, Mr. Amsden, civil-service examiner in Los Angeles, in the *City Manager's Yearbook for 1931*, states (p. 197):

It is possible to score 212 points, and we know from experience that unless a candidate can make a score of 120 in any one of the Alpha tests it is useless to appoint him as a patrolman.

If the conclusion just stated is correct, then only those of B ranking or better should be qualified as policemen. That the Honolulu force hardly measures up to the prescribed standard is indicated by their alpha grades, which were as follows:

Grade	Number	Percentage	Grade	Number	Percentage
A.....	8	3.419	D.....	21	8.974
B.....	21	8.974	D-.....	10	4.274
C+.....	43	18.376			
C.....	79	33.761	Total.....	234	100.000
C-.....	52	22.222			

From the foregoing it may be seen that nearly 70 per cent of the force received grades of C or lower. Obviously, among this 70 per cent there are many policemen who are not qualified for their positions.

²³ See Exhibits 53 and 54, pp. 252-253.

It is significant that the ratings of the officers and detectives were not appreciably better than those of the foot patrolmen, traffic officers, and motor-cycle police. The respective grades by rank were as follows:

Rank	A	B	C+	C	C-	D	D-	Total
Captains.....		2		2	2	1		7
Lieutenants.....	1	1		3	2			7
Sergeants.....	1		2	3	1			7
Detectives:								
First class.....		2		4				6
Second class.....			4	4	3		1	12
Third class.....	3	3	12	5	1			24
Traffic officers.....		1	2	6	5	2		16
Motor-cycle police.....	2	4	10	22	13	4	1	56
Foot patrolmen.....		2	4	19	7	4	5	41

In fairness attention should be called to the fact that while the Alpha ratings of the Honolulu police force may seem very low they are not strikingly lower than those of the police departments of many mainland cities. Following is a table comparing by percentage the ratings of the Honolulu police with the police of Los Angeles, Kansas City, and Cleveland, and with the freshmen of the University of California:

Percentages

Group	Number	Grade						
		A	B	C+	C	C-	D	D-
Freshmen, University of California.....	1,760	60	31	7	2	0	0	0
Los Angeles police department.....	1,712	9	18	29	28	12	2	2
Kansas City police department.....	623	5	13	24	33	15	6	4
Cleveland police department.....	4	13	28	33	15	6	1	
Honolulu police department.....	235	3.5	9	18.5	34	22	9	4

The data contained in the foregoing table is graphically depicted in Exhibit 55, page 254.²⁴

D. TRAINING

The necessity for the formal instruction of police recruits in the nature of police duties and the manner of their performance is well recognized. It is essential where the entrance requirements for police officers are high; it is even more vital where the admission standards are low, as in Honolulu.

For many years there has been an almost total absence of any training or schooling of the police of Honolulu, either prior to or subsequent to their admission to the department. Police experience was not required as prerequisite for admission. No inquiry was made whether a prospective policeman could handle a gun, and new men were often sent out on duty with no instruction. After appointment, police training was confined almost entirely to pistol

²⁴ For further detailed results of the Alpha tests, see Exhibits 56 to 60, inclusive, pp. 255-257.

practice held at irregular intervals. It is true that upon entrance into the force an appointee was assigned to duty for a given period with an experienced officer, but this procedure is hazardous; first, because there is a lack of thoroughness and uniformity in instruction; and secondly, because of the possibility that the personal prejudices of the older officer may corrupt the minds or destroy the loyalty of the new recruit.

Such a situation is, of course, incompatible with an efficient and disciplined police administration. Responsibility for this state of affairs is alleged to rest with the sheriff, the civil service commission, or the mayor and the board of supervisors, depending upon whose views are accepted.

In a city of the size of Honolulu and with its peculiar police problems, a program of training such as that in force in Louisville, Ky., would not be unreasonably ambitious. In the city mentioned, four separate courses are offered, one for recruits, one for patrolmen and patrolwomen, one for detectives, and one for officers. The recruit training covers a six weeks' period and includes the following subjects: (1) Government, evidence, court procedure, and arrests; (2) history, geography of city and surrounding area, maps; (3) records and reports; (4) organization of the department; (5) traffic rules; (6) first aid and rescue work; (7) problems of patrolmen; (8) physical training; and (9) firearms and target practice.

The new police statute directs that the rules and regulations of the police department shall provide for the proper training of police officers. The present police chief is earnestly committed to the establishment of adequate schooling for members of his department and we are convinced that if he is given adequate financial support such a program will soon be in force. It would be a splendid thing if, in this matter, the police department could secure the cooperation of the University of Hawaii in a manner somewhat similar to that afforded to their respective local police organizations by Northwestern University, the University of Chicago, the University of California, and other mainland universities.

E. PROMOTIONS AND REMOVALS

Under the régime of Sheriff Gleason, as well as those of his predecessors, promotions within the department were within the discretion of the sheriff. There is little evidence that in the past promotions were granted primarily on the basis of efficiency and service. In fact, it seems that political and personal considerations were the controlling factors. The new police statute expressly directs that the rules of the police commission shall provide for a system of classification of police officers and a merit system having for its purpose a systematic method of promotion based upon efficiency, service, and outstanding performance of official duties.

Prior to February 1, 1932, all members of the police department held their positions during good behavior. Any member of the police department had the right of appeal to the civil service commission from any disciplinary, suspension, or dismissal order of the sheriff. Upon such appeal it has been for several years the practice of the commission to resolve itself into a kind of court,

before which the sheriff and the accused policeman would appear personally or by attorneys. Evidence would be introduced in much the same fashion as in a criminal proceeding and with much the same burden on the sheriff to sustain his disciplinary action as rests upon a prosecuting attorney to sustain an indictment.

The result was unfortunate. No matter how distrustful the sheriff might be of a policeman or subordinate officer, he was not in a position to take disciplinary action until he was in possession of sufficient evidence to establish affirmatively some charge against the suspected officer. In these circumstances members of the department knew that their positions were safe unless they were caught open-handed in violation of law or of some rule of the department. The direct and inevitable result of such a situation was the loss by the sheriff of control and discipline over his force.

Whether or not the disciplinary action of the sheriff would be sustained by the commission has apparently depended in part upon the personal and political make-up of the commission. During the years 1927 and 1928 six policemen were dismissed by Sheriff Gleason for extortion and dereliction of duty. The action of the sheriff as to five of these officers was sustained by the commission. As to the sixth, the order of dismissal was changed to suspension for 45 days. During the years 1929 and 1930, when a new commission was sitting, four out of seven disciplinary orders of the sheriff were reversed by the commission. Of four officers ordered dismissed by the sheriff, two were ordered reinstated by the commission. During the years 1931 and 1932 to date, with a still different personnel on the commission, seven dismissal orders of the sheriff were sustained by the commission and one reversed.

Under the new police statute of January 22, 1932, the chief of police is given the absolute power to suspend any employee for a period not to exceed 60 days in any calendar year. If any policeman is suspended for a longer period he has the right of appeal to the police commission. The commission may entertain or refuse to entertain such appeal, in its discretion. If it entertains such an appeal it may sustain, reverse, or modify the order of the chief, or make such other order as it deems necessary, and its decision is not subject to review.

The new statute thus increases materially the disciplinary power of the police executive over his subordinates, and in this respect it is a definite improvement.

V

BUILDINGS AND EQUIPMENT

No effort has been made to make an exhaustive study of the buildings and physical equipment of the police department. This is a matter which Captain Greening went into extensively and as to which he has submitted numerous recommendations to the new police commission. (See Exhibit 61, pp. 257-261.) It is desired merely to point out here that the beautiful 3-story structure housing the police department is comparatively new and ample to accommodate all the activities of the department. The police detention jail, which occupies a portion of the third floor of the building, is modern and well kept.

The radio equipment is new and of good design. It is believed, however, that more automobiles with receiving sets would greatly aid the police in their operations against lawlessness. All of the motor cycles and a majority of the automobiles used by the police officers are privately owned. The department allows \$15 per month for the use of these vehicles, and provides the fuel and oil. There should be more automobiles and fewer motor cycles.

VI

POLICE ADMINISTRATION IN HONOLULU UNDER THE NEW POLICE STATUTE OF FEBRUARY 1, 1932

The low state of efficiency of the Honolulu police department was apparent to some citizens of Honolulu even prior to the Ala Moana rape case and the incidents which followed. Early in 1931 a bill was introduced in the Territorial legislature to make the chief of police of Honolulu an appointive rather than an elective official, but this bill failed of enactment. In the special session of 1932 the legislature passed the act of January 22, 1932 (H. B. No. 1),²⁵ by which the basic organization of the city and county police department was completely changed. The department was entirely removed from the control of the sheriff, except in one negligible particular, and the civil-service commission, so far as the police department was concerned, was abolished.

The act of January 22, 1932, provides that, effective February 1, 1932, the police department of the city and county of Honolulu shall consist of a police commission, a chief of police, and such officers, clerks, and employees as the commission may from time to time prescribe. The act provides for the creation of a police commission of five members, to serve without compensation, all of whom shall not belong to the same political party, and each of whom must have been an elector of the city and county for three years prior to his appointment. The first five members of the commission are to be appointed by and are removable by the governor, with the consent of the Territorial senate; thereafter the commissioners are to be appointed by the mayor, with the approval of the board of supervisors. Any commissioner appointed by the mayor may be removed by the mayor with the concurrence of five of the seven members of the board of supervisors. By the act the terms of the first five commissioners are staggered, running from one to five years, and the terms of all succeeding commissioners are made to expire five years from the date of the expiration of the term for which each appointment is made.

The commissioners are directed to adopt such rules and regulations as they deem necessary for the regulation of the matters committed to their charge. The statute expressly directs that such rules and regulations shall provide for the proper training of police officers, and a merit system, having for its purpose a systematic method of promotion based upon efficiency, service, and outstanding performance of official duties.

The commission is given the power to appoint and to remove at pleasure, upon the concurring vote of three members, a chief of police, who shall devote his full time to the duties of his office, who "must

²⁵ See Exhibit 41, pp. 243-246.

at the time of his appointment have been a resident of the Territory for five years," and who shall receive a salary not to exceed \$7,200 per annum. The chief of police is given control of all officers and employees serving under him, and the power to appoint police officers and employees under the rules, and at salaries which are prescribed by the commission. The chief of police is also given the power to appoint and remove instructors of police, who need not have any residential qualifications. In addition, the chief of police is given all the powers and duties formerly possessed by the sheriff, except the care and control of the Honolulu jail, and the service of civil process.

The act directs that the removal or suspension of any officer or employee under the chief of police shall be in the manner provided by the rules of the commission, provided that the chief of police shall have the absolute right to suspend, for a period not exceeding 60 days in any calendar year, any officer or employee for incompetence, neglect of duty, drunkenness, or failure to obey orders, such suspension to be final and without review. It is provided that any officer removed for a period exceeding 60 days in any calendar year may appeal to the commission, whereupon the commission shall have the power to entertain or refuse to entertain such appeal in its discretion. If the commission shall entertain such appeal, it may affirm, set aside, or modify the action of the chief of police, or make such other order as it deems warranted. Such order of the commission, or its decision refusing to entertain any appeal, is final.

The act further provides that no member of the police department, aside from exercising the right to vote, shall take part, support, advocate, or aid in the election of any candidate running for public office. The board of supervisors is directed to appropriate from time to time for the use of the police department sums aggregating not less than \$500,000 per annum.

Unquestionably the new police statute represents a definite improvement in the Honolulu police administration. The executive head of the department is no longer an elective official, subject to the whims of the electorate, but is appointed by commissioners who are themselves appointive officials. Adequate control over the police force is made possible by giving to the chief the power to select his subordinates and the power to discipline them. Training of the police personnel is made mandatory, and members of the department are prohibited from engaging in political activities.

But although the new act is a decided improvement it contains several unfortunate features, and there are still many changes to be desired. Thus, although the police chief is no longer an elective official, it is doubtful if the matter of his selection has been permanently removed from politics.

Under the act the chief of police is appointed by the five police commissioners. Although the first five commissioners are appointed by the Governor, with the advice of the Senate, the successors to the first commissioners are to be appointed by the mayor and board of supervisors. Since the mayor and board of supervisors are elective officers, required to campaign for office every two years, and since each mayor, during a single term of office, will have an opportunity to appoint at least two police commissioners, it is not improbable that several years hence, when the impetus for reform

due to recent events has disappeared, the appointment of police commissioners may become enmeshed in local politics and thus dictated primarily by political considerations. Although there are many prominent citizens of Honolulu who feel that the police commission should be appointed by elective officers, if the people of Honolulu are to be allowed a due amount of self-government, it is the opinion of the greatest number of persons interviewed, and of the undersigned, that the appointment of the police commissioners should have been placed permanently in the hands of a nonelective official, such as the governor.

One of the difficult problems which will soon confront the commission is the selection of a permanent police chief. The new statute requires that the chief must have resided within the Territory for five years. Opinion is practically unanimous that there is no person possessing the requisite executive ability and police experience who meets this requirement. Indeed, it is very doubtful if there is any resident of the Territory, for however short a period, who has the technical ability and schooling to complete the reorganization of the department now in progress and to create a disciplined, efficient police organization.

The development of police science upon the mainland in recent years makes available a considerable number of competent police executives who might be secured by the commission for a period long enough to build up an effective department and to train thoroughly the officers now in the department, who are potential police executives. In our opinion, the Territorial Legislature, now in special session, could take no single step that would render more assistance to the police commission than to eliminate the provision of the police statute in question.

But the legislature should not stop with the police chief. The commission will doubtless find it highly desirable, if not imperatively necessary, to import an assistant chief of police and some police specialists to assist the new chief in building up the organization. This could not be accomplished because of section 1837 of the Revised Laws of Hawaii (1925), which requires all employees of the city and county to have been residents in the Territory for one year prior to appointment. It is true that the new police act permits the employment of instructors of police who need have no residence requirements, but to employ "instructors" may not be sufficient. For effective work, the police specialist must be placed in the actual line of duty and given actual authority and supervision in the performance of police duties. We can not urge too strongly the desirability of the complete elimination of all residence requirements, at least for a period of several years.

Other defects in the present law may be summarized as follows:

(a) Under the act the police chief is removable at any time in the discretion of the commission, upon the concurring vote of three members thereof. It is highly doubtful if this provision adequately protects the tenure of the chief. The Report on Police of the National Commission on Law Observance and Enforcement recommends vigorously that a police executive should be removable from office only after preferment of charges and a public hearing.

(b) The act creates a new office of chief of police and leaves existing the old office of sheriff, whose duties are now confined to

running the Honolulu jail, service of judicial process, and acting as coroner. There appears to be little or no need for the retention of the office of sheriff for the performance of such duties. If, however, it is deemed desirable to confer these duties upon a single official, that official should be an appointive as opposed to an elective official.

(c) Under the new police act the salary of the chief of police is limited to \$7,200 per annum. This provision is too inflexible, and may make difficult the securing of a police executive sufficiently able to reorganize the department and place it upon an effective basis. The commissioners should have a wide discretion in fixing the salary of the chief of police.

In the administration of the new law all persons concerned have given evidence of a desire to secure the accomplishment of its intended purpose. Pursuant to the act, and prior to its effective date, the governor with the consent of the Senate, appointed the following persons as members of the newly-created police commission: Frederick D. Lowrey, chairman; Antonio D. Castro; Edward E. Bodge; George I. Brown; Ernest E. Greene. These men are business executives of the highest caliber, and it is uniformly conceded that they constitute as able a police commission as could be secured in the Territory.

Mr. Lowrey is the vice president and manager of Lewers & Cooke (Ltd.). He was born in Honolulu in 1885, educated at Punahou School and Harvard University, and was a member of the Territorial house of representatives from 1920 to 1924, serving as speaker of the house for part of this period. Mr. Castro is president of the Union Trust Co. and president and director of other companies. He was born on the island of Madeira in 1883, of Portuguese parents, and came to Honolulu in 1896, receiving his education in the public schools of Hawaii. He was a member of the Territorial house of representatives from 1907 to 1910, secretary of the public-lands board for many years, and is now consul for Brazil and Peru. Mr. Bodge is vice president of Von Hamm Young (Ltd.), a large local concern of many and varied activities. He was born in Massachusetts in 1881 and educated in Massachusetts schools, coming to Honolulu in 1908. He has been at different times a member of the board of supervisors (appointed by the mayor), and a member of the Territorial board of harbor commissions. Mr. Brown is manager and treasurer of the John I. Brown Estate (Ltd.), and is associated with other business enterprises. He was born in Honolulu in 1887, his father having come from Worcester, Mass., and his mother being an Hawaiian of ancient and distinguished lineage. He was educated in Honolulu and in New England schools and was in business for several years in Boston. He has been a member of the board of agriculture and forestry for many years, and is a member of the Territorial aeronautical commission. Mr. Greene is manager of the Oahu Sugar Co., one of the largest, if not the largest, sugar-producing company in the Territory. He was born and educated in New York, coming to Honolulu in 1914.

Upon its appointment the commission was confronted with the problem of appointing a chief of police. None of the commission had had any direct connection with or intimate knowledge of the police department, and there was no officer in the department whom

the commission knew to be competent to be chief of police. Accordingly the commission decided to select a chief from without the department, even though this would mean the selection of someone without police experience. Mr. Charles F. Weeber was finally prevailed upon as a matter of civic duty to accept a temporary appointment of not to exceed six months. Mr. Weeber had been for several years the personal secretary of Mr. Walter Dillingham and has been closely associated with the many companies and organizations with which Mr. Dillingham is connected. Prior to that time Mr. Weeber spent several years in the United States Army, where he was engaged primarily in activities of an administrative nature. He is without technical police experience but is a business executive of high standing.

Immediately upon his appointment, Mr. Weeber, with one exception, reappointed to their respective positions for a probationary period of one year all the then existing personnel of the police department, such appointments to be effective February 1, 1932. Almost immediately Chief Weeber engaged Capt. J. A. Greening, assistant chief of police of Berkeley, Calif., to come to Honolulu to advise and assist in the reorganization of the department. Pending the arrival of Captain Greening, who reached Honolulu on February 11, 1932, and pending the completion of Captain Greening's work, which was in progress while the present investigation was being made, Chief Weeber made no substantial changes in the police organization which he found in operation when he assumed control on February 1.

Although Captain Greening had not submitted his report to the police commission by the time of our departure from Honolulu, it had been so far completed that he was able to furnish us with a rough draft thereof. His report is an able, exhaustive statement of conditions affecting the Honolulu police. It makes numerous findings and recommendations as to local police problems, organization and distribution of force, personnel, buildings and equipment, records system, and finances, the complete summary of which appears as Exhibit 61, pages 257-261. A perusal of these recommendations leaves little doubt that Honolulu will possess a vastly improved police department if the majority of them are carried into effect. Although they are confronted with a difficult task, we are convinced of the sincerity of the commission and of Chief Weeber and believe that an earnest effort will be made to effect a reorganization of the department along the lines indicated in Captain Greening's report.

Already, without any substantial change in the organization or police personnel, a distinct improvement in the department has occurred. A visible improvement in the morale and discipline of the force has resulted from the mere realization that the chief possesses the power to impose swift and sure punishment for all derelictions in duty, no matter how trivial, and that loyal and efficient efforts will be rewarded. A noticeable improvement has occurred in the enforcement of traffic laws. Citizens are now finding that it is exceedingly difficult to "fix" arrest tickets, and the resulting improvement in observance of the traffic laws has been visible even to a casual observer. Another material improvement has been in the manner and

behavior of the gangs of loiterers. And finally, the commissioners and Chief Weeber seem to have the confidence of the people.

VII

POLICE ADMINISTRATION IN THE COUNTIES OF HAWAII, MAUI, AND KAUAI

A. GENERAL ORGANIZATION AND STATUTORY BASIS

The police problems of the counties of Hawaii, Maui, and Kauai are fewer in number and much less complex than those encountered in the city and county of Honolulu, and accordingly relatively little time has been devoted to an examination of the police organizations of the first three counties. Because of the similarity of the police problems and law enforcement machinery in these three counties, it is possible to treat them as a group in discussing their police administration.

The county of Hawaii comprises the entire island of the same name. Although it is larger in area than all of the other islands in the Territory put together, its population of approximately 75,000 constitutes only about 20 per cent of the total population of the Territory.

The county of Maui is composed of the Islands of Maui, Molokai, Lanai, and Kahoolawe, of which the first is the largest and most important. The population of the county is approximately 57,000, or about 15 per cent of that of the entire Territory.

The county of Kauai comprises the Islands of Kauai and Niihau, which, combined, have a population of only 36,000.

The county organizations of these three counties are substantially the same. In each the general administration of governmental affairs is vested in a board of supervisors, the members of which are elected for 2-year terms at the general county elections. In each the direction and control of the police department is vested in the sheriff, who is elected biennially at the general elections and is removable only by impeachment. The various police departments have jurisdiction throughout their respective counties and constitute the principal instrument of law enforcement.

Each county is divided into several police districts, in each of which is a deputy sheriff who is appointed by and is responsible to the sheriff. In each district there is a jail and a small complement of police officers under the control of the deputy sheriff. In addition to being the chief police officer of their respective districts, the deputy sheriffs act as prosecutors in all criminal cases arising in the district or magistrate's courts, in which capacity the deputy sheriffs are under the supervision of the respective county attorneys.

Supplementing the activities of the regular police in a limited measure are: (1) Special police officers employed by the various plantation companies usually two to each plantation, and deputized by the sheriff for the purpose of maintaining order and sanitation among the plantation laborers,²⁶ and (2) the usual Federal agencies for the enforcement of Federal statutes.

²⁶ In the county of Maui the police department pays a small salary to the special officers in order to have a voice in their appointments and exercise more control over them.

B. POLICE PROBLEMS

The islands comprising the three counties under consideration are distinctly rural and agricultural in character, thus presenting a sharp contrast to Honolulu.²⁷ In none of these islands are there any large cities with congested living conditions, slums, or other undesirable factors usually connected with urban life. For the most part, the people are scattered in small towns or on the plantations, the only city of any size being Hilo, the county seat of Hawaii, with a population of approximately 20,000.

Since these counties are confronted only with rural problems in connection with law enforcement they are free from many difficulties confronting Honolulu police officials. There are no street gangs and seldom are they ever visited by large numbers of sailors and soldiers. Near Hilo is located the only Army post found on any of these islands. This is primarily a rest garrison, and the personnel quartered there averages about 200 men and officers. A Navy health and recreation camp is contiguous thereto, but it has a personnel averaging only about 20.

The chief problems confronting the law-enforcement officials are:

1. *Political system.*—Like Honolulu prior to February, 1932, the police departments in these three counties are under the control of sheriffs, elected every two years at the general elections. Since their tenure of office is dependent upon popular suffrage, it is difficult for these officials to administer the affairs of their respective police departments without being influenced by matters of political expediency, which invariably are in conflict with sound police administration. The extent to which politics is connected with the police under the present system is well illustrated in the counties of Hawaii and Maui. In the former the police department has been a factor to reckon with in political campaigns, its support greatly to be desired, and its opposition even more greatly to be feared.²⁸ In the county of Maui appointments to the police department are made from a list of names recommended by the county political committee. There is no evidence that this close political contact has resulted in undesirable persons being appointed to the police force, but the system is obviously subject to grave abuses.

There is a strong feeling among some of the persons interrogated that public confidence in the police would be greatly enhanced by transferring the control and operation of the police department in each of these three counties from an elective official to an appointive one, whose tenure of office would be reasonably secure. It can not be said, however, that this is the prevailing sentiment among the many persons contacted.

In fairness it should be stated that no direct evidence was observed of political influence seriously affecting the administration of the police departments in the counties of Hawaii, Maui, and Kauai. Significant in this connection is the long tenure of office of the sheriffs of these counties. The county of Kauai has had the same sheriff since the county government became effective in 1907. He is uniformly

liked and respected. In Maui the present incumbent has held office for 22 years. Sheriff Samuel K. Pua served the county of Hawaii from 1907 to December, 1931, when he resigned.

2. *Diversity of races.*—The same marked diversity of races which characterizes the city of Honolulu is also present in the counties of Hawaii, Maui, and Kauai. This diversity of races is naturally reflected in the personnel of the various police departments. It was the almost uniform opinion of all persons interviewed that no serious race problems of any immediate import, at least, exist in any of these three counties, the general opinion being that the various races live and work together with an unusual degree of harmony. The fact that the population is for the most part scattered throughout the rural districts has simplified the race problems in these counties so far as conditions of law enforcement are concerned.

3. *Excess proportion of males.*—In the three counties under discussion, as in Oahu, there are a large number of unmarried Filipino laborers, who have been imported for work on the sugar plantations. That the presence of an excess proportion of male persons is a factor of some consequence is indicated by the rather large number of statutory sex crimes committed in these counties. The number of sex crimes of violence in these counties appears to be quite small.

4. *Vice.*²⁹—Apparently because of the absence of any thickly populated areas, such vice as exists in the three counties in question is quietly conducted. Although lack of time precluded any detailed investigation of vice conditions, the consensus of opinion of those persons interviewed was to the effect that vice in the counties of Hawaii, Maui, and Kauai, while present to some degree is neither extensive nor of an aggravated nature.

Prostitution is prevalent in the three counties, but apparently not to an excessive extent, and certainly not to the degree to which it exists in Honolulu. It is not confined to any particular area, and there is no evidence that it is organized or syndicated. A few prostitutes migrate from Honolulu to these islands for several days each month in order to ply their trade among the Filipino laborers on the plantations immediately following pay day, these Filipino laborers constituting the chief source of business for both the resident and itinerant prostitutes.

The police departments of the counties of Maui and Kauai are particularly active against prostitution, but in the Island of Hawaii the police department ordinarily confines its activities to the elimination of the itinerant prostitute, to making arrests upon complaint, to preventing disorder and rowdiness in places where prostitution is carried on, and preventing open solicitation upon the streets.

Violations of the national prohibition act are prevalent in the three counties under discussion, but not to any greater extent, if as great, than in Honolulu or mainland cities of comparable size. The operations of the bootleggers in these counties do not differ materially from those on the island of Oahu.

There is no evidence to indicate the existence of gambling in the counties of Hawaii, Maui, and Kauai, other than of a negligible character. There are no gambling houses known to be operating openly, or any other indications of an organized gambling element.

²⁷Nearly one-half of the entire population of the Territory lives in Honolulu, the county seat of the city and county of Honolulu.

²⁸See Transcript, vol. 12, pp. 2629-2630, 2635, 2701, 2707, 2708, and 2817.

²⁹A discussion of crime conditions generally in the islands of Hawaii, Maui, and Kauai has been reserved for Assistant Attorney General Richardson's main report.

Games of chance are indulged in by the laborers on the plantations immediately following pay day, but these games are not of a commercial character.

Violations of the narcotic laws are infrequent and confined to the older Chinese element, who engage in smoking opium. These violations are not of an aggravated nature, and appear to be decreasing with the passing of the older generation.

C. ORGANIZATION AND OPERATION

Because of the small police forces in these three counties and the absence of any police problems requiring detailed police organization, no endeavor has been made to present in detail a statement of the respective police organizations.

In Hilo, the only city of any size in the three counties, there is a good police organization operating under the immediate supervision of Deputy Sheriff Peter Pakele, jr. This officer has studied modern police methods and technique on the mainland and is gradually perfecting a modern police organization in this district which should have a salutary effect in connection with law enforcement.

D. PERSONNEL

The county of Hawaii has a total police personnel of 113, the county of Maui has 84, and the county of Kauai has 36.

In the county of Hawaii approximately 78 per cent of the force are under 50 years of age, and 62 per cent have served more than five years in the department. There are only 12 police officers, or 10 per cent, with less than one year's service. The force is classified racially as follows:

Race	Number	Per cent	Per cent of total population
Hawaiian and part Hawaiian.....	80	71	34
Japanese.....	14	12	8
Portuguese.....	12	11	46
All others.....	7	6	33
Total.....	113	100	100

It will be observed that the force is predominately Hawaiian and part Hawaiian, and there have been no frequent changes in personnel.

The racial complexion and length of service of the members of the police department in Hawaii is typical of the members of the police departments of the counties of Maui and Kauai.

No particular study was devoted to a determination of the general intelligence and qualifications of the personnel of the police department as apparently they have been functioning in a reasonably satisfactory manner and enjoy the confidence of most of the public.

In this connection attention is invited to the difference in the procedure of making appointments to and effecting removals from the police departments in these counties as distinguished from the city and county of Honolulu. In the latter, prior to February 1, 1932, the power of appointment and removal was vested in a civil service

commission which functioned in a manner which impaired the power of the sheriff in dealing with personnel matters. In Hawaii, Maui, and Kauai the sheriff is vested with the sole power of appointments to and removals from the department. The only limitation upon this power lies in the authority of the boards of supervisors of the respective counties to abolish a particular position and to refuse to appropriate the necessary funds with which to pay salaries. This indirect control, however, has been exercised in exceptional cases only.

E. CONCLUSION

The law enforcement agencies of the counties of Hawaii, Maui, and Kauai are substantially as they were upon the creation of county government in 1907. As the population has increased and law enforcement problems developed, the agencies of crime prevention and law enforcement have been stretched to meet the situation, although the basic organization has been left unchanged. While many defects may be pointed out with respect to the police administrations of the "outer islands," it must probably be conceded that they are adequate to cope with the police problems of the moment. With increasing population in the future and changed conditions it may become necessary to make changes in the basic organization, as has been done in the case of the city and county of Honolulu. While such changes at the present time would undoubtedly provide a much improved police administration for the islands in question, it can not be said that the character of the crime situation or the nature of the police problems on these islands at the present time is such as to make these changes imperative.

REPORT OF INVESTIGATION
OF THE LEGAL DEPARTMENT OF THE TERRITORY OF
HAWAII, AND PARTICULARLY OF THE CITY AND
COUNTY OF HONOLULU, THE JURY SYSTEM
THERE EXISTENT, AND ITS METHOD
OF OPERATION

REPORT ON THE LEGAL DEPARTMENT AND JURY SYSTEM OF THE
TERRITORY OF HAWAII

DEPARTMENT OF JUSTICE,
Washington, D. C., February —, 1932.

HON. SETH W. RICHARDSON,
Assistant Attorney General of the United States,
Washington, D. C.

DEAR SIR: Obedient to your instructions, this unit entered upon a survey and investigation of (1) the legal department of the counties of the Territory of Hawaii, and in particular of the city and county of Honolulu, and (2) the jury system prevailing in the counties of the Territory of Hawaii, and particularly the city and county of Honolulu, and has completed its assignment and herewith submits its report. As stated by you at the time of the original assignment, and for very obvious reasons, the investigation concerned itself only at a tangent with the outside counties and is pointed directly at the legal department and the jury system existent in the city and county of Honolulu.

In compiling the report herewith submitted, we have examined and compared crime reports of the Attorney General of Hawaii for the past five years and of the city and county attorney of Honolulu for the past 10 years; interviewed the city and county attorney and his deputies, the attorney general and his deputies, the jury commissioners, the circuit judges of the Territory, and the judges of the United States district court at Honolulu, every available listed attorney in Honolulu, some of the attorneys in adjacent counties, approximately 250 prospective jurors in addition to the 12 jurors who served in the Ala Moana rape case, attended upon the Territorial court while jury venire were being examined and upon trial in the circuit court of litigation involving sex laxity and assembled the results in consolidated form contained within this report and its exhibits.

Respectfully submitted.

ALBERT B. SHEETS.
J. P. MACFARLAND.
JAMES L. McNALLY.

LEGAL DEPARTMENT

The legal department was created by the 1907 Legislature of the Territory of Hawaii by the municipal government act (commonly called the county government act) as contained in chapter 118, sections 1717 to 1891, inclusive, Revised Laws of Hawaii, 1925, as amended, and vested the legal department of the city and county of Honolulu in the office of city and county attorney.

For the other counties of the Territory of Hawaii a similar act was passed at the same time (secs. 1668 to 1674, inclusive, Revised Laws of Hawaii, 1925, as amended) and the legal department of these counties was respectively vested in the office of county attorney.

ORGANIZATION

Organization of the offices of city and county attorney for Honolulu and county attorney for each of the other counties of the Territory, provided for by the county government act of 1907, remained substantially unchanged until February 9, 1932, when the legislature divested the office of city and county attorney for Honolulu of its duties and powers, among other things, to prosecute criminal actions. The county government act of 1907 provided for the selection of the city and county attorney for Honolulu and county attorney for the other counties of the Territory by popular election; fixed the salary of the city and county attorney for Honolulu in the sum of \$7,500 per year and the salary of the county attorney for the other counties of the Territory according to a graduated scale; provided qualifications therefor to be a citizen of the United States and of the Territory and an elector of the city and county for two years next prior to his election; an attorney admitted to practice in the Supreme Court of the Territory of Hawaii, and to have practiced law in the city and county for at least two years.

DUTIES

The duties of the city and county attorney for Honolulu and the county attorney for the other counties of the Territory, as fixed by statute, were substantially as follows:

- (1) To prosecute offenses against the laws of the Territory of Hawaii and ordinances of the city and county of Honolulu, and to take charge of all civil litigation.
- (2) To institute proceedings before the magistrate for the arrest of persons charged or suspected of public offenses and to take general charge of criminal cases before such district magistrates, and to attend before and give advice to the grand jury.
- (3) To draw indictments and defend all suits brought against the city and county and to prosecute suits on bonds forfeited and for the recovery of debts, fines, and penalties accruing in favor of the Territory or the city and county.
- (4) To act as legal advisor to the various branches of the government.
- (5) To attend meetings of and advise the board of supervisors when required.

Responsibility such as existed was provided for by section 1820, Revised Laws of Hawaii, 1925, for the city and county attorney for Honolulu, and by section 1673, Revised Laws of Hawaii, 1925, for other county attorneys. By these sections it was provided that the county attorney became a deputy of the attorney general of the Territory and directed that he report to the attorney general from time to time as might be required. This responsibility has been considered of dubious character and so remote as to require nothing more of the county attorneys than the filing of reports, although in

some instances under such authority the attorney general has taken charge of and directed criminal prosecutions.

PRESENT INCUMBENT

City and county attorney for Honolulu, James F. Gilliland, the present incumbent, is 33 years of age; born in Honolulu in 1899; part Portuguese, Hawaiian, and Irish. He graduated from high school in Honolulu in 1917; Georgetown Law College, LL. B., 1923; postgraduate law, Harvard, LL. M., 1924. He is a war veteran; a former employee of the Department of Justice, Washington, D. C.; former law clerk of the adjusted-compensation branch of the War Department; engaged in the general practice of law in Honolulu in 1925; assistant United States attorney for Honolulu in 1927; chief deputy sheriff and coroner for Honolulu in 1928. In November, 1928, he was elected to the office of city and county attorney for Honolulu by a majority of 900 votes. Two years later, at the expiration of that term, he was reelected by a vote in excess of 9,000 more than was received by his nearest opponent, and is now serving that term.

PERSONNEL OF OFFICE OF CITY AND COUNTY ATTORNEY FOR HONOLULU

James F. Gilliland, county attorney, salary \$625 per month; Edward N. Sylva, criminal deputy, \$275 per month; Griffith Wight, criminal deputy, \$350 per month; Wilfred C. Tsukiyama, civil deputy, \$450 per month; Hoon Wo Wong, civil deputy, \$350 per month; Leslie Scott, civil deputy, \$375 per month; George Haneberg, criminal deputy, \$275 per month; Arthur Stagbar, detective, \$190 per month; Henry F. Silva, detective, \$200 per month; Emelia L. Kramer, clerk, \$200 per month; Helen Parish, stenographer, \$150 per month; Mapauana Peters, stenographer, \$185 per month; Sam Kahanamoku, messenger, \$150 per month. (Total monthly salary rate, \$2,700; annual rate, \$32,400.)

The present office of the city and county attorney for Honolulu is not an effective arm of law enforcement. This is due primarily to a widespread lack of confidence throughout the community in the personnel at that office as presently constituted. The basis for such lack of confidence, justifiable or not, is due:

(1) To a physical defect of increasing deafness in Mr. Gilliland himself, which has prevented him as head of the office from taking any active part in the actual conduct of criminal trial work. This failure by him to take any active part in the conduct of important criminal matters prosecuted by the office has resulted in a feeling by a most substantial portion of the community that Mr. Gilliland does not possess the legal ability to conduct a criminal trial.

(2) To the appointment by Mr. Gilliland among his deputies of a man from each of the major races represented by the population of the community, not of itself in any way objectionable but opening the door to the criticism quite generally made that his office is conducted with a mind for getting votes and with a political flavor militating against its effectiveness in law enforcement.

(3) To the present united opposition of the island press against his conduct of the office.

(4) To the special session of the Territorial legislature called, among other things, for the express purpose of divesting his office of further power to prosecute criminal cases and the creation of a new office of public prosecutor, to whom has been given by the legislature the power to prosecute.

(5) To the failure by him to obtain a conviction in the trial of the Ala Moana rape case.

(6) To his personal successful activity in political matters.

The professional personnel of the office is, for the most part, composed of attorneys who possess basically sound legal training but little or no experience in the actual practice of law. They are, however, men as capable as it is generally believed the salaries allowable are able to secure for the position. It should be noted that the salary schedule for such services in the Territory of Hawaii runs considerably higher than is usually paid for like services on the mainland.

EFFECTIVENESS

While the effectiveness of the office of city and county attorney for Honolulu has been lessened in the public mind, as indicated, an examination of a comparative table of cases disposed of by that office in the past five years, which was supplied by Mr. Gilliland and is attached to this report as one of its exhibits, shows that there have been substantially fewer cases terminated favorably to the Territory during each year of his incumbency than by his predecessors, and this notwithstanding an increase in population during that same time of approximately 30 per cent. So that under the present administration the number of convictions obtained has actually decreased approximately 22 per cent though the population has substantially increased. This, however, may find explanation in whole or in part by a failure of the police during the present administration to report to the city and county attorney evidence of crime. See report on police.

EFFECTIVENESS OF PRESENT LEGAL MACHINERY

The effectiveness of the present machinery under which the city and county attorney's office for Honolulu has functioned, aside from personnel, is not open to serious question. In the past it has, under able officials, functioned efficiently and well. Though the office is elective in character, the electorate has in the past selected men of character and ability and the people have thus themselves determined satisfactorily their own criminal prosecutor.

DISADVANTAGES

Disadvantages of such a method of selecting the city and county attorney, and as indicated by the present situation, are catalogued to be:

(1) That it places the position too directly subject to the whimsicalities of politics.

(2) Opens the possibility of selecting a popular but incompetent official.

(3) Permits the business of the office to be conducted in the political interests of the official, rather than the law-enforcement requirements of the community.

REMEDIES

Suggested remedies have taken definite form to eliminate the objections against the present legal set-up of the office of city and county attorney by a recent act of the Territorial legislature which generally vests the duty of prosecuting all public offenses in the office of a public prosecutor for the city and county of Honolulu, appointed by the mayor of Honolulu, with the approval of the board of supervisors, for a term of two years at a salary of \$7,500 per year, who shall be more completely accountable to the attorney general and removable for cause by him with the consent of the governor, and as more particularly set forth in the act, senate bill No. 2, of the special session of the Legislature of the Territory of Hawaii, 1932, a copy of which bill is attached hereto as an exhibit.

Under this public prosecutor bill, effective February 8, 1932, the mayor of Honolulu has already appointed to that position Mr. John C. Kelley; 42 years of age; race, white; with a long and successful record of trial experience in criminal cases; by reputation able and capable, and quite universally approved in the community for the position. Mr. Kelley, upon the day of his appointment, assumed office and appointed as first assistant prosecutor Mr. Charles T. Cassidy, a man of acknowledged experience and capability, and as his assistants, Mr. Edward Sylva and Mr. George Hanebert, at present deputy county attorneys.

In addition to the personnel appointed by Mr. Kelley for his own assistants, to his office has been assigned Harold T. Kay, assistant attorney general, whose principal business it will be to maintain liaison between the office of the attorney general and the office of the public prosecutor and to lend his efforts to a disruption of the hoodlum gangs to which the community attributes in substantial part recent criminal disturbances.

At the time of compiling this report Mr. Kelley has just organized his office and gotten under way, and therefore there is no information available upon which to base a report attending upon his efforts in the office.

In conclusion, it is thought that the provisions of senate bill No. 2 materially change for the better the legal machinery for the selection of a city and county prosecutor for Honolulu and the conduct of the business of that office and in all probability accomplish the remedy needed for the disadvantages which have presently destroyed public confidence in that office. But the change as accomplished has this added advantage: It has been effected by the people of the Territory themselves, and thus meets more generally with their approval than would be the same or less radical change had met with their approval through act of Congress. This unit considered and submitted in its investigation for opinion of those interviewed the advisability of eliminating the office of city and county attorney, city prosecutor, and United States attorney, and in lieu thereof creating one United States attorney empowered to prosecute and enforce all of the criminal statutes of the United States and of the Territory in all of the courts of the Territory. Such change, however, though recognized in some instances to possess merit, both from the standpoint of economy and coordination, was most generally condemned as destructive of the right of the Territory to impose upon itself government

by itself as distinguished from government by congressional legislation.

JURIES

Qualifications, exemptions, and excuses for jurors of the Territory of Hawaii are provided for by sections 2395-2398, inclusive, Revised Laws of Hawaii, 1925 (which statutes are attached hereto as exhibits), are similar to those in use by many of the States of the mainland. A person to be qualified as a juror for the Territory must be a male citizen of the United States and of the Territory, of the age of 21 years, qualified for registration as a voter, and a resident of the circuit from which he is selected. He must possess his natural faculties, ordinary intelligence, and must not be decrepit; must understandingly speak, read, and write the English language, and he must not have been convicted of a felony or misdemeanor involving moral turpitude. There are 14 statutory exemptions from liability to act as a juror which comprise exemptions for approximately 34 groups. So, too, a juror may be excused by the court for serious and unusual hardships and inconvenience to his business or cause of sickness of himself or his family.

CHALLENGES FOR CAUSE AND PEREMPTORY

Challenges are provided for cause in the usual cases by sections 2416-2418, Revised Laws of Hawaii, 1925. The Territory, in all but life and death penalty cases, was allowed peremptorily three challenges without assigning a reason therefor. (See sec. 2419, R. L. H. 1925.) In life and death penalty cases, allowed 6 peremptory challenges to the defendant's 12, unless there were more than 1 defendant on trial, in which event the Territory was allowed 3 peremptory challenges for each defendant and each defendant allowed 6 peremptory challenges. (See sec. 2419, R. L. H. 1925.) As a consequence, where several defendants were joined in the same indictment, as was recently true in the important Ala Moana rape case, the 5 defendants were allowed 30 challenges to 15 by the Territory, so that after the Territory had, by exercising its peremptories alternately with the defendants, exhausted its peremptories, the defendants still had sufficient peremptories left to eliminate the entire jury panel as then constituted without assignment of any reason therefor. This obvious disproportionate number of peremptory challenges and unjustified protection to defendants was remedied by the special session of the Territorial Legislature of 1932 and by an amendment to section 2419, Revised Laws of Hawaii, 1925, effective January 29, 1932 (attached hereto as an exhibit), which gives the Territory an equal number of challenges with the defendants in all criminal cases.

METHOD OF SELECTION

The method of selecting jurors, briefly, is by the annual preparation of a list containing 1,000 names from the first circuit, which is the city and county of Honolulu, of persons qualified as indicated to act as jurors. This selection of names is made by jury commissioners and such list by them certified to and filed with the clerk of the circuit court for whom they are selected and becomes known

for the succeeding year as the "regular jurors." These names are placed by the clerk in the box and from it, in the presence of the judge, the trial jury consisting of not less than 18 nor more than 26 persons, is drawn and such jurors are required to serve for 30 days, when a new venire is in the same manner drawn. This method of selection continues during each month until the expiration of the year for which the list was originally prepared. (See secs. 2401-2406, inclusive, R. L. H. 1925, as amended.)

JURY COMMISSIONERS

For the first circuit court of the Territorial court—that is, for the city and county of Honolulu—the Territorial statutes provide there shall be two jury commissioners to be appointed by the judges of the circuit and who, together with the judge of the first circuit, shall constitute the jury commission for that circuit. They are appointed prior to the 1st day of December of each calendar year for a period of one year and receive \$5 per day for the time actually engaged.

Each jury commissioner is required to be a voter of the circuit and of good reputation, intelligence, morality, and integrity, and of a political party opposite to the one to which the jury commissioner belongs. If there is any supervision intended by the statute, it is presumably to be by the first judge of the first circuit, who serves also as a jury commissioner, but in practice the jury commissioners in the city and county of Honolulu have received no material supervision in this matter.

PRESENT JURY COMMISSIONER INCUMBENTS

Frederick D. Lowery is a jury commissioner for the current year, of Republican persuasion, vice president of Lewers & Cooke (Inc.), a large merchandising establishment in the city of Honolulu; is of the white race, intelligent, racially tolerant, honest, has excellent judgment, and generally meets the requirements of the statute for such a jury commissioner. He has been a member of the Territorial legislature for years, and is now the president of the newly created police commission for the city and county of Honolulu. He is almost unanimously considered to be by the judges and lawyers of the community, if not the best, certainly one of the most outstanding men who could be secured for this position.

John Wilson is the other jury commissioner, of Democratic persuasion, for the past 20 years Democratic national committeeman from the Territory, 9 years mayor of the city and county of Honolulu, of Tahitian-Hawaiian and white origin, of good judgment, honest, racially tolerant, intelligent, and meeting in all respects the requirements of the statutes for such office.

It is the opinion of this unit that these two men are conscientious, honest, able, intelligent, and as qualified as this method, or perhaps any method of selecting jury commissioners, could obtain.

PREPARATION OF JURY LIST

Each jury commissioner is supplied by the clerk of the circuit court with a printed list of all the registered voters within the circuit. For this list, however, the clerk of the circuit court (in

Honolulu there are four clerks, one for each judge) makes a notation concerning exemptions, disqualifications, deaths, removals, or other reasons opposite the names of persons who for these reasons it may seem advisable for the jury commissioners to exclude from the jury list by them about to be prepared. Each jury commissioner, from the names with which he is personally acquainted or by checking the names with persons who are acquainted with them, selects 500 men for the trial jury list which, combined with those selected by the other jury commissioner, comprise the 1,000 names required by the statute to be included in the petit jury list. In making the selection, the statute (sec. 2402 R. L. H., 1925) requires that the jury commission shall select the names from the precincts in the circuit "as near as may be according to and in proportion with the respective number of registered voters registered in each of the precincts." In fact, the two jury commissioners appointed function as the jury commission, although the first judge of the first circuit is also a member of that commission. When the list has been prepared in the fashion indicated, it is then filed with the clerk, and for the ensuing 12 months constitutes the list of names drawn from the box at 30-day intervals by the circuit courts when venires of trial or petit juries are required.

Little or no investigation is made other than the personal information which each jury commissioner may have of the name under consideration for selection as a juror. Concerning the prospective juror, no investigation is made of his character, reputation, business, fraternal, or political affiliations, views on law enforcement, intelligence, connections with the underworld, connection with attorneys practicing law in the community, previous criminal record, force of character, or otherwise.

VENIRE

To determine the kind of jurors which this method of preparing a jury list obtains, a thorough investigation into the qualifications of approximately 300 jurors whose names appear upon the current jury list was made. As nearly as possible, an investigation was made of every third name appearing on the jury list so as to secure cross-section appraisal of the entire list. It consisted of a personal interview by this section with each one of such jurors with particular relation to his marital status, social, business, and fraternal connections, acquaintanceship, if any, with notorious characters of the underworld in the community, acquaintanceship, if any, with reputable attorneys in the community who practice criminal law in the Territorial courts, previous criminal record, if any, education, and race. The result of each one of these interviews forms a part of this report and the consolidated result appears in the transcript, volume 6, page 1196.

It appears that in the preparation of the jury list no effort has been made by anyone to load it with jurors of ignorance or of one political party or for the purpose of befriending prospective litigation. Neither was any trace of professional jurymen discovered. In a community where five races of vastly different origin predominate, no trace was discovered of an effort to favor in the selection one race over the other. Every effort appears to have been

made so that impartiality, intelligence, lack of bias for any reason, and honesty control in the selection of the list.

After a venire has been selected by the clerk and the judge as indicated (see sec. 2405 R. L. H., 1925) and reports for jury service, it is sworn and examined generally as to its statutory qualifications. Likewise, each member of the venire is required to fill out a biographical card answering 12 personal questions and to give some amount of information concerning the juror's connection with any pending litigation or lawyers practicing in the circuit. The judge before whom the venire reports hears such excuses as the jurors may present in opposition to their service. These excuses, tabulated in the order generally presented, are (1) 1-man business; (2) key man who can not be replaced; (3) a department head or assistant department head when the other happens to be away; (4) traveling salesman; (5) sickness; (6) inaptness of the present moment for jury service, but agreeable in the immediate future.

Investigation and observation discloses that jury exemptions and the excuses made and allowed by judges in the city and county of Honolulu are about the same as prevail elsewhere. Such exemptions are not often claimed and the judges permit very little jury dodging by excuses. It is true, however, that many men of the white race and of large business interests do not perform jury service. But in many of these cases the names of such men do not appear on the list of registered voters from which the jury list is taken.

THE PANEL

The panel is selected in the Territory the same as elsewhere by the clerk drawing 12 names from the box containing the venire list. The grounds of cause for which jurors are thereafter excused requires no discussion, for they are contained in the statute. Investigation was made as to the grounds for which lawyers in the Territory exercise the peremptory challenge for which no reason is required, and, when exercised, they may be tabulated in the order of their importance as follows:

(1) Literacy or illiteracy, depending upon whether the challenge is exercised by the Territory or the defendant in a criminal case.

(2) Knowledge of the facts or acquaintance with the parties or their attorneys.

(3) Racial and consequent natural bias.

(4) Personal objectionable characteristics of the juror.

The principal causes for disqualification to serve on the panel are, in the order of their importance:

(1) Lack of ability to read, write, and speak the English language.

(2) Physical disability.

(3) Knowledge of the facts and possession of an opinion which would require evidence to remove.

(4) Business relationship between some of the attorneys in the case.

Juries are practically never confined by the judge prior to the submission of the case to them for decision, and no instance of jury tampering, attempted or accomplished, has been developed during the incumbency of any of the present circuit judges. In fact, they stated they do not know of even a well-grounded rumor that any improper outside effort has in any case been made to reach the jury.

VERDICTS

The investigation has disclosed nothing which in any way reflects upon the juries as constituted in the Territory or the results reached by them. Expressions of opinion from all of the circuit judges and the attorneys practicing before them in the circuit courts disclose a great unanimity of opinion that the proportion of correct verdicts exceeds 85 per cent.

VERDICTS IN CRIMES OF SEX VIOLENCE

In the Territory of Hawaii there are four sex crimes which contain an element of force, and they are (1) rape, (2) assault with intent to ravish, (3) assault with intent to ravish female under 12, and (4) carnal abuse of female under 12.

Two statistical tables supplied by the attorney general, the first with reference to the number of those crimes disposed of by the city and county attorney of Honolulu for each of the last five years, and the other, a table showing the verdict of juries in such of those cases as were tried for each of the last five years, are attached as an exhibit. (See Exhibits 12-40, pp. 200-242, appendix.) The first table discloses that 46 crimes of sex violence were reported to the attorney general in the 5-year period 1927-1931, inclusive, as follows: 1927, 10; 1928, 3; 1929, 10; 1930, 11; 1931, 12.

It might be of interest to note that in addition to the foregoing there were nine cases purporting to be sex crimes of violence reported to the city and county attorney's office for Honolulu during the year 1931. The facts in four of these cases were presented to the Territorial grand jury and no true bills returned. A thorough investigation into three of the remaining cases by the county authorities failed to indicate or establish the element of crimes of sex violence. In another of the cases the defendant involved was an alien and the complainant was a Chinese woman. This defendant left the Territory of Hawaii before action could be initiated against him. The other case involved a minor, which case was referred to the juvenile authorities for appropriate disposition. A synopsis of the facts in the nine cases referred to hereinabove is attached to this report, entitled "Sex cases of violence reported to city and county attorney's office during 1931, which are not shown on reports previously given attorney general and/or investigators."

According to the second table above referred to, it appears that 22 cases of sex violence were tried before juries of the circuit courts of the city and county of Honolulu in the past five years and convictions were obtained in all but four, so that in the last five years considering every case of sex violence which the defendants involved thought sufficiently close to warrant a jury trial, Territorial juries have convicted those defendants in 82 per cent of these cases.

FEDERAL JURIES

An examination has been made of the petit jury venires summoned to the Federal courts of the Territory for the past four years with reference to their race and occupational qualifications, which was the only information available, and a consolidated table showing

the results is found in the transcript, volume 6, page 1196. The Federal jurors of the Territory are usually considered by the judges and attorneys to be of a standard of intelligence and in quality somewhat higher than that of the Territory, which may be due to the fact that the jury list from which the venire is drawn contains a smaller number of names and, consequently, allows a higher degree of selectivity.

In prohibition cases Federal juries have not always reached satisfactory verdicts. This is due to the fact that the community of Honolulu is probably predominantly wet, since a substantial portion of the number of jurors personally interviewed on the Territorial jury list expressed themselves as in favor of strict enforcement of all laws except the prohibition law, in the enforcement of which they favored a liberality.

THE ALA MOANA RAPE CASE JURY INVESTIGATION

The jury panel which tried the Ala Moana rape case was thoroughly investigated and found to be fair-minded, of intelligence, honest, and utterly lacking in any trace of racial bias. The deliberation of the jury after the case was submitted to it consumed 96 hours, which, for length of deliberation, sets a record for the courts of Hawaii, if not for the United States. During all of that time, though the argument was heated, it was sincere, and members of the panel indicated the possession of an open mind sufficiently that the vote changed materially up until the last few hours. This jury consisted, with one exception, of men of mixed and oriental blood, and was an unusual jury in that there were on it so few men of white blood.

WOMEN JURORS

The statute providing the qualifications (sec. 2395, R. L. H., 1925) confines the jurors of the Territory to the male sex. It was urged by some groups of women that they be permitted to serve on juries since a better result might be anticipated, especially in cases on sex violations, if women were included in the panel. Judges and lawyers interviewed expressed themselves, with few exceptions, uniformly disapproving the use of women on the juries of the Territory. It is the view of this unit that women should not be included as jurors for the reason that the juries of the Territory are functioning as nearly satisfactory as could be expected under the conditions, and the addition of women in the panel would merely add another complexity without any apparent corresponding advantage.

EFFECTIVENESS OF PRESENT MACHINERY

In Honolulu the jury system finds itself in the midst of humanity's east and west at a crossroads where numerous races, occidental and oriental, meet. The jury system was fashioned primarily for the needs of the white man. Here, however, it is drafted to accomplish a double purpose—justice, not for just the white man, but for almost every ethnological complexion. That under such circumstances it should fail would seem almost axiomatic, yet the exact opposite is true.

The advantages of the jury system as presently constituted in Honolulu are obvious. Under the jury system in Honolulu a defendant is tried by a jury selected from the community where he resides, fairly representative of a cross section of the community, and as so constituted, possesses the confidence of the general public wherein it functions, and it usually obtains a correct result.

INHERENT DEFECTS

(1) True, the jury system as presently constituted at Honolulu is not able to obliterate the natural racial bias found everywhere that races mingle, but in a large measure is in Honolulu eliminated to an extent which makes it almost negligible. Current publicity over the Ala Moana rape of a white woman and the alleged murder of one of the alleged rapists, an Hawaiian, by the husband, has done more to stir the furries of race prejudice than anything in these islands since men now here remember. Yet in that rape case of a white woman by men of mixed and oriental blood, investigation of the jury panel which tried the case disclosed that the members of it of race and oriental blood for the most part voted to convict the defendants and the only white man on the jury voted to acquit.

(2) Lack of education—that is, inability to properly read, write, and speak the English language—is a present defect. This is, of course, basically due to foreign-language education in other countries but valueless when brought to the English jury system in Honolulu.

(3) Here, too, as elsewhere men of high intelligence and standing in the community are too frequently excused by reason of pressure of business, but here this is being in part corrected by the prospective jurors themselves, who, because of recent sensational crime in Honolulu, have had emphasized their civic duty to forego excuse from jury duty and, consequently, expressing a willingness instead of the previous disinclination to serve.

(4) The statute of the Territory (sec. 2402, R. L. H., 1925) requires that the names for the jury list shall be selected "as near as may be according to and in proportion with the respective number of registered voters registered in each of the precincts." Selection of jurors from election precincts proportionately to the number of registered voters therein makes it difficult in six of the precincts in Honolulu, where population is heavy and much of it does not understandingly read, write, and speak the English language, to obtain from those heavily voting precincts their proportionate number of qualified jurors.

(5) The statute provides (sec. 2401, R. L. H., 1925) that the two jury commissioners, among other things, shall, to be qualified, be of the opposite political parties, thus suggesting some kind of a political complexion and favor in the names which are to come into the jury box, although a thorough investigation into this phase of jury selection has revealed no such result.

(6) One of the most glaring defects of the jury system in Honolulu has been allowing the defendant or defendants in criminal cases in substance twice as many peremptory challenges as the Territory. This has, however, been corrected by a recent enactment of the Territorial legislature in special session, Act 11, effective January 29, 1932, which gives an equal number of peremptory challenges to each.

(7) The Territorial statute requires placing 1,000 names on the jury list from which the venire are drawn. One thousand names are at least twice as many as the number actually needed for the purpose and tends to reduce to that extent the average quality of the entire list. (See statement of Judge Steadman.) There is no present or near future need for more than 500 names on the jury list.

(8) Under the present Territorial statute providing for exemptions from jury service too many exemptions are allowed, resulting in large numbers of intelligent and well-qualified persons for jury service escaping such civic responsibility.

SUGGESTED REMEDIES

(1) Elimination of the requirement that the names for the jury list shall be selected as near as may be according to and in proportion to the respective number of registered voters registered in each precinct. (See statements of Judge Steadman and Frederick Lowery.)

(2) Elimination of the provision that jury commissioners shall be of opposite political parties and that in their selection their political affiliations be given no consideration. (See statement of Judge Steadman.)

(3) That instead of two jury commissioners there be appointed one jury commissioner qualified for such service, with broad powers of investigation, inquiry, and subpoena, and to receive compensation considerably higher than \$5 per day now paid, so as to attract a high type of man to do the work.

(4) In the preparation of the jury list by the jury commissioner personal investigation and interview be made of each prospective juror whose name is placed upon the jury list for possible selection on the venire so as to determine his ability to read, write, and speak the English language, force of character, business and fraternal affiliations, views on law enforcement, connections, if any, with the underworld or with attorneys practicing criminal law in the courts where he may be required to serve, previous criminal record, if any, etc., all bearing upon the general qualifications to act in the capacity of a juror, thus eliminating the large number of jurors whose names now appear on the jury list who are exempt, dead, moved away, too ignorant to serve, unable to read, write, or speak the English language, or for other reasons unable to act. (See statements of Judges Davis, Steadman, and Lymer.)

(5) That greater strictness be exercised by the judges of the circuit in excusing jurors for press of business or other personal reasons, and to this end there should be called to the attention of the Territorial judges the importance of carefully exercising their discretion in excusing prospective jurors for personal reasons.

(6) Reduction of the statutory number of 1,000 jurors on the jury list to 500, which number amply fulfills the needs and requirements of the circuit courts of Hawaii and at the same time admits a much higher selectivity and would, consequently, insure better qualified possible members of the jury.

(7) That the number of exemptions provided by the Territorial statute be materially reduced, eliminating many of such which include large groups of persons, intelligent and otherwise, well quali-

fied for jury service and who, if required to serve, would considerably raise the standard of juries in Honolulu.

COMPARISON OF JURORS IN HONOLULU AND ELSEWHERE

One of the members of this unit has been engaged for the past 15 years as a prosecuting attorney, first in North Dakota and during the last 10 years in California, and is now and has been for the past seven years assistant United States attorney in charge at Sacramento, during all of which time he has also been engaged in the general practice of law. He has observed juries in civil and criminal cases of all kinds. Based upon the information obtained in this investigation, it is his opinion that the jurors obtained for jury service in Honolulu, apart from a vastly different psychological complex by virtue of racial background different from that possessed by mainland jurors, are fully as honest, intelligent, and qualified as the average juror on the mainland and reaches a correct result as often.

A convenience is accorded jurors in Honolulu which makes jury service less onerous here than is generally true elsewhere. Here jury service, though compulsory, does not extend for periods in excess of 30 days, since at the end of each 30-day period the old venire is discharged and a new venire is drawn and commences its service. By this method is eliminated the loss of a large number of intelligent, qualified jurors who, if required to serve longer, would adopt jury-dodging methods.

REPORT TO
ASSISTANT ATTORNEY GENERAL SETH W. RICHARDSON
ON PRISON ADMINISTRATION AND THE PAROLE
SYSTEM IN THE TERRITORY OF HAWAII

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**REPORT TO ASSISTANT ATTORNEY GENERAL SETH W. RICHARDSON
ON PRISON ADMINISTRATION AND THE PAROLE SYSTEM IN THE
TERRITORY OF HAWAII**

It would be unwise to make a report on crime conditions and law enforcement without taking into consideration prison administration and the parole system. Pursuant to your request, such investigation has been made. The investigation has included interviews with many prominent people and officials familiar with the situation. The governor, the attorney general, the mayor, members of the judiciary, the present high sheriff and warden and his predecessor have been interviewed, as well as former members of the boards of prison inspectors and present members of the board of prison directors. Members of the governor's advisory committee on crime have been interviewed. All members of the prison personnel have been interviewed and examined, as well as many inmates of the Territorial prison and city and county jail. In addition, the views of many prominent citizens of the community have been obtained.

The prison and parole records have been studied and analyzed. Reports and minutes of the board of prison directors and past boards of prison inspectors have been surveyed. The organization and machinery of the prison, as it operated under the last administration and as it is operating at the present time, have been examined. The recent report of the board of prison directors as a result of their investigation of prison conditions has been carefully reviewed. The statutes now in force in regard to prison organization and administration and legislation now pending have been studied and analyzed.

Respectfully submitted.

CLIFFORD E. FIX,
Attorney, Department of Justice.

I

PRISON ADMINISTRATION

In a review of the prison situation and administration it has been found expedient to divide the discussion into several heads:

First, the laws under which the present system operates.

Second, the investigation by the board of prison directors, with a résumé of the results of their investigation, which resulted in the appointment of a new high sheriff and warden.

Third, the present prison administration and organization, with particular reference to changes which have been made since the new

high sheriff and warden took office, and certain patent weaknesses and deficiencies that still exist.

Fourth, comments on pending legislation.

LAWS RELATING TO PRISONS AND PRISON ADMINISTRATION

For the purposes of prison administration the Territory of Hawaii has been divided into the five judicial circuits.

The first circuit comprises the city and county of Honolulu, on the island of Oahu; the second circuit comprises the county of Maui, which includes the islands of Maui and Molokai; the third and fourth circuits comprise the island and county of Hawaii; and the fifth circuit comprises the island and county of Kauai.

The Territorial prison, which is located in the first circuit, is in charge of the high sheriff and warden of the Territory. The supervision and control of the Territorial prison and prisoners are vested in the board of prison directors. The board also has the supervision of the city and county jails of the first circuit.

For the other four circuits there are four boards of prison inspectors, and the county sheriff of each circuit is in charge of the county jails and prisoners in each circuit.

The laws relating to prisons and prison administration are contained in chapters 110 and 115 of the Revised Laws of Hawaii, 1925, as amended. Brief reference will be made to the matters contained in each chapter. The legislature in 1931 made a number of amendments which changed the administration of prisons and prisoners, reference to which will be made.

The office of the high sheriff is provided for by section 79 of the Hawaiian organic act, which states:

That there shall be a high sheriff and deputies, who shall have the powers and duties of the marshal and deputies of the republic of Hawaii, except as changed by this act, and subject to modification by the legislature.

Section 80 of the organic act provides that:

The governor shall nominate and, by and with the advice and consent of the Senate of the Territory of Hawaii, appoint the * * * high sheriff * * *. He may, by and with the advice and consent of the Senate of the Territory of Hawaii, remove from office any of such officers.

Referring briefly to the chapters dealing with prison administration:

Chapter 110 deals with the matter of administration of prisons and prisoners.

Section 1514 provides:

The high sheriff of the Territory shall be the warden of Oahu Prison and of any other Territorial prison which may be provided for by law, and shall be responsible for the safekeeping of all prisoners who may be confined in or committed to any Territorial prison. He shall, with the approval of the board of prison directors, appoint the necessary deputy wardens, jailers, and other officers and employees at said prison or prisons.

Sections 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522 of chapter 110, deal with prison records, sanitation, salaries, etc.

Sections 1523, 1526, and 1527 deal with prison labor. Section 1523 provides:

All prisoners sentenced to imprisonment at hard labor shall be constantly employed for the public benefit, on public roads, or other public works, or

otherwise as the high sheriff, with the approval of and subject to the control of the board of prison directors, may deem best.

Section 1528 deals with female prisoners and provides for their segregation and employment.

Sections 1529, 1530, 1531, 1532, 1533, 1534, 1535, and 1536 deal with the disposition of the property of prisoners.

By act of the legislature of 1931 a new chapter was added, chapter 110A (Session Laws of 1931, act 129), creating the board of prison directors.

Section 1536A provides for the appointment by the governor of a board of prison directors in the manner prescribed by section 80 of the organic act, for terms of five years each, arranged in such manner that the terms will expire each consecutive year. It was named the board of prison directors to distinguish it from the boards of prison inspectors which are still in existence in the other four circuits.

By section 1536C the new board was given the supervision of the city and county jails in addition to the Territorial prisons, and they were given the authority to call upon the various local boards of prison inspectors for investigations and confirmations, so as to coordinate to some extent, under one head, all groups dealing with prison discipline.

By section 1536D the board of prison directors was vested with the exclusive power of supervision over Oahu Prison and all Territorial prison camps, and the responsibility of the high sheriff and warden of Oahu Prison to the attorney general was transferred from that officer to the board of prison directors, in order to make for undivided responsibility. As it operated under the old law the responsibility was divided between the attorney general and the board of prison inspectors, causing uncertainty and lack of responsibility, with no real authority in either.

By section 1539 a centralized bureau of crime statistics was created under the authority of the board, and the board was empowered to compel the institution and direct the operation of identification and information gathering bodies in the various circuits of the Territory.

In order to make effective the additional power granted to the board to investigate the record of criminals and to compile and gather other data relating to crime the new board was given the authority to compel the granting of access to all records kept by Territorial or city and county officers in connection with matters relating to crime, to compel the keeping of records in such manner to be prescribed by the board, and to compel the attendance of witnesses and the giving of testimony and books, documents, and other necessary information in connection with investigations or hearings made or held by the board. (Sec. 1536F.)

It is pertinent to point out, in regard to the law just referred to creating the bureau of crime statistics, that the bill, as introduced in the legislature, read:

The board shall appoint an executive officer, experienced and versed in such systems of identification and collection and compilation of data and statistics relating to crime as are used in the prisons and places of detention throughout the United States.

Before the bill became law the legislature added the following amendment:

Such executive officer shall have resided in the Territory of Hawaii for at least three years prior to appointment.

No resident of the Territory with this required experience was available. Since the creation of the bureau on July 1, 1931, although the law provided the machinery, no appropriation was made to carry it into effect, with the necessary result that progress has been slow.

Chapter 111, sections, 1541-1547, provides for the creation of boards of prison inspectors in the four other circuits and prescribes their duties and powers. The boards consist of three members appointed by the governor for terms of two years. The law was amended in 1931 (Session Laws of 1931, act 128), clarifying and enlarging the authority of these boards.

Chapter 112, sections 1548 and 1549, deals with rules in regard to prison visitors.

Chapter 113, sections 1550-1559, deals with the commutation of punishment, and provides:

The granting, holding, withholding, forfeiting, and restoring of the commutation provided for by this chapter shall be discretionary (a) with the board of prison directors as to prisoners confined in any Territorial prison or in any jail in the first judicial district, and (b) with the board of prison inspectors of each judicial circuit (other than the first circuit) as to prisoners confined in any county jail within such circuit. (Sec. 1555.)

Chapter 114, sections 1560-1566A, deals with the parole of prisoners. The board was given the same duties and powers with regard to paroles as the former board of prison inspectors, but in addition the new board was granted power to retake parolees at any time, even though not satisfied that he had broken the parole, in order to ascertain whether he had violated such parole. A new section was added, section 1566A, creating the office of parole officer and prescribing his duties.

Chapter 115, sections 1567-1574, deals with compensation for prisoners. In line with the centralization of prison control in the board, the power to fix and allow compensation to prisoners was transferred by law from the Territorial compensation board, consisting of the attorney general, warden of Oahu Prison, and the board of prison inspectors, to the new board of prison directors. (Session Laws of 1931, Act 110.)

In addition to the duties and powers of the board of prison directors, as set forth in chapters 110-115, Act 38, Session Laws, 1931, amending section 4098, provided that the board should fix all minimum sentences, after a period of study not to exceed three months, subject to the approval of the judge hearing the case in the first instance.

The new board of prison directors, however, ran into some practical difficulties under the new laws, as will be discussed later.

The board was not given sufficient voice or control over prison expenditures; the act did not make it sufficiently clear that the board was to have complete jurisdiction of the prisoners; and, of prime importance, the board had no control over the high sheriff and warden, although it was intended that he should be responsible to the board.

Under the law as it now stands, the high sheriff is appointed and removed by the governor, subject to the approval of the senate. To eliminate this obvious difficulty and limitation the board drew up and presented to the governor, who submitted the same to the special session of the legislature, 1932, a bill which was introduced as House Bill No. 10. This bill has passed the house and is now pending in the senate.

The essence of the bill is to make it clear that the board of prison directors has full control of the prison and prisoners, and provides that the board shall appoint and remove the warden. Further discussion as to the desirability of the passage of the bill appears later.

INVESTIGATION BY PRISON BOARD OF OAHU PRISON

In accordance with the provisions of the amended law, the new board of directors was appointed by the governor and took office on July 1, 1931.

Mr. M. B. Henshaw, appointed chairman of the board of prison inspectors in 1929, was continued as chairman of the new board. Mr. Henshaw, a prominent business man and associated with the Bishop Trust Co., has been active in prison matters for some years and has visited and studied various penal institutions in the United States.

Other members appointed were Mr. L. J. Warren, a prominent attorney, member of the law firm of Smith, Warren, Stanley & Vitousek, who has been practicing law in the Territory for 22 years; Mrs. Bernice Spitz, former member of the board of prison inspectors and a civic and political leader among women; Mr. Edward M. Carden, prominent banker and secretary of the Bank of Hawaii; and Dr. Philip Platt, head of Palama settlement and a leader in social welfare. Mr. Joseph Ordenstein, a part-Hawaiian, was appointed executive secretary. Mr. Ordenstein was formerly engaged in business, and has been clerk of the house of representatives for the past 12 years.

Mr. Henshaw resigned on October 1, 1931, due to the pressure of business, and Mr. Warren assumed the chairmanship. In Mr. Henshaw's place, the governor appointed Mr. Horace B. Mann, a surveyor by profession, who has lived in the Territory all of his life.

Upon Mr. Carden's resignation last November, the governor appointed Mr. Clinton G. Owen, who has been active for many years in civic affairs.

The board set up its organization and formulated new rules and regulations effective on October 7, 1931. It also began a general inquiry into prison matters and administration necessarily incidental to any revision of the former rules. During the first several months the board became advised of various rumors and reports as to alleged irregular occurrences, particularly with reference to the conduct of prisoners on the outside work lines, such as annoyances to residents by prisoners in the work gangs; accosting of citizens by prisoners in the parks, while presumably engaged in hard labor; leaving the prisoners behind when they were supposed to be picked up by a truck in the evening, which showed laxness in counting or checking

prisoners when they were picked up and when they arrived at the prison; the permitting of favored prisoners to be out after hours and for week ends; and various other things showing laxness and inefficiency.

The board began an investigation of the situation within the prison, but according to the board, efforts were made to obstruct this action as much as possible by refusing to allow prisoners to see the board. (See Exhibit 78, p. 293.) The investigation had been going on for some time when the escape of two prisoners, Lyman and Kaikapu, on New Year's Eve, concentrated the attention of the board to a study of inside prison conditions, and the board became convinced of the necessity of the removal of the high sheriff, his deputy, and certain other of the personnel, which request was made to the governor on January 8, 1932. The board said (see Exhibit 78, p. 294, Appendix):

There had existed on the night of the escape such a startling special as well as general laxity and neglect of duty, all in an established atmosphere of disrespect for authority, absence of discipline, arrogance of certain inmates, and an apparent inmate oligarchy, that there seemed to be no adequate protection of the public against further escapes, virtually at will and at a time when, in the agitated community, no chances could be risked of another such escape and crime as had just occurred.

The governor voluntarily requested the high sheriff to relinquish temporarily his active control of the prison, to which he agreed. The governor placed in control Col. W. A. Anderson, commanding officer of the Hawaiian National Guard, as deputy high sheriff in charge of the institution. Shortly thereafter the high sheriff tendered his resignation, which the governor immediately accepted, and appointed Maj. Gordon C. Ross as high sheriff, who took immediate charge of the prison.

The charges made by the board fall broadly into two classes:

First, those relating to the prison and prisoners, which contributed to lax and dangerous conditions generally in prison administration; and, second, those concerning administrative and fiscal matters.

Of those falling in the first class, only the charges are here stated. (See Exhibit 78, p. 297, appendix, with references to testimony.)

1. Keys, not merely to inside doors, to cell locks and elsewhere, but also to the wall gates, were habitually trusted to prisoners.
2. Certain prisoners were frequently leaving prison at night and for week ends.
3. Liquor was frequently brought into the prison.
4. There was an inside gang of "hard" characters who ran things much as they pleased.
5. Guards and turnkeys were frequently absent during duty hours.
6. Uncensored letters were smuggled by the guards to and from prisoners.
7. Guards were extremely lax, not only with prison gangs outside the prison but within the prison itself.
8. Escape, either from inside the prison or from the prison gangs outside, was merely a matter of making the decision.
9. Laxity, and worse, as regards women prisoners; access was had to women by underofficials and certain prisoners. This was prior to July 1, 1931, when an additional matron was appointed.
10. There was no training of turnkeys and guards other than issuing them printed rules.

In reviewing the second class of charges—that is, those concerning administrative and fiscal matters—it is only pertinent here to state that the investigation by the board indicated beyond doubt that large quantities of food and supplies were being used and consumed by the high sheriff, the deputy high sheriff, and other subordinates. It appears that it had been the practice for some years, known to the governor, for the warden to obtain his subsistence from prison sources, but the recent investigation disclosed that this practice was abused to an alarming degree, to an extent probably not known to the high sheriff, due to his misplaced confidence in lower officials and their betrayal thereof. Furthermore, the exact extent of this abuse could not be determined, due to the complete breakdown of official organization and lack of complete records and bookkeeping facilities. Further reference thereto will be made in a discussion of the present prison organization. (For full details, see Exhibit 78, pp. 299-306, appendix.)

As a result of this investigation two conclusions may be drawn.

First, that prison conditions, organization, and administration were in a deplorable and chaotic state, due, primarily, to the unfitness of the high sheriff and due to his lack of responsibility and misplaced confidence in subordinates.

Secondly, that, although the present board of prison directors were given additional authority in regard to prison matters and administration, and the warden's responsibility was transferred from the attorney general to the board, the board was not given any authority to take action against the warden or to dismiss him, this authority still being reposed under the present law in the governor, with the advice and consent of the senate.

Had it not been for recent events, referring particularly to the escape of two convicts and the ensuing crime of one of them, bringing the matter to a crisis and agitating the public, it would have been, probably, impossible to effectuate the removal of the warden by the machinery so provided, due to the high sheriff's strong political affiliations.

PRESENT PRISON ORGANIZATION AND ADMINISTRATION

In a report of this phase, it has been decided to list the functions of the institution under the following headings and discuss them in the order shown. This necessarily will entail a brief reference to the old conditions and what steps have been taken to reorganize and what further changes are still necessary, the primary purpose being to point out legislative action and changes which are considered necessary in order to put the prison upon any degree of efficient prison organization and modern standards.

- (1) Oahu Prison and prisoners.
- (2) Personnel.
- (3) Administration, procurement, and supplies.
- (4) Clothing, shoes, and other equipment.
- (5) Prison food.
- (6) Safeguarding inmates.
- (7) Prison labor and prison camps.
- (8) Prison hospital facilities.
- (9) Housing facilities.

1. PRISON AND PRISONERS

The Oahu Prison is the Territorial prison or penitentiary for felons. It is the only prison for felons in the Territory, although there are 4 prison camps, 3 on the Island of Maui and 1 on the Island of Hawaii, under the supervision of the high sheriff and warden, the convicts of which are considered inmates of this prison.

The prison was constructed in 1917 and is situated on the outskirts of Honolulu. The prison proper and yard contains about 3 acres, which is surrounded by a 10-foot concrete-and-stone wall. The administration building, a 3-story concrete-and-stone structure, forms one wall. Inside the yard the cell blocks and dormitories are in one building, comprising four wings in the shape of a cross. A recreational field adjoins, inclosed by a picket fence, and the prison farm, about 11 acres, adjoins on the other side.

On February 1, 1932, there were 531 prisoners, of which number 464 were Territorial and 67 Federal; 399 of these prisoners are in the institution and the remainder are at the various prison camps. (For complete details in regard to inmates, see charts and statistical reports showing proportion of nationalities and classification of crimes, Exhibit 79, p. 309, Appendix.)

Under the classification system now in operation the prisoners are divided into three main classifications or grades—A class, B class, and C class. The warden is authorized to pick from class A trusties and the official police, the highest type of trusty, who act as guards and are in charge of prison gangs working outside the prison.

Class A consists of men who have been sentenced for the first time regardless of the seriousness of the offense. A murderer, for instance, comes in at once as a class A prisoner. The theory back of it being that any prisoner not guilty of any infraction is an A class prisoner, and as long as he obeys and observes the rules he continues to be an A class prisoner.

Class B consists of individuals who are guilty of infractions of the prison rules and regulations and inmates promoted from class C in the discretion of the warden.

Class C consists of inmates who are recidivists and guilty of major infractions.

Under this system there is no segregation so far as the seriousness of the crime is concerned, and it would be impossible to institute proper segregation due to the limited facilities. The class A prisoners are put in dormitories accommodating 50 men each, with access to and communication with each other. Consequently, this affords every opportunity for a planned riot or prison break or other scheme for escape. A hardened criminal, possessing any degree of leadership or ingenuity, convicted for the first time in the Territory, under this system, could easily organize the whole dormitory and the guards would be helpless.

Aside from this danger is the important consideration of allowing criminals of every type to associate indiscriminately, which is bound to have a disintegrating and demoralizing effect upon the ordinary first offender.

The governor's advisory committee on crime recognized the inherent weakness of this system and suggested that before making any additions or changes in the present prison to house a greater

number, consideration should be given to provide a necessary unit for the proper segregation of incorrigible criminals.

The present board of prison directors has also recognized the immediate danger of this situation, and has recommended the construction of a suitable prison unit for the detention of dangerous criminals. They have suggested that some small island belonging to the Territory could be used for this purpose, similar to Alcatraz Prison in San Francisco Harbor. (Exhibit 78, p. 307, Appendix.) But at present the situation continues to exist.

2. PRISON PERSONNEL

Upon the resignation of the former high sheriff, the present high sheriff, Gordon C. Ross, was appointed by the governor and was confirmed by the senate on January 21, 1932. He took office on that date. Col. W. A. Anderson and Capt. Hamilton Merrill were appointed deputy high sheriffs and warden on January 8, as an emergency measure, and Colonel Anderson was in charge of the prison until Major Ross was formally appointed.

Major Ross, the present high sheriff and warden, was born in Honolulu in 1897 and is a graduate of McKinley High School, Honolulu, and the Infantry School at Fort Benning, Ga. He has been associated with the National Guard since 1917. He was commissioned a major in 1926. He received favorable recognition for his service in quelling the Filipino labor strike in 1924. In 1921 he became associated with the firm of C. Brewer & Co., and was holding the position of purchasing agent at the time of his appointment as high sheriff. The most serious criticism which may be directed at Major Ross is the fact that he has had absolutely no experience as a prison administrator or in prison affairs.

Capt. Hamilton Merrill was appointed deputy high sheriff at the request of the governor on January 8. Captain Merrill is 32 years of age, and was born in Kansas. He came to the islands in 1920 as a soldier in the United States Army, but left the service in 1923 with the rank of sergeant. He spent five years with the Kahului Railroad Co. as a roadmaster and marine superintendent in charge of approximately 500 laborers. In 1928 he came to Honolulu and was appointed plans and training officer and head of the intelligence service of the National Guard. He has been associated with the National Guard since 1924.

The present personnel of the prison consists of 2 turnkeys, 3 captains, 16 guards, 10 lunas, 2 matrons, 1 tailor, 1 bookkeeper, 1 stenographer, and 1 identification officer. This does not include 4 jailers and 12 guards in charge of prison camps on the other islands. The high sheriff receives a salary of \$350 per month; the deputy sheriff, \$250 per month; the turnkeys, \$140 per month; the captains, \$120; the lunas, \$120; the guards, \$110; the bookkeeper, \$200; the tailor, \$90; the matrons, \$110; the stenographer, \$125; and the identification officer, \$200.

A personal investigation of the turnkeys, captains, guards, and lunas was made and the following observations are recorded: Out of the total of 31, there are 25 Hawaiians or part Hawaiians, 3 Portuguese, and 2 other Caucasians. The average age, exclusive of three

appointments recently made by Major Ross, is 44 years. There are 14 over 50 years of age, and 2 over 60. The ages of the guards appointed by Major Ross are 35, 31, and 59. In regard to experience, not one has had previous experience as a guard before his appointment, with one exception, who had been a guard at the custohouse before he was discharged. Three had experience as police officers, and two had military experience. In regard to their education, 11 had a grammar-school education, 5 had from 1 to 2 years in high school, 2 had graduated from high school, 1 had 1 year in college. The remainder had less than a grammar-school education. One could not speak English. One had a criminal record. He was a recent appointee who had served 10 months for second degree larceny in 1917. This fact was known to the warden when he was appointed, but it was felt this should not be held against him as he has had an exemplary record since that time. The average length of service was slightly over four years.

When interrogated as to how they received their appointments, practically without exception they freely admitted that they had received their appointments through political recommendations. The procedure, they explained, was to get the indorsement of their precinct club, which in turn recommended them to the central committee and the secretary of the committee then wrote the high sheriff recommending these men. Several of the men said that they had applied for the position directly to the high sheriff, but he had told them they would have to get the indorsement of the precinct club before he could consider their applications. The majority proudly spoke of their active interests in politics, particularly around election time when they were very active getting their friends out to vote so that their precinct club would make a good showing. According to the warden, out of 39 men who composed the personnel under the former high sheriff, 30 were from the fifth district, 5 from the fourth district, and 4 unregistered. The fifth district is the district in which the former high sheriff resided, and the secretary of the committee was also from the fifth district. This fact was substantiated upon questioning the personnel.

In regard to the personnel, the conclusion seems permissible that they were purely political appointees and were appointed without regard to their qualifications as guards or previous experience. In the warden's opinion, fully 50 per cent of the prison personnel should be replaced either because of their advanced age, or because of the fact that they are not the type that can be made into efficient and disciplined guards.

The warden stated that he was formulating a plan at the present time to give them all a thorough training course as to their duties in case of riot, in dispersing groups, in the use of gas and gas masks, in the use of water hose and other agencies, and in target practice with pistols and rifles. This training course will last a month or two, at the end of which time an examination will be given and those who can not pass will be dismissed.

In regard to political activities, the warden has issued instructions that members of his personnel who at the present time are officers in their respective precinct clubs must resign such office and take no active part in politics or elections except to vote. He defi-

nitely stated that politics would play no part in his appointments and the three new guards whom he has appointed are apparently indicative of this policy.

3. ADMINISTRATION, PROCUREMENT, AND SUPPLIES

The new warden, through the advice and cooperation of the board, has endeavored to make a complete reorganization of the administration of the prison. In regard to office affairs, formerly all correspondence and most of the bookkeeping was transmitted through the high sheriff's office by prison labor. A filing system under lock and key in the warden's office has been installed and all correspondence is now conducted through paid employees rather than through prison labor. The former bookkeeper has been discharged and a new one appointed.

In April, 1931, the governor installed at Oahu Prison a system of supply accounting common to all branches of departments in the Territory. It appears that this system was followed for approximately two months and then discarded. The reports which were submitted to the auditors quarterly were compiled by taking the total purchases made for each quarter and deducting therefrom the value of any stock remaining in the storeroom at the end of the quarter. To what unit of the institution these supplies were issued could not be determined, as this portion of the system was discarded. (See Exhibit 78, pp. 303-305, Appendix.) To remedy this situation, the system recommended by the governor has been revived and is now in operation. In addition, all supplies are being checked for both quantity and quality. Also, an inventory of the stock now on hand has been taken.

Formerly the bookkeeper acted as a purchasing agent for the prison. He had the responsibility of shopping for the best price obtainable on all purchases of supplies, and determining the firm from which the purchases would be bought, although the formal orders for all purchases were signed by the warden. According to the board, an investigation revealed the fact that the former administration did not require this order to state the grade or quality of articles to be purchased, and as a result invoices were being presented for the highest quality of merchandise when deliveries were of an inferior grade in many instances. The prison warden is now acting as purchasing agent and making all decisions in regard to these matters.

4. CLOTHING, SHOES, AND OTHER EQUIPMENT

It does not appear that complete records have been kept in the past regarding the materials used in the manufacture of clothing and shoes for the inmates. In addition, no record can be found which would indicate the amount of clothing or the number of pairs of shoes used by the inmates during a period of time. An inmate, in order to secure new clothing, merely went to the turnkey on duty and secured his approval for issue of such articles as he might desire. Also, it appears that some of the prison officials were using the tailor for their personal use.

The following corrective measures have been taken in regard to the issue of the above-named supplies: Material is issued to the tailor shop on a signed requisition and the tailor is required to return a certain number of garments to the storeroom for each bolt of cloth issued. Likewise, the shoe shop must return a certain number of shoes for a specified quantity of raw material. Only canvas shoes with leather soles are manufactured in the institution. It is therefore necessary to purchase leather shoes on the outside to equip men working in coral and such other places where canvas shoes would not answer the purpose. An account is now being kept to determine whether the cost of canvas shoes as manufactured in the prison with raw materials compares favorably in price and wear with leather shoes purchased from local merchants.

5. PRISON FOOD

This department is in a very deplorable state. The present accommodations and facilities for cooking and serving of meals are obsolete and inadequate, which results in unpalatable food and much waste. The dining room is so inadequate in size as to require three separate servings of each meal. There is a complete lack of refrigeration, which frequently results in great waste. Also, there is no one competent to supervise and control the selection and preparation of the food. Steps have been taken to remedy the situation as much as possible under the circumstances. Several months ago the board, with the assistance of trained dietitians, made a study and report, and they were unanimously of the opinion that the situation was of a critical nature requiring immediate attention. The present warden, to remedy the immediate situation, assigned one of his turnkeys, a graduate of the Army Cooks' and Bakers' School, to take charge and manage the affairs of the kitchen. Previous to this it was in the hands of prison labor. The board feels that the kitchen and dining room should be enlarged to double their present size, and modern equipment installed. (See Exhibit No. 77, pp. 284-286, Appendix.)

6. SAFEGUARDING INMATES

Protective measures providing for safeguarding inmates both within and without the walls, while of major importance, appear to be the weakest point in the whole institution at the present time.

It appears that the legislature in previous sessions have not responded to many recommendations made and urged for appropriations for a larger personnel.

The interior guard consists of 2 turnkeys, 3 captains, and 16 guards. Under normal conditions, the turnkeys alternate on a 24-hour shift. The guard detail is divided into three units. Each watch is composed of a captain and five guards, the same being on duty for eight hours. The exterior guard formerly consisted of 8 men known as lunas, who were supposed to afford protection over some 274 prisoners scattered throughout the city. The warden found it necessary, in order to afford at least some protection over these men, to take two of the guards from the interior details to assist in the outside protection. This reduced the interior detail at the present time from 16 guards to 14. With the force first mentioned it would

be impossible, even with highly efficient guards, to properly guard the institution. In an attempt to partially overcome this difficulty, with such inadequate means as he had at hand, the warden has divided the whole detail into two 12-hour watches, on which basis it is at present operating as an emergency. It is felt that this requires service too arduous to be continued indefinitely. The watch now consists of a captain and seven guards. In the warden's opinion, the normal watch should consist of 1 captain and 10 guards, 8 of whom should be armed and stationed at the top of the cell houses.

The shortage of guards and equipment has been, and still is, a very serious problem. The warden and the board have requested the present legislature to appropriate sufficient funds for at least 15 additional guards. (See Exhibit 77, pp. 286-292, Appendix.)

Also, it is significant to point out that at the present time there is absolutely no equipment for protection against riots or prison breaks. There are no firearms or guns available. When an investigation was made recently, 15 antiquated rifles were found in the office, 11 of which were so badly rusted that they were useless. Tear-gas and water-hose equipment to break up gangs or riots are unknown, and if they had such equipment at the present time the personnel would not know how to use it.

Furthermore, the danger is enhanced due to the fact that under the present system there is no segregation of criminals, as above referred to, and the danger of riots or organized breaks is therefore rendered greater. The warden and the board have made recommendation for an appropriation to secure safeguarding facilities, including a walk around the top of the prison walls to be used by armed guards, a prison-yard flood-lighting system, firearms, tear gas, water-hose equipment, and other elementary facilities for safeguarding institutions of this type, which they do not have at the present time. (See Exhibit 77, pp. 286-292, and Exhibit 78, p. 307, Appendix.)

7. PRISON LABOR AND PRISON CAMPS

Many of the prisoners at Oahu Prison are employed outside of the prison on public works. This is required by statute. (Sec. 1523, as amended 1931, Act 125, sec. 6.) At the present time, out of 399 inmates in the prison, 227 are employed in gangs outside of the prison in the city and environs. There are 18 gangs in groups of 4 to 30, and 17 gangs that vary from 1 to 3 men, scattered in different parts of the city. To supervise these men there are 10 lunas or guards, 2 of whom are employed by the city and county. The lunas supervise the work and are supposed to guard the prisoners, but, from an inspection, that duty appears to be incidental. They are in charge of gangs composed of from 8 to 40 prisoners. The other groups of prisoners are in charge of trusties. The lunas carry .38-caliber revolvers, but they have had only limited training and experience in their use. Every luna admitted, upon questioning, that any prisoner who wanted to escape would have no difficulty, and prisoners who were questioned said that they could escape at any time if they so desired. When the lunas were questioned as to

what they would do if a man tried to escape, their answers were varied. One would telephone the warden; another would shoot three times in the air; another would start in pursuit of the escaping prisoner. As to just how these gangs operated and in what manner they were guarded and supervised, an unannounced inspection was made on the morning of February 17, 1932. The following is quoted from the report:

The next gang visited was the Kapahulu gang working on the fair grounds and on the municipal golf course. The luna was not in sight and a prisoner was asked where he could be located. The prisoner stated that the luna was in one of the buildings changing his clothes, as it had just recently rained. When asked where the rest of the gang was, he pointed to a shed in the opposite direction. A luna then appeared and we walked over to the shed. There were 8 or 10 prisoners there, 1 of them strumming a ukulele. There were 24 in this gang, with 1 luna in charge. Where the other 14 were is problematical, but they had no doubt taken shelter from the rain; just where, apparently, did not disturb the luna in the least. Among the members of this gang the following criminal records are noted: 2 murderers, 2 for manslaughter, 1 rapist, 5 for burglary, 2 for having sexual intercourse with a female under 16 years, 1 for sodomy, and 1 for indecent assault.

The next prison gang visited was Makiki Round Top, engaged in repairing the roads. We came upon one prisoner resting upon a wheelbarrow. When asked as to the whereabouts of the gang, he waved his hand up the mountain. After several miles we came upon a group of half a dozen standing near a truck. When asked where the luna could be found one volunteered to see if he could find him and disappeared, returning in a few minutes with the luna. This luna, the warden pointed out, was appointed by the city and county and he had no jurisdiction over him; that is, he might give him orders but he had no way of seeing that these orders were ever enforced, nor had he any way of disciplining the luna. After several more miles we came upon two more prisoners working upon the road. They were members of the same gang. This gang was composed of 14 prisoners. We were not able to locate the other 5 or 6. Some of the records of the prisoners in this gang are as follows: 3 murderers, 1 rapist, 1 for carnal abuse of a female under 12 years, 5 convicted for burglary, 1 for sexual intercourse with a female under 16, and 1 for assault and battery with a dangerous weapon.

A description of the other gangs would be a repetition. (See transcript, vol. 9, p. 2043.) So far as the many smaller gangs are concerned, not in charge of a luna, it would appear that they could walk off at any time and they would not be missed until evening. It would appear that in view of this situation it is somewhat ridiculous for the community to become suddenly aroused and alarmed because two prisoners within the confines of the prison itself, according to reports, managed to escape recently through the laxness of guards, when, as a matter of fact, there are 227 prisoners, convicted of every kind of crime, that could have escaped and can escape at this time by simply walking away. The amazing thing is why Lyman, a recidivist and a murderer convicted for life, took the trouble to evade the guards and escape at night when he was in the habit of driving a truck around the city every day.

This situation still exists and the warden is fully aware of it, but there is nothing he can do under the circumstances with the limited resources and personnel at his command. This situation must be known to the community, and it can only be accounted for by the fact that it is commonly said that the prisoners do not want to escape and that they are not dangerous and that the Territory has a different type of criminal than on the mainland; that they are not criminally inclined, but only a harmless, ignorant class that has made a mistake without any criminal intent.

If the present system is maintained it should certainly be reorganized and sufficient guards appointed to minimize the danger of escape. It is generally felt by many, including the present board, that a new system should be inaugurated. The board has recently made a recommendation for a different system of labor for the prisoners. (See Exhibit 78, p. 308, Appendix.)

PRISON CAMPS

There are 4 prison camps: 3 on the island of Maui and 1 on the island of Hawaii. The Keanae camp has 22 prisoners, in charge of 1 jailer and 3 guards. The Olinda camp contains 31 prisoners, with 1 jailer and 3 guards. The Paukakulo camp contains 27 prisoners, with 1 jailer and 3 guards. The camp at Hawaii, just outside of Hilo, has 40 prisoners, with 1 jailer and 3 guards. The latter camp is undertaking the construction of an air field at Waiakea airport. The three camps on Maui are engaged in road work and forest lines. These prisoners all work in gangs similar to the system on Oahu, and the same criticism, so far as supervision and guarding is concerned, may be directed at these camps also. The housing and sanitary conditions at the Keanae and Olinda camps are not satisfactory.

The condition of the camp at Hilo is particularly unsatisfactory, and there has been much discontent on the part of the prisoners, which culminated in the escape of 10 on Christmas eve. Not only is this camp inadequately guarded, but severe criticism has been directed at the brutal treatment of the prisoners by the jailer. It is felt that a complete reorganization of this camp is needed and a new camp with adequate facilities built upon a site further removed from the city of Hilo. An investigation was made of this camp and a report appears in the transcript, volume 13, page 2994.

Another criticism which has been directed at the present system is that it is impossible to keep in contact with the camps from Honolulu, and closer supervision and inspection is needed. The present high sheriff has attempted to remedy this situation by appointing a deputy high sheriff on Hawaii and Maui to keep in immediate touch with the different camps.

8. PRISON HOSPITAL FACILITIES

The prison hospital will accommodate 15 patients. This appears to be ample under ordinary conditions. In winter months, however, when outside lines are working in the rain many cases of influenza develop. It is almost impossible to provide proper treatment for these cases and to isolate them from other inmates of the institution.

The prison physician, Dr. Clarence E. Fronk, has taken a great deal of interest in his work and is highly regarded by the warden and the prison board. He visits the hospital several times during the week and is frequently called to visit the prison at other times than his regular calling hours. He is given compensation at the rate of \$120 a month, but the prison board does not consider that sum sufficient for the amount of time that he is necessitated to give outside of his regular calling hours.

The dentist, Dr. J. J. Carey, according to the warden's report of 1931, spends one afternoon a week, but according to the present

warden and the board of prison directors, the dentist spends only one hour per week. It is impossible to understand how proper dental treatment can be given to 400 men by calling one hour a week. In fact, the warden stated that he is training, by acting as an aide to the dentist, one of the inmates who has had some experience in dental work, in order that he may do minor work and relieve the unsatisfactory condition which now exists.

The prisoners are given a medical examination before admittance, but no periodic examination is given after admittance, and there is no adequate method of, or facilities for, segregating inmates suffering from diseases not requiring hospital treatment.

9. HOUSING FACILITIES

According to the warden and the board of prison directors, the prison is very overcrowded. It has at the present time 393 inmates, and it has only dormitories and cell capacity for 326. Due to this condition, there are many prisoners at this time sleeping in the corridors and in the guard room of the cell house, the dangers of which are too apparent to warrant comment. The warden and board have recommended to the present legislature that an additional floor be built on one of the dormitories to take care of this surplus. (See Exhibit 77, pp. 285, 290, and Exhibit 78, p. 307, Appendix.)

From the situation as it now exists, as stated above, the following conclusions are drawn:

1. That the present system of classification has two serious aspects. First, it accentuates the danger of escape, and, secondly, the association of all types of criminals is not desirable. The danger and weakness is recognized and efforts are being made to provide means of segregating incorrigibles, but no definite action has been taken and the situation continues to exist.

2. That the new high sheriff and warden and the deputy high sheriff and the board of prison directors are making a determined effort to reorganize the institution with commendable results, considering the limited facilities available, and in view of the fact that neither the high sheriff nor his deputy have had any experience in prison work.

3. In regard to the personnel, the guards are, practically without exception, political appointees and appointed without regard to qualifications or experience and without previous training; that in the opinion of the warden 50 per cent are unqualified and should be replaced; that the system under which future personnel will be appointed and trained is sound, but that it will be extremely difficult to get qualified men at the present salary.

4. That the administration and office details of the prison are now on a sound and efficient basis.

5. That the present facilities for the preparation of food and serving are in a deplorable and serious condition, although emergency steps have been taken with the limited facilities available which have improved the situation to a material degree.

6. That the institution at the present time is inadequately guarded; that the danger of escape is still imminent due to the lack of personnel and safeguarding facilities.

7. That the present method of prison labor is not operating satisfactorily.

8. That the prison hospital and medicinal facilities are limited.

9. That the prison is overcrowded and that further dormitory space is badly needed.

PENDING LEGISLATION

It is felt that the prison administration can be put upon a substantial and sound basis by the passage of certain legislation now pending, reference to which has been made.

Under the present law when the board, for obvious reasons, was convinced that a change of wardenship was necessary and a public emergency existed, both the board and the governor were powerless to suspend or remove the incumbent.

As regards prison maintenance, the failure of the law to give the prison board any voice in or control over prison expenditures or supplies leaves a situation where the warden independently determines upon and attends to all purchases. The chairman of the board is being called upon to approve and certify to the appropriation of money for all things purchased, a function that was more or less forced upon the attorney general before July 1, 1931, due to the fact that the warden, under the law, was supposed to be responsible to him. This resulted in a situation in which the chairman of the board, and formerly the attorney general, had to approve the expenditures blindly.

The pending bill (House Bill No. 10), if it becomes law, will remedy these defects. The changes which this bill will effect will be to remove from the office of the high sheriff the charge of prisons and jails and give to the board of prison directors full control over the Territorial prisons, with power to appoint and remove the warden and make him responsible and answerable to the board. Under the present law the high sheriff, as ex-officio warden of Oahu prison, is not removable because the high sheriff, as such, can neither be removed nor suspended without the advice and consent of the senate. In an emergency it should not be necessary to convene the senate to act upon a removal.

Sections 1 and 2 of House Bill No. 10 provide for the proposed new system. The remaining sections will make such amendments of various other sections of the Revised Laws as are necessary to make them coordinate with the transfer of prison administration from the high sheriff to a warden under the board.

With further reference to the passage of this legislation, it is deemed advisable that there be no residence qualification as to the warden inserted in the present bill, as was done in the chief of police bill, which amendment is commented upon in the police report. Although this is not directed in criticism of the present warden, the appointment of warden should remain an open matter without restriction, so that the prison board can appoint a trained prison administrator if it is deemed advisable. It is the consensus of opinion that there is not a qualified prison administrator with experience now a resident in the Territory. It may be pointed out in this connection that it would be extremely difficult to get any qualified

man, either a resident of the Territory or not, to consider a permanent appointment at the present salary of \$350 per month. (See Exhibit 72, p. 278, appendix, for complete copy of bill.)

II

HONOLULU CITY AND COUNTY JAIL

ADMINISTRATION

The Honolulu jail is in charge of the city and county sheriff. Section 1826, Revised Laws of Hawaii, 1925, in regard to the duties of the sheriff, states:

He shall take charge of and keep the city and county jail and the prisoners therein.

Chapter 110, section 1514, Revised Laws of Hawaii, 1925, as amended in 1931, states:

The sheriff of each county or city and county shall be responsible for the safe-keeping of all prisoners who may be confined in or committed to any county or city and county jail within his county or city and county.

The duty of supervising and inspecting the Honolulu jail rests in the board of prison directors. Sections 1536C and 1536D provide:

It shall be the duty of the board to visit * * * all jails within the first judicial circuit at least every four months and to inquire into the management and conduct of the same. * * *

The board shall have power to supervise and discipline and government * * * of all jails within the first circuit. * * *

The mayor and board of supervisors have no control over the jail other than the approval or disapproval of expenditures for its upkeep and improvement.

THE HONOLULU JAIL

The city and county jail was erected in the year 1904 and is known as the Honolulu jail. (Section 1849, Revised Laws of Hawaii, 1925.) It is situated in the Iwilei business and manufacturing district of Honolulu. When first erected it adjoined the Territorial prison and remained in this way until 1918 when the Territorial prison was moved. The premises occupied by the jail and yard comprise about 1 acre, the larger portion of which is not accessible to the prisoners.

The jail proper is a 3-story gray-stone building. The cells are divided into units of 10 and 22 on each floor. According to the rules governing the jail, the prisoners are supposed to be locked in their individual cells at night, but due to the inadequate toilet facilities it is necessary to leave the cells unlocked.

From two inspections made, unannounced, the cells appear to be clean, and the conclusion was made that the jailer has not been negligent in making the prison as sanitary as possible under the adverse circumstances with which he is confronted.

Perhaps the most serious objection in regard to the cell unit is that there is very poor ventilation and light. The whole building is woefully lacking in modern conveniences, and although it is kept

as clean as possible in the circumstances, the odor of age, reenforced with disinfectants, prevails.

From the standpoint of size, the cell unit is not overcrowded. Placing two inmates in each cell, it has a capacity for 190 prisoners, and there are rarely more than 100, the average being about 70 to 80.

The prison premises aside from the cell building are divided into three small yards. In the main yard are three antiquated wooden structures. One, a 2-room structure, is intended for the residence of the jailer, but it is in such wretched condition that the jailer is forced to live outside, although by the rules and regulations he is required to live upon the premises. One of the other wooden structures is the home for the female inmates. The third structure is the shoe shop, where shoes of an inferior type are made by two trusties for the inmates.

The second yard adjoins and contains the wood pile where the prisoners may work if they volunteer to do so.

The third and smallest yard is the inclosure in which the male inmates are kept during the day. It is one of the worst features of the whole institution. This yard is wholly inadequate in size and convenience.

This immediate need for more space could be remedied to some extent at practically no expense by extending this yard some 50 or 60 feet into the adjoining yard, in which there is a large amount of wasted space, or by moving the female ward.

The jail premises are surrounded by a tin corrugated fence, about 8 feet in height, reenforced on the inside by wooden supports, and acts for no other purpose than disclosing the sight of the street from the prisoners.

The matter of escapes does not appear to present a serious problem. Neither the officials in charge nor the community in general appear in the least apprehensive. The jailer admitted, as did the sheriff, that any inmate if he desired to escape, would meet with no serious difficulty.

The fact that there is no incentive to escape is attributed to the short sentences, all less than one year, and in most instances just a few months, and the inmates do not wish to jeopardize their freedom, as it is almost certain that they will be apprehended. Furthermore, the class of criminals which is found here is not a vicious or dangerous type. There were three escapes last year; two were quickly apprehended, but one is still at large.

If a real criminal is committed awaiting trial, he is kept in a cell at all times and only allowed an hour or two of recreation under the direct supervision of a guard, or is kept at the police station, where there are adequate and modern cell facilities, or he could be placed at the Oahu prison for safe keeping, as was done in the Fukunaga case several years ago.

A critical inspection, unannounced, was made of the kitchen and food upon two occasions, and no criticism is offered in this respect. The kitchen was in good condition, although housed in an antiquated shed.

Prisoners.—On January 31, 1932, there were 94 prisoners in the custody of the jailer. Eighty-seven had been convicted under Territorial laws and seven were committed awaiting trial. Eight had

been convicted for violation of federal laws, and two were committed awaiting trial for violations of federal laws. There were 615 committed to the jail in 1931. For list of offenses and proportion committed by nationality, see transcript, volume 9, page 2060.

There are at the present time 31 trusties, who are made such in the discretion of the jailer. A number act as janitors at the police department and others are employed at various duties around the jail. Although not required to work, the prisoners are given commutation if they elect to do so, which acts as an incentive. (Secs. 1551-1552, Revised Laws of Hawaii, 1925.)

Between 15 and 20 are employed on the wood pile and 10 or 12 work in the various city parks under the supervision of a luna.

Medical treatment.—Every prisoner, before he is committed, is physically examined. If hospital treatment is needed he is sent to the emergency hospital. If he is suffering from venereal disease, he is treated at Palama settlement, but remains at the jail without segregation. The county physician has regular calling hours three times a week and is frequently called at other times when needed. No medical facilities are maintained at the jail, nor is there a segregated ward.

For further information as to the condition of the jail, attention is directed to the report made by Dr. K. Chock at the request of Sheriff Gleason February 1, 1931, and a report made by a committee of the American Legion in January, 1931, and an editorial in the Honolulu Star-Bulletin February 21, 1931. (See transcript, vol. 9, pp. 2052-2057.)

The responsibility for the care of the jail and the safe-keeping of the inmates is in the hands of the city and county sheriff, Patrick Gleason. The sheriff's position still remains an elective one, and he is responsible to no one but the electorate. The only control which the mayor and the board of supervisors have over the sheriff and the jail is the appropriating of money for salaries and approving or disapproving any recommendations for the physical improvement of the prison involving the appropriation of money.

As to Mr. Gleason's qualifications, a full discussion is included in the police report as to his ability as a chief of police, but it is generally felt that he is qualified to perform the duties as amended of city and county sheriff.

Second in charge is the deputy city and county sheriff, David Hao. He is not elected, but is appointed by the sheriff. Mr. Hao was on the police force for some 20 years, and was appointed deputy sheriff when Mr. Gleason took office in 1927.

The jail is in the immediate charge of a jailer, deputy jailer, 3 turnkeys, 9 guards, 3 matrons, and 1 luna, who supervises the work of the prisoners outside the prison. The jailer, Charles Kekuewa, has had considerable experience in prison work and appears qualified for his present position. He was formerly a turnkey at the Territorial prison and has been deputy jailer at the city and county jail from 1919 to October, 1931, when he was promoted to his present position as jailer. His assistant, the deputy jailer, A. S. Kauhaikao, has had considerable police experience.

The 3 turnkeys, 9 guards, and 3 matrons were all appointed under the civil-service commission. Under the civil-service commission they were required to take a very elementary examination in which

their qualifications as guards or experience were given little or no consideration. Although several are approaching the retirement age of 60, and the present personnel could be greatly improved, it is felt that they have proved satisfactory for the nature of the work and the class of prisoners that they handle, and it would be extremely difficult to procure any better at their salary.

In regard to the appointment and removal of guards, Sheriff Gleason expressed the opinion that he contemplated no immediate change in personnel, although he felt that it could be materially improved by proper selection. It is his intention to ask for the retirement of a guard as soon as he reaches the retirement age and then appoint younger and more alert men.

It would appear that the institution has been allowed to deteriorate to its present state, due to the apathy of those responsible. The board of prison directors, in whom is reposed the duty of inspection and supervision, has made no effort to change the present condition. An inspection was made in October, as required by law, and the deplorable condition of the jail is freely admitted, but no report or recommendations were made. The board's attention has been completely occupied by the Territorial prison situation, and it has deferred any action or report on that account.

It may be pointed out, however, that the board's authority is limited. They have no control over either the sheriff or the board of supervisors, and any recommendations for physical changes in the jail which they might feel were necessary would have to be made in the form of a recommendation to the governor.

It is noted that the governor's advisory committee on crime gave the jail a cursory investigation and recommended that the board of supervisors of the city and county of Honolulu cause a thorough investigation to be made with a view of bringing the institution up to a higher standard. The committee, however, recognized the necessity for a new jail and jail site and so recommended. The recommendation of the committee in regard to a thorough investigation by the board of supervisors was not followed.

Sporadic visits have been made by certain members, and its inadequacies and deficiencies are not denied, but no effort has been made to improve the situation. That immediate improvements are needed is freely admitted, but the reason assigned for not making them is that it would be wasteful and futile to seek to make any permanent improvement in the present situation, as the necessity for a new jail is realized, and it is planned some time to build a new one on a different site. This is true. Any improvement of the present jail would be merely temporizing. However, no concerted effort or action is being made to provide a new jail, and there is no immediate hope that such action will be taken until some very indefinite time. The result naturally follows that a bad situation is allowed to grow worse. There appears to be a real necessity for a new jail and jail site.

Further, it is generally felt that the law should be amended so that the city and county sheriff, who is in charge of the jail, would be made responsible to the board of supervisors in order to centralize control. This situation could be remedied by changing the office of sheriff from elective to appointive, the appointment being made by the board of supervisors.

III

PAROLE SYSTEM

In a review of a parole system, as it is operating and has been operated in Hawaii, it is found that such review naturally falls into two divisions.

First, as it operated prior to July 1, 1931.

Second, as it has operated from that date up to the present time.

By act of the legislature in 1931, certain changes have been made in the law and the manner in which these laws have been enforced, which makes it in effect a new system.

The laws under which the system operated, as they appear in the Revised Laws of Hawaii, 1925, chapter 114, sections 1560 to 1566, provided, in part, that paroles should be granted by the governor upon the written recommendation of the board of prison inspectors and that any prisoners on parole should remain in the legal custody of the board of prison inspectors, subject to rules and regulations made by such board.

It further provided that it should be the duty of the warden to keep in communication, as far as possible, with prisoners on parole, and when in his opinion a prisoner had served not less than one year of his parole and would remain at liberty without violating the law, such prisoner was subject to final discharge, with the approval of the board of prison inspectors and the governor.

From a study of the records, it appears that until August, 1927, no record was kept of a prisoner after he was paroled. It does not appear that there were any rules passed by the board requiring the prisoners to report to the warden or to the board at periodic times. The practice was that the prisoner should report to the warden once every month, but it was not required, the purpose being that if a parolee wished to secure his discharge within a year it was necessary for him to report to the warden regularly. But if a parolee did not care whether he received a discharge, it appeared to be immaterial to the warden and the board whether he reported, and the records do not indicate that any effort was ever made to inquire into the subsequent activity of the prisoner after he was paroled. If the prisoner did not report, he was not discharged, but, when his maximum sentence expired, his name was removed from the list, providing he had not appeared before on another conviction.

In pursuance of section 1562, Revised Laws of Hawaii, 1925, empowering and directing the board of prison inspectors to make rules and regulations in regard to parolees, the board passed a set of rules which were approved by the governor on June 24, 1927. It was provided among other rules that each paroled prisoner should report within the first week of each month during his parole to the probation officer of Oahu Prison, and further provided that violations or breaches of such rules would cause the termination of the parole for the unexpired balance of his sentence.

Shortly thereafter an item was included in the 1927 appropriations bill for the attorney general's department providing for the salary and appointment of a parole officer, under the authority of the high sheriff. The board of prison inspectors and the high sheriff

evidently felt that some record should be kept of the subsequent activity of parolees and that assistance was needed to aid parolees in securing employment.

It is noted, however, that the parole officer who was appointed, Mr. Andrew Bright, in an interview, stated that the office was created for him in token of appreciation for the efforts he had exerted in the previous election campaign. According to the statement of Mr. Bright, a part Hawaiian, he has been very active in politics all his life and has been an active campaigner in many elections. Mr. Bright held the position of turnkey at Oahu Prison for four years previous to his appointment as parole officer, but resigned in order to participate in the election campaign of 1927. It is a matter of general knowledge that Mr. Bright was a political appointee, with no regard to his qualifications or fitness for the position.

Just prior to Mr. Bright's appointment, Attorney General Lymer, in a letter to the high sheriff under date of July 16, 1927, instructed the high sheriff as to the duties of the parole officer, which are as follows:

1. To keep a record of all paroled prisoners, with the details of the date of parole, the date of expiration of sentence, to add from time to time thereto the employment and wage of such paroled prisoner, together with the name of his employer, and such details concerning his health, conduct, and environment as may come to the attention of such parole officer, either from reports made to him or through his own personal investigation.

2. To receive regular reports from paroled prisoners, as required by the rules and regulations of the board of prison inspectors of the first judicial circuit, and to check these reports by a personal investigation and conference with the employers of such prisoners and such other persons as can give information concerning the habits, work, and environment of such prisoners.

3. To investigate personally the habits, work, wage, and environment of such prisoners, if any there be, who are not required to report to such parole officer.

4. To make a report, in triplicate, to the board of prison inspectors of the first judicial circuit, the attorney general, and the high sheriff once each month, together with such additional reports as the circumstances shall call for, concerning the prisoners upon parole, their conduct, and environment.

In an interview with Mr. Bright as to how these instructions were carried out, the following facts, as stated by Mr. Bright, are sufficient to indicate how the parole system operated. A good portion of his day was spent running errands for the high sheriff. He spent a considerable portion of his time in the police station waiting for parolees to come up on another charge. He would patrol the streets to see if any parolees were looking for work, and would endeavor to find employment for those to be paroled the following month. He would show in his report to the prison board the number not reporting. The board would instruct him to make a further search, if the parolee had a previous criminal record, but, according to Mr. Bright, he never had time. (See Transcript, vol. 9, p. 1817.)

It is quite needless to state that the parole system with Mr. Bright as the parole officer operated in a very inefficient and lax manner. The high sheriff, the attorney general, and the board of prison in-

spectors must certainly have been aware of the lax manner in which parolees were being inquired after and Mr. Bright's unfitness for the position of parole officer. Yet it does not appear that any effort was made to tighten up the system. The responsibility can not be laid at Mr. Bright's feet, however, but to those to whom he was responsible. In further fairness to Mr. Bright, it is perfectly apparent that no one man, however efficient or experienced, could be expected to fulfill the manifold duties with the large number of parolees which were imposed upon Mr. Bright.

Records perhaps best describe the situation as it existed up until July 1, 1931, when the new board was appointed. Out of 617 prisoners on parole, 136 were reporting regularly, and 481 were not reporting, a large number of which had never reported once from the date of their paroles. Out of that number, 229 were paroled prior to August, 1927, when they were not required to report.

In regard to the procedure in granting paroles, severe criticism has been directed at the former boards of prison inspectors for their almost invariable practice of paroling a prisoner as soon as his minimum sentence, less commutation, was served, providing there had been no major infractions of the prison rules. The following is noted in section 1561 of the Revised Laws of 1925:

Such paroles may be granted at any time after the prisoner shall have served the minimum sentence imposed by the court, with commutation allowed.

Mr. John W. Waldron, former chairman of the board and a member of the board for 22 years, stated that this section had been carefully considered and that he was of the opinion that it meant that when a prisoner had served his minimum sentence he was entitled to expect that he would be paroled and that it would be an injustice to the prisoner not to do so, providing the prisoner had not been infractious during his term, and the board felt that they were bound by the judge-fixed minimum sentence. Mr. Waldron, on several occasions, wrote to the judges of the five circuits and asked their opinions as to the interpretation of this section. According to Mr. Waldron, the judges all indicated that their interpretation was that a prisoner should be paroled at the expiration of his minimum sentence, providing his conduct in prison had been satisfactory.

It is felt that this criticism has not been entirely unfounded. Under the indeterminate sentence law as it operated prior to July 1, 1931, it is noted that many sentences for felonies range from 3 to 6 months' minimum to 5, 10, or 15 years' maximum, and to parole a prisoner simply on the theory that he has served his minimum, regardless of a study of the individual or the crime committed, would hardly act as a deterrent to crime, or to rehabilitate the man as a fit member of society.

Another criticism which has been directed at this practice was that there was no law fixing the minimum sentences for the different kinds of felonies, and in many instances it is noted from the records that one judge would fix a minimum sentence for a felony at three months, or six months, and another judge, for exactly the same offense, would fix the minimum at two or three years. Under the law the board of prison inspectors had no control over this patent unfairness, but by their practice of paroling a prisoner when he had served his minimum sentence, they merely accentuated the evil, and a prisoner would

be justified in feeling that he had not received justice when a fellow inmate, convicted of exactly the same offense, was paroled six months or a year ahead of him. (There appears in the unincorporated record a detailed analysis of the individual record of every prisoner paroled since 1927, which includes his offense, minimum and maximum sentence, time served, when paroled, and subsequent criminal activity, which is available if desired.)

When the present governor was appointed to office in 1929 he appointed a new board of prison inspectors, under the chairmanship of Mr. M. B. Henshaw. From that time paroles were granted with greater strictness and many were not paroled at the expiration of their minimum sentence. A system was inaugurated of keeping an individual file for each parolee, and an effort was made to secure more complete information in regard to each individual case. Also, Governor Judd inaugurated the commendable practice of interviewing every prisoner recommended for parole. But apparently no effort was made to improve the system in regard to keeping a record of a parolee's subsequent activity.

The legislature in 1931 amended the laws, effective July 1, 1931, which affected and improved the parole system in several important respects.

The indeterminate sentence statutes were so amended as to provide for the sentencing by the court merely to imprisonment to the maximum provided by law, and provided that the minimum sentence should be fixed by the board of prison directors within three months after commitment, with the approval of the judge sentencing in the first instance. (Act. 38, Session Laws of 1931.)

Also, the law was so amended as to eliminate all minimum periods of imprisonment then fixed or provided for by law. (Act. 39, Session Laws of 1931.) In this way it was felt that the minimum sentence could be fixed so as to more equitably fit the situation in each case, as disclosed by the particular facts, and it gave the board of prison directors an opportunity to collect the facts obtainable relative to the crime committed, the convict's previous record, environment, characteristics, and other matters which might be of assistance in fixing the degree of severity of punishment. It also eliminated the difficulties previously referred to.

Although there is a difference of opinion, it is generally felt that this law is working successfully. It is claimed, however, that there is one serious disadvantage, in that it requires a board serving without remuneration to spend a considerable amount of time on this work, and it is felt that their businesses and professions may suffer thereby.

Also, the law was amended so as to give the board of prison directors greater authority in retaking parolees at any time, even though not satisfied that he had broken his parole, in order to ascertain whether or not he had violated such parole. (Act 126, Session Laws of 1931.)

The necessity of needed reform in regard to keeping a record of the parolee was felt, and a new section was added providing for a

parole officer and specifying his duties. Section 1566A, Act 126, Session Laws of 1931, provides:

The board of prison directors is hereby authorized to appoint and remove at pleasure a parole officer and such assistant parole officers as may be necessary, who shall receive such compensation as shall be provided by law. The duties of such parole officer shall be as follows:

(a) To keep a record of all paroled prisoners; to add from time to time thereafter information concerning the employment and wages of each paroled prisoner, together with the name or names of his employer or employers and such details concerning his health, conduct, and environment as may come to the attention of such parole officer, either from reports made to him or through his own personal investigation;

(b) To receive reports from paroled prisoners as may be required by the rules and regulations of the board and to check such reports by personal investigations and by conferences with the employers of such prisoners and such other persons as can give information concerning the habits, work, and environment of such prisoners;

(c) To investigate and keep informed upon the habits, work, wages, and environment of such prisoners, if any there be, as are not required to report to such parole officer;

(d) To make such other investigations, secure such other information and data, perform such other duties and make such other reports in addition to those which may be required by law as may be required by the board;

(e) To make a report once in each month to the board, together with such additional reports as the circumstances shall call for, concerning the prisoners on parole and their conduct and environment; and

(f) As far as practicable, to assist in obtaining suitable employment for paroled prisoners and otherwise assist in the rehabilitation of such paroled prisoners.

The board may, if it deem expedient, make the parole officer a subordinate of the bureau of crime statistics and require him to function in and under said bureau.

Each assistant parole officer shall have such of the powers and duties of the parole officer hereinabove provided for as shall be prescribed by the board.

Under this law one parole officer was appointed by the board and was made directly responsible to the board. The board, feeling that the former parole officer was perhaps the victim of the system itself and because of his claim that he was given many other duties in addition to his duties as a parole officer, reappointed the former parole officer on probation.

In pursuance of section 1562, Revised Laws of Hawaii, 1925, new rules and regulations were adopted by the board on October 7, 1931, imposing substantially the same conditions as were embodied in the previous rules, with certain minor changes.

The board upon taking office realized the parole system was not working satisfactorily and the system was reorganized. The parole officer was instructed by the executive secretary to comply with the provisions of the statute, emphasizing that he should endeavor to keep up with the current parolees without falling behind by trying to check up on the old parolees. The board prescribed new contact forms covering home visitations, office, employments, and a complete history of each individual. (There appear in the unincorporated record sample copies of all contact, employment, and narrative forms, which are available if desired.)

In addition to the parole officer's monthly report to the board he was required to make a daily report of his activities. These daily reports clearly indicated that Mr. Bright was not properly fulfilling his duties as prescribed, and he was dismissed on December 31, 1931.

The present parole officer, Mr. C. J. Huckenstein, was appointed on December 16, 1931. He has lived in Honolulu for 17 years, and was employed by the Oloa Sugar Co., as superintendent of transportation, a greater portion of that time.

Mr. Huckenstein has had no previous experience as a parole officer, but has had considerable experience with the native population while with the Oloa Sugar Co. The board feels that he is making every effort to fulfill the duties as prescribed.

In regard to how paroles have operated since July 1, 1931, 74 prisoners have been paroled up until March 1, 1932, in the following numbers: 6 in July, 16 in August, 17 in September, 10 in October, 9 in November, 10 in December, 3 in January, and 3 in February. There have been five "retakes" of those paroled since July 1. One "retake" was for violation of the rules of parole in associating with undesirable company and assisting in hiding an escaped prisoner. There have been four "retakes" after convictions for petty offenses since paroled. All of those paroled since July 1 have been reporting regularly.

An effort is being made, with the limited assistance available, to check the parolees who have stopped reporting and those who have never reported prior to July 1, 1931, which comprises over 400. This is being done by attempting to trace them through their last-known address, and through other parolees who are reporting. This effort has been only partially successful. The records indicate that 176 were reporting regularly on February 1, 1932. (See Exhibits 74, 75, 76, pp. 281-283, Appendix.) Since Mr. Huckenstein was appointed parole officer, 16 parolees have been located and are reporting who did not report prior to July 1, 1931.

In regard to the matter of granting paroles, the prison board has taken additional steps to be fully apprised of the history of each individual, and an effort is being made to accumulate more information about each individual case, such as his family history, former employers, environmental conditions, and education. Practically the only thing upon which the old board of prison inspectors had to act was the court and the juvenile delinquency records and the recommendation of the warden.

A narrative record is made of each prisoner who is to come up for parole, and the individual members of the board of prison directors are furnished the narrative forms of each case one week before the board meets to decide upon the parole, in order that they may fully familiarize themselves with the individual case. At the board meeting, the individual prisoners are interviewed. (For rules governing the issuance of paroles, see Exhibit 73, p. 280, Appendix.)

A study of the laws and parole regulations does not indicate there is anything inherently wrong or that any statutory change is desirable. The proper enforcement of present laws appears to be all that is necessary. This is patently impossible with one parole officer. Under efficient parole systems 70 or 75 paroles are all that should be assigned to one parole officer. The only recommendation in this regard is for the appointment of at least three more assistant parole officers, provision for which is made by law. The board of prison directors have made such recommendation to the present legislature. (See Exhibit 77, p. 286, Appendix.)

With further respect to this matter, an efficient operation of the parole system in Hawaii is severely handicapped due to the geographic situation. Under the present method parolees on any of the other four islands are supposed to make their contact by letter once a month, but there is no way at the present time that these non-reporters may be checked or proper contact made. If it is not practicable to place separate parole officers on the different islands, it would appear feasible to make arrangements with responsible persons or agencies where the parolee must report in person monthly. According to information from the board of prison directors, efforts are being made to have the court appoint responsible persons who will keep personal check on the parolees in their vicinity, much in the same way as the present probation system operates.

IV

SUSPENSION OF SENTENCE AND PROBATION

Prior to April 6, 1931, the district magistrate of any district court or the judge of any circuit court could, upon motion of the prosecuting officer, suspend the sentence of a person convicted of crime, which suspension could be for a period not to exceed 13 months. There was no provision in the law for the supervision of a person whose sentence was suspended, nor was there any provision authorizing the judge to impose any conditions when sentence was given. Chapter 231, sections 4101-4103, Revised Laws of Hawaii, 1925. The effect of this law as actually practiced was that the suspended sentence acted in practically all instances as an acquittal.

The law was amended by the 1931 legislature (Act 41, Session Laws of 1931), and provided for a probationary system in the circuit courts similar to that in practice in the Federal courts. The system of suspended sentences was left substantially unchanged in the district courts. Four new sections were added providing for probation in the circuit courts. Section 4103a provides:

Every circuit court * * * shall have the power after conviction or after a plea of guilty or nolle contendere * * * to suspend the imposition of execution of sentence in full or in part and to place the defendant upon probation for such period and upon such terms and conditions as it may deem best.

The period of probation together with any extension thereof shall not exceed five years.

Section 4103b provides:

Any circuit judge may appoint one or more persons as probation officers, who shall, unless otherwise provided by law, serve without remuneration.

Section 4103c provides for the duties of probation officers as follows:

It shall be the duty of the probation officer to investigate any case referred to him for investigation by the court in which he is serving and report thereon to the court. The probation officer shall instruct each defendant placed on probation under his supervision regarding the terms and conditions of his probation. He shall keep informed concerning the conduct and condition of the defendant and shall report thereon to the court and shall use all suitable methods to aid the defendant and bring about an improvement of his conduct and condition. The probation officer shall keep such record and perform such duties as the court may direct. Every probation officer shall, within the scope of his duties, have the powers of a police officer.

Since the law went into effect April 6, 1931, it appears that there have been 29 suspended sentences given in felony cases in the first circuit. Of that number, 21 were given during the remainder of 1931, during Judge Steadman's term in the criminal court, and 8 have been given since Judge Cristy's term in the criminal court, which began January 1, 1932. (See transcript, vol. 9, pp. 1832-1835.)

Suspended sentences were given for the following convictions: Eight for burglary, 7 for sexual intercourse with a female under the age of 16, 5 for malicious conversion, 4 for forgery, 3 for assault and battery with a dangerous weapon, 1 for attempted malicious burning, and 1 for robbery.

The suspended sentence in each instance was based upon a study of the individual case, in which the following factors were considered: Whether it was the first offense, the age of the defendant, home surroundings and environmental conditions, the character and circumstances of the offense, and whether the crime was statutory or done with criminal intent.

As to how the new law has operated in actual practice it appears from the record that of the 21 suspended sentences for felonies given during the remainder of 1931, probation officers were appointed in only six instances. The probation officers appointed were private citizens, with one exception. In this instance a deputy city and county attorney was appointed probation officer.

It does not appear in any of these cases that the probationers were given rules of conduct to follow or given any specific instructions by the court, other than the defendants being personally interviewed by the judge at the time the suspended sentence was given. Nor does it appear that the probation officers appointed have made any reports on the probationers to the court, as provided by law.

Since January 1 the practice has been changed, and the judge has appointed the clerk of the court as probation officer, or the chief probation officer if the offender is a minor. The probationers are required to report monthly to the clerk of the court or to the probation officer. The records indicate that every person receiving a suspended sentence since January 1 has reported regularly.

In only one instance since the new law went into effect has probation been violated. One defendant convicted of burglary in the second degree, and who received a suspended sentence for five years, has recently been charged with malicious conversion, and a motion has been filed to set aside his suspension. In no case has a suspended sentence been set aside and the original sentence executed.

The conclusion may be drawn that, although the statutory machinery has been provided, it has not been properly administered because of the failure to appoint probation officers as provided for and the failure to provide any rules or regulations for probationers or for their proper supervision.

It is felt that the system would operate more efficiently if those on probation are put under the supervision of a paid parole officer appointed by the court or put under the supervision of the parole officer appointed by the board of prison directors, whose duty it is to supervise territorial parolees from Oahu Prison. (See Transcript, vol. 9, p. 2062-2077 for complete list of suspended sentences, crimes, and previous criminal records 1927-1931).

PROBATION AND PAROLE OF JUVENILE DELINQUENTS

The Honolulu juvenile court is presided over by Judge E. M. Watson, of the first circuit under the division of domestic relations. Chapter 135, section 2237, Revised Laws of Hawaii, 1925, provides:

Jurisdiction over delinquent and dependent children and jurisdiction in all cases of contributing to the dependency or delinquency of children shall be exercised by the judge sitting in the division of domestic relations.

In the four other circuits of the Territory, the circuit judges of the respective circuits have original jurisdiction in all juvenile cases, except in some districts, as provided by law, the district magistrates have concurrent jurisdiction of their respective districts. Chapter 136, section 2261, Revised Laws of Hawaii, 1925.

The laws dealing with juvenile courts and the procedure in juvenile cases are contained in chapter 136, sections 2260-71, Revised Laws of Hawaii, 1925, as amended by Act 46 and Act 235, Session Laws of Hawaii, 1931.

By section 2238, provision is made for the appointment of probation officers by the judge of the division of domestic relations. The present probation force consists of one chief probation officer, two men probation officers, three women probation officers, two men truant officers and two women truant officers. The shelter home, or detention home, is in charge of one matron and two assistant matrons, also appointed by the judge. In addition to this staff there are five volunteer probation officers serving without remuneration on the island of Oahu, outside of Honolulu.

The chief probation officer, Mr. Gordon Virgo, has been engaged in juvenile social work the major portion of his life. He was associated with the Young Men's Christian Association before coming to the islands in 1919 to accept a position with the Palama Settlement. He was for a number of years director of welfare on the Makeweli Plantation, prior to his appointment to his present position in 1928.

The chief probation officer is ably assisted by Miss Elsie Helbush, a trained social worker who has had considerable experience in Los Angeles in probation work. She was appointed in August, 1931. The other officers are without previous training or experience.

The duties of the probation officers in each case are twofold: First, the preliminary investigation before the juvenile comes before the court; and secondly, the duty of supervision after the juvenile is placed on probation.

Upon the filing with the judge of a petition alleging delinquency in a juvenile, the judge appoints a probation officer to investigate the case. The purpose of the preliminary examination is to ascertain such facts concerning the personal and family history, character and circumstances of the offense, and any other information as will aid the court in determining whether the child should be placed on probation or dealt with otherwise. A recommendation for the disposition of the case is made by the probation officer, which may or may not be followed by the judge.

A child found delinquent may be placed on probation for such time during its minority, and upon such conditions as the judge sees fit. In the judge's discretion the delinquent may be committed to the industrial schools or otherwise dealt with.

If placed upon probation, the child is put in the custody of a probation officer, with a written statement of the terms and conditions of the release. In addition, he is given a school card, which must be presented each week to the school principal, who reports on the child's behavior and progress. This is exchanged weekly for a new one when the child reports to the probation officer at stated intervals. As soon as the child is placed on probation the priest or minister, or club leader, or school, in his residential section is notified and asked to take an interest in the offender. The probation officer is required also to make periodic visits to the child's home. At periodic times a written report from the parents or guardian is required as to the child's behavior.

To aid in the supervision and investigation of juvenile delinquents social agencies, including the council of social agencies, Palama Settlement, and the Y. M. C. A. have been enlisted and are relieving to some extent the work of the probation officers. A large number of juvenile wards are ordered to report to these agencies and are supervised by them. Recreational programs are carried out by these agencies for the delinquents.

Although no criticism is directed at the system, it appears that several additional probation officers are imperatively needed to properly supervise this work. The judge of the division of domestic relations has repeatedly made requests to the legislature for additional personnel.

Statistics of the juvenile court do not indicate that juvenile delinquency is increasing in Honolulu. It is noted that in 1921 there were 312 declared delinquents, and the population of Oahu was then 141,119; in 1922, 421 declared delinquents, population 143,540; in 1923, 347 declared delinquents, population 152,200; in 1924, 357 declared delinquents, population 156,500; in 1925, 379 declared delinquents, population 165,800; in 1926, 270 declared delinquent, population 169,350; in 1927, 350 declared delinquents, population 171,250; in 1928, 374 declared delinquents, population 180,000; in 1929, 445 declared delinquents, population 184,816; in 1930, 386 declared delinquents, population 204,195; and in 1931 there were 426 declared delinquents, and the population was approximately the same as in 1930.

The following disposition was made of the juveniles declared delinquents in 1931:

Annual report—January 1 to December 31, 1931

Delinquents	Male	Female	Delinquents	Male	Female
Declared delinquent.....	343	83	Care and custody charitable institutions.....	18	10
Reprimanded.....	7	0	Committed to industrial schools.....	60	27
Placed on probation.....	235	9	(Committed to Waimano Home— classified as dependents—feeble minded).....	7	6
Care and custody private family..	23	37			

The disposition in previous years is in approximately the same proportion.

The Hawaiians and part Hawaiians lead in numbers in juvenile delinquencies in 1931, with the Caucasians second and the Japanese third. The racial proportion is as follows:

Nationality	Male	Female	Nationality	Male	Female
Chinese.....	45	3	Russian.....	3	0
Filipino.....	11	5	Spanish.....	1	0
Hawaiian and part Hawaiians.....	91	35	Caucasians.....	56	14
Japanese.....	55	4	Others.....	47	14
Korean.....	21	2	Aliens.....	1	0
Porto Rican.....	12	6			

It is noted that the largest number of offenses are (1) larceny, (2) gambling, (3) incorrigibility, (4) immorality. (See Exhibit 28, p. 231, Appendix.)

The factors which contribute to juvenile delinquency in Honolulu appear to be largely the same as in other parts of the United States. However, it is felt that unemployment presents an unusual problem in Honolulu, and contributes largely to juvenile delinquency. Under the laws of Hawaii, children are allowed to leave school at the age of 14, but they are usually unable to secure employment until they are 16. Consequently, there is a period of two years between the ages of 14 and 16 spent in idleness, which is a distinct added impetus to delinquency. The records indicate that the largest percentage of boys declared delinquent in 1931 were 14 to 17 years of age.

It is also felt that this enforced idleness is a large contributing factor to the "gang" problem with which Honolulu is confronted. In an effort to alleviate this problem, Mayor Wright appointed a committee to study ways and means of coping with the problem. As a result, the Junior Republic of Hawaii was formed. After several meetings with the leaders of certain gangs, on January 22, 1932, a council composed of gang leaders and the members of the committee adopted the policy of the Junior Republic of Hawaii as a non-sectarian and nonpolitical organization with a program of recreation and education for handling groups of young men between 16 and 25. To date, the council has organized a basketball league with 100 teams playing on a regular schedule. At this date it is too early to predict the permanency or effect of this movement in eliminating the "gang" problem, although it appears to be a step forward.

PAROLE OF JUVENILE DELINQUENTS

Upon juveniles being committed to the industrial schools they come under the custody and jurisdiction of the Board of Industrial Schools, which, among other duties, has the authority to grant paroles. (Ch. 30, secs. 352-379, Revised Laws of Hawaii, 1925, as amended 1931.)

The Board of Industrial Schools was created in 1915. There are seven members on the board, appointed by the governor for terms of four years. The chairman, Mr. J. P. Morgan, associated with the Graystone Corporation, has been on the board for nine years and has been chairman for the past seven years. Mrs. F. W. MacFarland has been on the board since its creation in 1915. Miss Mae T. Wilcox

has been on the board for six years and is active in social and charitable work. Mrs. H. M. Von Holt has been on the board for four years. Father Valentin, a Catholic priest, very interested in juvenile activities, has been on the board since its creation. Dr. Charles H. Crane has been on the board for three years. He has taken an active interest for years in boys' activities and the Boy Scout movement. Judge E. M. Watson, judge of the juvenile court, is an ex officio member.

The executive secretary of the board, F. Lang Akana, part Hawaiian, has held his present position for nine years. In addition to his other duties, he is chief parole officer. He has two assistant parole officers, one in charge of boy parolees and one in charge of girl parolees.

It is the policy of the board in granting paroles, in the case of a juvenile committed for the term of his minority, not to entertain a petition for parole until the child has been detained at least one year. The adoption of this rule was based upon the average capability of the groups of wards adapting themselves and learning some trade or vocation. It has been found by the board that it takes from 3 to 4 months before a boy is definitely placed in a trade or vocation for which he is best fitted and it takes at least 8 months to teach him the rudiments of that trade. Although one year is the minimum, it is the common practice of the board to detain them a longer period in order that they may have proper opportunity to learn a trade. Relatively few are granted paroles at the end of one year.

Having reached the stage where the child is eligible for parole, the first requirement is to have the petitioner present a request for such parole. The petition form covers generally the intention of the petitioner to guarantee employment or that the child will be placed in school. This guarantee is in the form of an assurance from the future employer or an assurance from the principal of the school that the juvenile will be enrolled as a student. Upon the filing of the petition the parole officer visits the proposed home, contacts with the principal or employer, ascertains as to the remuneration expected, investigates the character of the petitioner, or secures any other data which would assist in the placement of the boy. All of these facts are filed with the board. The superintendent is then informed of the petition and his recommendations are requested.

The superintendent's recommendation is based upon the general behavior of the juvenile while an inmate, his capabilities as to self-maintenance, his adaptability to his trade, and his desire to return to petitioner's home. Upon the basis of this data the board acts upon the petition.

Upon the granting of the parole the juvenile is informed of the following requirements, the violation of which may be sufficient cause for his return to the industrial school to serve the residue of his term of commitment: First, he is required to report regularly to the parole officer; second, he is required to work regularly or attend school in accordance with the provisions of his parole; third, he must remain with the petitioner, who assumes responsibility for the boy while on parole; fourth, he is required to save a certain amount of his earnings, this depending upon his earning capacity,

which amount is deposited in trust for him until the expiration of his parole.

In regard to female delinquents, it is the usual practice not to discharge or release a ward until she has reached her majority, and, consequently, paroles are less frequent. This practice is owing to the fact that the majority of the girls are committed for immorality and sexual laxness, and it is felt advisable to have a supervisory control over them as long as possible.

As to the subsequent activity and conduct of the juvenile parolees, it is noted that on March 1, 1932, there were 60 boys on parole on the island of Oahu, and 86 on the other islands. Of the 60 parolees on Oahu, 44 were employed, 10 were unemployed, and 6 were attending school.

It has been estimated that 10 per cent of the parolees are recommitted for parole violations.

In regard to their subsequent criminal activity, in a survey made last year at Oahu Prison, out of over 500 prisoners it was found that 30 were former inmates of the industrial school. It is noted that the offenses for which they were convicted are very largely the same as the offenses for which they were committed to the industrial school. Out of this number, 28 were originally committed to the industrial school for either burglary, larceny, or malicious conversion. The Oahu Prison records indicate that 26 were serving sentences for burglary and malicious conversion, one for rape, one for assault with intent to commit rape, one for murder, and one for manslaughter.

There are 37 girls on parole. Of that number, 10 are employed and earning from \$25 to \$60 per month. Eleven girls are paroled to outside islands, and 11 are paroled on Oahu to parents or immediate relatives. Five of the paroled girls are married.

The problem which confronts the industrial board in regard to paroles is the difficulty in securing employment for parolees and keeping them employed after a position has been secured. Another difficulty is the problem of keeping in contact with parolees on the islands other than Oahu. Also, the parole system is handicapped due to the lack of experienced parole officers. The term of parole is two years and it appears that the board endeavors to keep in contact with juveniles even after the parole period has expired.

WAIALEE TRAINING SCHOOL FOR BOYS

The Waialeale Training School for Boys is situated at Waialeale, on the island of Oahu, a distance of about 45 miles from the city of Honolulu. This school functions as a custodial and training school for all juvenile male delinquents committed from the various legal jurisdictions of all the islands in the Hawaiian group.

Boys are committed for any length of time up to and including the term of their minority, which in Hawaii ends at 20 years of age. The largest number of boys are committed for terms of their minority. The minimum age of boys committed is 12, while the maximum is under 20. The offenses for which boys were committed during the period 1929 and 1930 are as follows:

Petit larceny.....	46	Burglary and immorality.....	1
Disturbing the peace.....	1	Violation of probation.....	1
Assault and battery.....	3	Indecent assault.....	1
Vagrancy.....	1	Idleness.....	1
Truancy.....	5	Gambling.....	1
Incorrigibility.....	13	Malicious mischief, trespassing, larceny.....	3
Dependency (present law prohibits dependents).....	2	Receiving stolen money.....	1
Burglary.....	20	Running away from home.....	1
Delinquency.....	5	Assault with dangerous weapon with intent to rob.....	1
False fire alarm.....	1	Larceny and disobedience.....	1
Forgery.....	2	Larceny and truancy.....	1
Waywardness.....	4		
Fornication.....	1	Total.....	130
Stubbornness.....	1		
Malicious conversion.....	12		

On March 1st there were 211 boys at the school, but the proportion of offenses remains about constant.

A detailed tabulation of the racial groups follows:

Hawaiian.....	39	Porto Rican-Portuguese.....	1
Part-Hawaiian.....	3	Porto Rican-Filipino.....	1
German-Hawaiian.....	1	American-Porto Rican.....	1
Portuguese-Hawaiian.....	8	Portuguese.....	17
Spanish-Hawaiian.....	5	Russian-Portuguese.....	1
Scotch-Hawaiian.....	1	Scotch-Portuguese.....	1
Porto Rican-Hawaiian.....	2	American.....	1
Japanese-Hawaiian.....	1	Korean.....	5
Chinese-Hawaiian.....	6	Chinese.....	3
American Samoan-Hawaiian.....	1	Japanese.....	10
Porto Rican.....	14	Filipino.....	5
American-Portuguese.....	1		
Korean-Hawaiian.....	1	Total.....	130
Spanish.....	1		

The parental status of the boys enumerated above is as follows:

Both parents living.....	68
Father living.....	28
Mother living.....	24
Both parents dead.....	10
Total.....	130

The superintendent and the staff of 26 have immediate supervision over the welfare and training of each boy. The superintendent, Mr. George A. Wesson, came to Hawaii in 1918. He was formerly a Y. M. C. A. secretary. He has been in charge of the institution continuously for the past 12 years.

An effort is made to treat each boy as an individual case and this is carried out in his school work, social life, and industrial training. In this effort boys are put on their own initiative, and in many cases they are assigned to repair jobs and other duties of various shades of difficulty, instructed in detail as to what to do, and given the chance to do it without supervision.

The boys are separated into age groups, with each group living in its own dormitory. The preadolescent boys are divided into two groups, with the adolescent boys divided into two more groups. The very youngest boys live in a set of cottages which are located some distance from the main campus. These boys eat in their own dining

room, have a separate athletic field, and are not allowed to intermingle with the older boys. The youngest group ranges from 12 to 15 years. The other groups are divided and subdivided so that as nearly as possible each dormitory contains boys who are almost of the same age and size. Boys who violate school rules are deprived of special privileges that other boys are allowed to enjoy. Incarceration in the detention cottage is sometimes resorted to.

A large portion of the industrial training is of an agricultural nature. There is a farm adjoining, containing 240 acres of cane and pineapple and 40 acres of taro and other crops. A stock farm is also maintained.

The boys who are so interested are given practice in carpentry and, according to the superintendent, have made many major repairs and alterations in the past 18 months.

The course in carpentry includes cement and concrete mixing, painting, glazing, wood turning, milling of doors and window sashes, furniture making, joining and general repairing. The boys mechanically inclined are given an opportunity to work in the engine room. Here lathe, drill-press work, and shaping is done. Those who work in the engine room learn to fire boilers of the oil-burning type, operate pumps, make minor electrical repairs, and practical plumbing work. Auto repairing and installation and maintenance of drains and sewer lines is also included in this training. All uniforms and clothing worn by the boys are made by them, and cooking and laundry is assigned to boys suited to that type of work. One of the vocational units is the organization of a band where the members learn the fundamentals of music and musical instruments.

According to the superintendent, due to the nature of the mentalities with which the school has to deal, all of the vocational work is of a practical nature. Many of the boys who enter the school are illiterate, and an effort is made to give them some academic training. For all boys under 14, school is compulsory, and those over 14 may attend if they so desire. The academic work is very elementary due to the lack of time, as well as to the lack of academic instructors who are qualified teachers. Only the fundamentals of reading, writing, and arithmetic are taught.

The present staff of two teachers consists of people who are not certified to teach. The superintendent feels that their requirements call for six thoroughly trained and certified teachers in the academic department. There are many boys who should have more instruction, but are denied the opportunity because of an inadequate number of teachers on the staff.

There also appears to be a real necessity for a regular nurse. Emergencies arise and the nearest doctor is 5 miles distant. There is also a lack of hospital facilities and an isolation ward where new boys may be kept for a period of quarantine. The building which is now used as a hospital was never constructed or planned for a hospital and it is felt that this house should be razed and a new one erected in its place. The administration building is also antiquated and constitutes a menace to public safety. All of the dormitories are antiquated and unsuited to the purpose for which they are being used. These buildings are in constant need of repairs and upkeep.

Also, according to the superintendent, the vocational equipment is obsolete, and he feels it would be to the best interests of the Territory to provide the institution with standard equipment so that they might get working knowledge of the type of equipment in use in industrial plants where they may work upon release from the school.

It further appears that vocational men who are qualified to teach the trades are needed.

THE KAWAIILOA TRAINING SCHOOL FOR GIRLS

The Kawaiiloa Training School for Girls is situated on the island of Oahu, about 11 miles distant from the city of Honolulu. The buildings were recently constructed and appear to be modern in every respect.

The superintendent and other members of the staff are in complete charge of the supervision and welfare and training of the girls. The superintendent in charge, Mrs. Elsie Myrtle Benkman, came to the islands in 1924 and was appointed to her present position in April, 1930.

Commitment is for a given period, in most cases for the term of her minority, which is reached at the age of 20 years.

Upon entrance, the girls are given a physical examination, and girls found to be suffering with venereal and other contagious diseases are segregated and kept in complete isolation and given medical treatment. A daily clinic is held in a well-equipped hospital, and a graduate nurse is in attendance at all times. A physician makes weekly calls and attends to all cases taken to Honolulu, and an attending dentist does likewise.

On March 1, there were 146 girls in the school and 37 on parole, making a total of 183 girls under the jurisdiction of the Board of Industrial Schools and being cared for by its agents. The ages, nationalities, religion, and parents are as follows:

Nationalities			
Hawaiian	68	Korean	4
American-Hawaiian	18	Filipino	11
Chinese-Hawaiian	10	Russian	3
Part-Hawaiian	14	Spanish	1
Porto Rican	17	Samoan	1
Portuguese	12	Caucasian	1
Part-Portuguese	2	All others	10
Chinese	5		
Japanese	6	Total	183

Ages when committed			
9 years	2	16 years	32
10 years	4	17 years	17
11 years	6	18 years	3
12 years	8	19 years	2
13 years	33		
14 years	39	Total	183
15 years	37		

Offenses	
Immorality.....	2
Incorrigibility.....	4
Delinquent.....	41
Dependent.....	11
Delinquent and dependent.....	2
Delinquent and wayward.....	1
Waywardness.....	12
Larceny.....	8
Stealing.....	1
Theft.....	3
Total	183

Term of commitment	
Minority.....	153
5 years.....	1
3 years.....	4
2 years.....	14
1 year.....	3
1 year, 9 months.....	1
8 months, 24 days.....	1
Further order of court.....	6
Total	183

Religion	
Catholic.....	105
Protestant.....	50
Nonreligion.....	28
Total	183

Parents	
Parents.....	106
Half orphans.....	59
Orphans.....	18
Total	183

An effort is made to train the girls in practical work. General housework, cleaning, cooking, pantry, dining room, and laundry work are taught under the supervision of instructors. Academic classes take care of all children of school age. All grades from first grade to junior high school are taught by two certified academic instructors. Twelve girls are receiving instruction in typing and shorthand and two girls are being trained as hospital and dental assistants. In sewing classes the girls are taught to make all the clothes they wear besides various other articles. Rag-rug weaving, lace, embroidery work, and lauhala weaving are included in the curricula. Those articles are made for resale, the realization of which is divided as follows: 50 per cent to the government realization fund, from which the raw material is purchased, and 50 per cent to the girls making the articles. There is also a farm attached where vegetables are raised by the girls.

The present personnel consists of the following:

Superintendent.	Instructors (15).
Assistant superintendent.	Mechanic and utility man.
Business manager.	Mechanic's helper.
Physician (part time).	Farmer and tractor man.
Dentist (part time).	Dairyman and farm hand.
Graduate nurse.	Assistant dairyman and farm hand.
Academic instructor.	Laborer.

The above nurse and instructors act in the capacity of vocational instructors as well as matrons and house mothers. The superintendent feels that there should be an increase in personnel and has made request for four additional night matrons, one relief instructor, a junior clerk, and additional utility man.

According to the superintendent, a great handicap is the lack of segregation and classification of the girls. She does not feel that they have the facilities to meet this problem. There are girls of various racial mixtures, highly emotional, oversexed, a large number of low-grade mentality, a type subject to periodical spells of

brainstorm and incorrigibility, and for this reason the superintendent has requested an additional unit to house this type of girl.

VI

PRISON ADMINISTRATION ON THE ISLANDS AND COUNTIES OF HAWAII, MAUI, AND KAUAI

A survey was made of the county jails on the islands and counties of Hawaii, Maui, and Kauai, and for the purposes of this review only comment and general conclusions are made on the administration and conditions. Attention is directed to the transcript, volume 13, page 2983; volume 14, page 3254; and volume 15, page 3369 for detailed reports.

The county jails and prisoners are in charge of the county sheriffs, who have the authority to appoint guards and jailers. (Ch. 110, sec. 1514, Revised Laws of Hawaii, 1925, as amended, 1931.) The duty of supervising and inspecting the respective county jails is vested in the boards of prison inspectors, consisting of three members who are appointed by the governor for terms of two years. (Ch. 111, secs. 1541-7, Revised Laws of Hawaii, 1925, as amended 1931, Act 128.) The county board of supervisors have no control over their respective county jails other than the approval or disapproval of expenditures for their upkeep and maintenance.

There is one county jail in each of the three counties. The county jail of Hawaii is located at Hilo, the county jail of Maui at Wailuku, and the county jail of Kauai at Lihue. There are district jails for detention purposes only in each of the districts of the several counties. Only misdemeanants are kept in the county jails. All prisoners sentenced to more than one year are sent to the Territorial prison at Honolulu.

The jails, without exception, were found to be in poor condition. The buildings were very old and overcrowded, and the sanitary conditions have been subject to severe criticism.

No pretense was made at guarding the inmates. In spite of this fact, escapes are extremely rare. This may be accounted for by the indolent, harmless type, who are the usual petty offenders, and the island conditions which make escape almost impossible. The several communities were in no way apprehensive.

There is a real necessity, however, for modern buildings, if only from a sanitary standpoint, particularly at Maui and Kauai. This fact is freely admitted, but the communities and the boards of supervisors do not appear sufficiently concerned to take any action. This criticism is not directed at the county sheriffs, who have endeavored for years to secure action from the boards of supervisors.

The boards of prison inspectors, so far as the supervision of county jails is concerned, do not operate. It does not appear that any rules and regulations have ever been made, as provided by law, and inspections, as required by law, are not made regularly. The chairman of the board of prison inspectors for the county of Maui stated that up until four months ago he did not even know who the other members of the board were, although the board was appointed in 1929. (See Transcript, vol. 14, p. 3050.)

The reasons assigned for not functioning are, first, that it was not felt that the condition of the jails was critical, and secondly, the boards have no authority to change the situation should they find it necessary or advisable. County jails are in charge of the county sheriffs and the boards of supervisors, and the boards of prison inspectors have no control over either. The boards of prison inspectors of Maui and Hawaii, however, recently made an investigation of the Territorial prison camps, at the request of the board of prison directors.

It is generally felt that a number of the district jails could well be eliminated at considerable saving of expense to the counties. At one time there was a necessity for these district jails, due to the difficulty and time involved in coming to and from the county seat. However, it is felt, in a number of instances, with the improved transportation facilities and the ease of communication, that they have outlived their usefulness and are no longer necessary.

In conclusion, however, it is felt that the prison situation on these islands is a cause for no apprehension. These counties are not confronted with the same situation as confronts Honolulu.

The counties are largely rural, and the many crime problems which confront a large city are absent. The offenders are largely the harmless, ignorant type convicted of petty offenses. The same laxity and apathy in regard to prisons is evident on the islands as was evident in Honolulu, but due to the rural nature and isolation of these islands, it has never been a problem. It is commonly said that the recent breakdown in Honolulu was due to the fact that they were still endeavoring to operate the prison system of a large metropolitan city in the same manner that the prisons in the rural counties are being operated at the present time.

The severest criticism which may be directed at the prison administration in the several counties is the complete apathy of the communities, the effect of which has been to allow their jails to deteriorate to the extent that they are a menace to the health and well being of the inmates.

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LIST OF EXHIBITS

EXHIBIT NO. 1

WASHINGTON, D. C., January 14, 1932.

HON. SETH W. RICHARDSON,
Assistant Attorney General, Department of Justice,
Washington, D. C.

MY DEAR MR. RICHARDSON: I am obliged to ask you to proceed at once to Honolulu to examine into the conditions affecting law enforcement in the Hawaiian Islands. Your attention is called to Senate Resolution 134, requesting me to report to the Senate upon the administration and enforcement of criminal laws in the Territory of Hawaii by the police authorities, the prosecuting officers, and the courts of the Territory, and to suggest any changes in the organic law desirable in the interest of prompt and efficient administration of justice in the Territory. Because of the conflicting statements about conditions there, it is necessary that representatives of this department ascertain the facts by inquiry on the ground.

A preliminary review of the organization of the machinery of justice in the Hawaiian Islands has been made. In order to assist you, here is an outline of the subjects of inquiry:

1. *Courts.*—The principal courts for the enforcement of criminal law in the islands are the United States district court and the circuit courts. The United States court has jurisdiction only of violations of acts of Congress. The circuit courts have jurisdiction of the enforcement of Territorial criminal laws as well as of some Federal statutes. The judges of both the district court of the United States and the circuit courts of the Territory are appointed by the President, with the advice and consent of the Senate.

Appeals from the Territorial circuit courts go to the Territorial supreme court, and appeals from the United States district court go to the United States Circuit Court of Appeals for the Ninth Circuit. Cases in the United States district court are conducted by a United States attorney appointed by the President. Criminal cases in the circuit courts in Honolulu are conducted by the city and county prosecutor, who is an elective officer. The city and county of Honolulu appear to be coterminous.

Cases of the type which have recently attracted public attention are not within the jurisdiction of the United States district court nor of the United States attorney. They are triable in Territorial courts and the prosecutions are conducted by the city and county prosecutor.

I suggest you inquire into the operations of the office of the city and county prosecutor to ascertain whether it is efficient, and whether any change in the method of selection of the local prosecutor, such as an appointment by the governor of the Territory, would tend to make the work of that office more effective.

2. *Police.*—In the island of Oahu, on which Honolulu is situated, the principal agents for the detection of crime are the police. The head of the police force is a sheriff, elected by the people. There seems to be some sort of civil-service system applicable to the police force. The organization and efficiency of the police force should be examined and consideration should be given to whether the discipline and efficiency of the police are open to improvement, and if so, whether that could be accomplished by legislation for appointment of a chief of police by the governor and to change the system respecting the appointment and removal of officers. A bill for reorganization of the police force appears to have been introduced in the last session of the Territorial legislature, but was not passed.

3. *Jury system.*—The provisions of the Constitution of the United States relating to trials of criminal offenses by jury appear to be applicable to the Hawaiian Islands. The organic act, under which the Territory is organized, provides:

"All juries shall be constituted without reference to the race or place of nativity of the jurors; but no person who is not a male citizen of the United States and 21 years of age and who can not understandingly speak, read, and write the English language shall be a qualified juror or grand juror in the Territory of Hawaii. No person shall be convicted in any criminal case except by unanimous verdict of the jury. No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race."

The Territorial laws enacted by the Territorial legislature also provide that a juror must possess the qualifications for registration as a voter, be a resident of the circuit from which selected, of ordinary intelligence, and must not have been convicted of any felony or misdemeanor involving moral turpitude.

I suggest you inquire into the methods of making up the lists of eligible persons for jury service so as to determine whether jurors of the best type available are obtained. The Territorial laws provide a jury commission for each circuit, composed of the circuit judge and two citizens, members of opposite political parties, who annually make up lists of qualified persons for jury service. It should be ascertained whether this system works satisfactorily and whether any improvements may be brought about by legislation or judicial action.

4. *Parole board.*—The Territorial law provides for granting of paroles upon the recommendation of the board of prison inspectors. The parole system having a bearing on the problem of law enforcement, the operations of the existing system should be considered to determine whether it proceeds on principles followed by up-to-date penal systems, and if not, whether any legislation is desirable on that subject.

5. *Weight of evidence required in certain criminal cases.*—The Territorial laws now provide that no person shall be convicted of the crime of rape on uncorroborated evidence of the prosecutrix. I can understand the reason for requiring corroboration as to the fact that force was used, but where that fact is properly established it is not so clear to me that corroboration of the testimony of the prosecutrix should be required as to the identity of the offender.

A memorandum reviewing the statutes of the States of the Union on this subject is being prepared and will be furnished you.

6. *Operation of the Federal courts in narcotic drugs and prohibition matters.*—While offenses of the kind which have recently attracted attention are not within the jurisdiction of the United States court and are not dealt with by the United States attorney or officials of this department, it would be well to consider how efficiently violations of Federal statutes are prosecuted within the district, as this has a bearing on the general crime situation.

The bureau of the Treasury, having charge of investigation of offenses against Federal laws relating to narcotics, has a force of men in Honolulu. The prohibition unit of this department has a force at that place. I am informed that the local police also have authority to detect and arrest offenders under these laws; that the prosecution of prohibition cases may be conducted in either the United States court or the circuit courts of the Territory, and that the practice varies in the different districts in the islands.

The foregoing suggestions do not mean that any conclusion has been reached here as to whether any of the agencies referred to are deficient or as to the extent to which they may require reorganization. These are matters for you to inquire into. While many of the problems mentioned are local in their nature, it must be remembered that there are important naval and military establishments on the Hawaiian Islands, and for that reason it is of especial importance that law and order should be efficiently maintained.

This outline does not limit your inquiry. You are free to go into any phase of the matter that you deem advisable. My impression is that under the organic act, under which the Territory is organized, the Territorial legislature has ample authority to enact any legislation that may appear to be desirable for the improvement of enforcement of criminal justice. A special session of that legislature is about to be convened.

I am transmitting a copy of this letter to the Secretary of the Interior for transmission to the governor of the Territory so that the Territorial legislature may consider the subjects here mentioned. It is desirable, if any legislation is required and it is within the powers of the Territorial legislature, that it be dealt with by that body. The important thing for you is to get at the real facts, which I have no doubt you will do with your accustomed vigor.

You might also consider whether it is desirable that the powers of the governor of the Territory be enlarged by Congress. Under existing law his power to deal with the agencies for enforcement of criminal laws is quite limited.

Mr. J. Edgar Hoover, Director of the Bureau of Investigation, has arranged to place at your disposal a sufficient force of his men, headed by one of his agents in charge.

Very truly yours,

WILLIAM D. MITCHELL,
Attorney General.

EXHIBIT NO. 2

BOOKS AND RECORDS

The Annotated Federal Judicial Code and Judiciary, third edition. By James Love Hopkins.

Report to the Legislature of the Chief Justice of the Supreme Court, Territory of Hawaii; 1919-20, 1921-22, 1923-24.

Report of The Governor of Hawaii to The Secretary of the Interior, for fiscal years ending June 30, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1921.

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The State Police, Organization and Administration, by Bruce Smith.

The Story of Scotland Yard, by George Dilnot.

The Governance of Hawaii, by Robert M. C. Littler.

Real Hawaii, by Lucien Young, United States Navy.

Hawaii, Past and Present, by William R. Castle, jr.

Official Journal of the Commonwealth Club of California on Rural Police.

Hand Book of the Government of the Territory of Hawaii, by Hawaii Bureau of Government Research.

Hawaii Capacity for Self-Government All But Destroyed, by W. A. Kinney.

Report of the Chief Justice of the Supreme Court, Territory of Hawaii, for the years 1915-16, 1917-18, 1919-20, 1921-22, 1923-24, 1925-26, 1927-28.

United States Code, Annotated, title 48, Territories and Insular Possessions. Annual Report of the Governor of Hawaii to the Secretary of Interior for fiscal years ending June 30, 1924, 1925, 1926, 1927, 1928, 1929, 1931.

Revised Laws of Hawaii, 1925, Volumes I and II.

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Hawaii Digest of Reports, 1847-1915, by Wade Warren Thayer.

Hawaii, Its Resources and Trade, by United States Department of Commerce.

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Johns Hopkins University Studies in Historical and Political Science (Constitutional History of Hawaii), by Herbert B. Adams, editor.

Hawaii Annual for 1930, by Thomas G. Thrum.

The People of Hawaii, by Romanzo Adams, professor of economics and sociology, University of Hawaii.

House executive documents, Fifty-third Congress, relating to the Hawaiian Islands.

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Hawaii To-day, by Lieut. R. C. Wriston, A. S., United States Army.

Builders of Hawaii, by George F. Nellist.

An Open Letter to Gov. Wallace R. Farrington on Fukunaga's Insanity, by Lockwood Myrick, jr., assistant professor of philosophy, University of Hawaii.

Petition for Writ of Certiorari, to the United States Circuit Court of Appeals for the Ninth Circuit, and brief in support thereof, case of Yutaka Fukunaga v. Territory of Hawaii; brief for appellant; reply brief for appellant's petition for a transcript of record; rehearing.

Supreme Court and Federal Report decisions re Government of Hawaii and Hawaiian cases.

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Conservation in the Department of Interior, by Ray Lyman Wilbur, Secretary, and William Atherton DuPuy, executive assistant.

Maps pertaining to the Hawaiian Islands, furnished by Military Intelligence Division of War Department.

Reorganization of State Police, New York, New Jersey, Pennsylvania, Rhode Island, and Connecticut.

Confidential Survey of the Filipinos in the Territory of Hawaii, prepared by the office of the Assistant Chief of Staff, Military Intelligence, headquarters Hawaiian Department, Fort Shafter, Hawaii, September, 1929, revision.

Confidential Survey of the Caucasian in the Territory of Hawaii, prepared by the office of the Assistant Chief of Staff, Military Intelligence, headquarters Hawaiian Department, Fort Shafter, Hawaii, as of January, 1930.

Confidential Survey of the Korean in the Territory of Hawaii, prepared by the office of the Assistant Chief of Staff, Military Intelligence, headquarters Hawaiian Department, Fort Shafter, Hawaii, as of January, 1930.

Confidential Survey of the Chinese in the Territory of Hawaii, prepared by the office of the Assistant Chief of Staff, Military Intelligence, headquarters Hawaiian Department, Fort Shafter, Hawaii, as of October, 1923.

Confidential Survey of the Hawaiian, Asiatic-Hawaiian and Caucasian-Hawaiian in the Territory of Hawaii, prepared by the office of the Assistant Chief of Staff, Military Intelligence, headquarters Hawaiian Department, Fort Shafter, Hawaii, as of October, 1929.

Report on Prosecution of National Commission on Law Observance and Enforcement.

Report of Governor's Advisory Committee on Crime.
Governor Judd's report on Massie-Portescue rape and murder.
Temperament and Race, by Porteous and Babcock.

ADDITIONAL BOOKS AND RECORDS

National Commission on Law Observance and Enforcement, Report on Police; Report on Criminal Procedure.

Survey of Schools and Industry in Hawaii, by Governor's Advisory Committee on Education, February, 1931.

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Hawaiian Annual for 1932.

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Hawaii's American-Japanese Problem, by Takie Okumura, Umetaro Okumura. Honolulu, 1826-1861, by Laura Fish Judd.

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Under Hawaiian Skies, by Albert P. Taylor.

Hawaii's Capacity for Self Government All But Destroyed.

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Health Activities in Hawaii's Schools, 1930-31, by Department of Public Instruction.

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Character Education, by Department of Public Instruction, Territory of Hawaii, September 1, 1930.

Thrift Activities in the Public Schools of Hawaii, 1929-30, by Department of Public Instruction.

An Outline of Buddhism, by Shinkaku.

Comparative Statement of Criminal Statistics, by Union Trust Co. (Ltd.), of Honolulu, to the Minute Men of Hawaii.

The Government of Hawaii, Federal, territorial and county, by Wm. H. George, professor of history and political science, University of Hawaii.

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Kekela, James	12	2720	Morgan, Mrs. James P.	3	568
Kekuwa, Chas	9	1884	Morrow, John A.	14	3186
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Keola, James N. K.	12	2723	Murphy, Rev. Castle H.	8	1561
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King, W. P.	2	450	Nabriga, Joseph	11	2498
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Kurisaki, Dr. Harry I.	1	247	Oxiles, Juan	11	2505
Kwai, Kam	11	2437	Pacheco, Manuel	1	216
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Louis, Father	12	2737	Do	8	1596
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Low, Fred T.	12	2746	Poindexter, J. P.	7	1390
Low, Paul	14	3186	Porter, Alexander J.	13	2862
Lowrey, Fred D.	5	830	Powlison, Arthur K.	8	1601
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EXHIBIT NO. 4

Young Men' Christian Association.
 Young Women's Christian Association.
 Palama Settlement.
 Ahahui Society.
 Hawaiian Civic Association.
 Special Service Association.
 League of Women Voters.
 Anti-Saloon League.
 Hawaiian Pineapple Association.
 Hawaiian Sugar Planters Association.

Chamber of Commerce.
 Industrial School for Boys.
 Industrial School for Girls.
 Kamehameha Girls School.
 Kamehameha Boys School.
 Public School Administration.
 University of Hawaii.
 Mormon Church.
 Roman Catholic Church.
 Central Union Church.
 Good Government League.
 American Legion.
 Women's Christian Temperance Union.
 Boy Scouts of America.
 Sea Scouts of America.
 Girl Scouts of America.
 Board of City Supervisors.
 Police Department.
 Fire Department.
 Jury Commissioners.
 House of Representatives.
 Territorial Senate.
 Salvation Army.
 Territorial Homestead Bureau.
 Prison Commission.
 Crime Commission.
 Bar Association.
 Medical Association.
 Native Hawaiian Church Organization.

EXHIBIT NO. 5

QUESTIONNAIRE DATA

Person interviewed.....
 Brief history.....
 Interviewed by.....
 Date.....

POLICE

I. General.

1. Statutes.
2. Various branches of police. City-county police, military and naval police, Territorial police.
 - a. Jurisdiction of each.
 - b. Coordination between.

II. Organization and operation.

1. Organization chart.
 - a. Chief (formerly sheriff).
 - b. Detective bureau.
 - c. Vice squad.
 - d. Patrol squad.
 - e. Roving squad (radio patrol).
 - f. Pawn-shop detail.
2. Distribution of force.
3. Signal system.
4. Records system.
5. Coordination with city and county attorney and other departments.
6. Training of personnel.
7. Supervision, inspection, and discipline.
8. Pension system.

III. Personnel.

1. Size of force.
2. Age, race, and length of service.
3. Personal history and previous occupation.
4. Salary schedule.
5. Selection and appointment.
 - a. Qualifications.
 - b. Examinations.
 - c. Training
 - d. Civil-service commission.
 - (1) Organization and jurisdiction.
 - (2) Personnel (history).
 - (3) Susceptibility to political influence.
6. Removals.
 - a. How effected.
7. Promotions.
 - a. Merits.
 - b. Political influence.
 - c. Other factors.
8. Efficiency and morale.
9. Evidence of graft and corruption.
10. Activities in Massie-Fortescue case.
11. Connection with street gangs.

IV. Police problems.

1. Racial conditions.
2. Political influence.
3. Crime conditions.
4. Juries.
5. Prosecuting Attorney.
6. Parole and probation.
7. Bail.
8. Army and Navy Personnel.

V. The chief of police.

1. How selected.
2. Duration of office.
3. Removal.
4. Susceptibility to political influence (McIntosh report).
5. Criticisms of press.
6. Reputation.

VI. Conclusions.

1. Appointment by governor or President as opposed to commission?
2. Desirability of appointment from mainland?
 - a. Available material in island?
 - b. Public friction?
 - c. Effect upon discipline?
3. Mode of removal?
 - a. Upon charges and trial?
 - b. Summarily?
4. New vagrancy laws?

CRIME CONDITIONS

I. Graph showing crime statistics for last five years.

- Murder.
- Burglaries.
- Rape.
- Assault (intent to commit rape), etc.

II. Geographical areas of crime.

- Vice.
- Liquor.
- Narcotics.
- Gambling.
- Miscellaneous.

- a. Other places than Honolulu.

III. Racial participation in crime.

IV. Crime analysis—5-year period.

1. Crimes reported.
2. Prosecutions.
 - a. What courts.
3. Convictions.
 - a. Of crime charged.
 - b. Of any crime.
4. Acquittals.
 - a. Reasons.
5. Crimes unsolved.
6. Average sentences (rape).
7. Subsequent parole.

V. Comparison of foregoing statistics (particularly as to sexual crimes) with statistics from American cities.

VI. Vice conditions.

1. Prostitution.
 - a. Area.
 - b. Patronage.
 - (1) Resident civilian.
 - (2) Tourists.
 - (3) Army and Navy.
 - c. Race participation.
 - d. Independent or organized traffic.
 - e. Police protection.
 - f. Police or other supervision.
2. Prohibition.
 - a. Record of violations over given period.
 - b. Usual offenders.
 - c. Attitude of police.
 - d. Attitude of public.
 - e. Area.
3. Narcotics.
 - a. Record of violations over given period.
 - b. Unusual offenders.
 - c. Police connection.

VII. Relation of police to vice conditions.

- a. Graft.

VIII. Miscellaneous factors.

1. Army-Navy problem.
2. Race problem.
3. Tourist influence.

IX. Conclusions.

1. Change in rules of evidence as to rape cases?
2. Stricter requirements as to bail?

PROSECUTION—COUNTY ATTORNEY

I. Law creating.

II. Organization.

1. Method of section.
2. Qualifications.
3. Duties.
4. Personnel.
5. To whom responsible.

III. Present incumbent.

1. Biographical data and of assistants.
2. Qualification and fitness.
 - a. Political independence.
 - b. Political activity
 - c. Association with police.
 - d. Reputation:
 - Legal ability.
 - Trial ability.
 - Honesty.
 - Personal habits.
 - Aggressiveness.
 - Courage.
 - Character.

III. Present incumbent—Continued.

3. Record.
 - a. Number of cases personally tried.
 - b. Statistical data of criminal cases.
4. Relative effectiveness, present incumbent.
 - a. Opinions.
 - b. Statistical table of previous years.

IV. Effectiveness of present machinery.

1. Advantages.
2. Disadvantages.
3. Specific instances.
4. Suggested remedies.

JURIES

I. Law creating.

1. Qualifications.
2. Exemptions.
3. Excuses.
4. Challenges.
 - a. Civil.
 - b. Criminal.
5. Method of selection.
 - a. Jury commissioners.

II. Jury commissioners.

1. Qualifications and number (two).
2. How appointed.
3. Time required and salaries.
4. Duties.
5. Supervision.
6. Present incumbents.

- a. Name:
 - Biographical data.
 - Qualification and experience.
 - Reputation and racial tolerance.
 - Business affiliation.
 - Honesty and judgment.
- b. Name:
 - Biographical data.
 - Qualification and experience.
 - Reputation and racial tolerance.
 - Business affiliation.
 - Honesty and judgment.

III. Preparation of jury list.

1. Sources from which names obtained.
2. Racial proportion.
 - a. Hawaiian.
 - b. Portuguese.
 - c. Haole.
 - d. Chinese.
 - e. Japanese.
 - f. Other races.
3. Occupational division.
 - a. Business men.
 - b. Laborers.
 - (1) Privately employed.
 - (2) Employed on public works.
 - c. Professional.
 - d. Executive.
 - e. Employees.
 - f. Without occupation.

III. Preparation of jury list—Continued.

4. Investigation of jury list.
 - a. Scope of:
 - Character—reputation.
 - Business, fraternal, and political affiliation.
 - Views on law enforcement.
 - Intelligence.
 - Connections with underworld.
 - Connections with attorneys practicing criminal law.
 - Previous criminal record.
 - Character, strength of.
5. Present jury list qualifications.
 - a. Personal interviews with jurors now on list.
 - b. Personal interviews with Massie-Fortescue jurors.

IV. Venire.

1. How selected.
 - a. By whom served.
2. Number discharged.
 - a. Nature of excuses.
 - b. Manner of jury dodging.

V. Panel.

1. How selected.
2. Principal grounds for peremptory challenges.
 - a. Opinions of lawyers and judges.
3. Principal causes for disqualification.
4. Confinement of jury when selected.
 - a. Nature of cases.
 - b. How strictly enforced.
 - c. By whom confined.

VI. Verdict.

1. Statistical table.
 - a. Comparison of total of all convictions, acquittals, and disagreements for 5-year period.
 - b. Comparison of total sex crimes of violence for 5-year period (rape, assault with intent to ravish, assault with intent to ravish female under 12, carnal abuse of female under 12.)
2. Proportion of correct verdicts.
 - a. Opinions of lawyers, judges.

VII. Effectiveness of present machinery.

1. Advantages.
2. Inherent defects.
3. Resulting abuses.
 - a. Specific instances.
4. Suggested remedies.

PRISONS AND PAROLES

I. Prisons.

1. Territorial prison for felons.
 - a. General condition.
2. Honolulu jail.
 - a. General condition.
3. County jails on other islands.

II. Prison officials and guards.

1. How appointed.
2. How removed.
3. Political influence and activity.
4. Qualifications and fitness.
 - a. Biography.
 - b. Reputation.
5. Abuses of office.
 - a. Alleged laxity in administration granting of unwarranted privileges.
 - b. Recent disclosures.

III. Supervision of prisons.

1. Authority, attention, and supervision by:
 - a. The governor.
 - b. Attorney general.
 - c. High sheriff and county sheriff.
2. Board of prison directors.
 - a. How appointed.
 - b. Qualifications of members.
 - (1) Biography.
 - (2) Reputation.
 - (3) Time and attention to duties.
 - c. Relation and responsibility of board to:
 - (1) The governor.
 - (2) Attorney general.
 - (3) High sheriff and county sheriff.
 - d. Advantages of present system.
 - e. Abuses of present system.
 - (1) Shifting of responsibility.

IV. Effect of bill passed at last session of legislature creating a new board of prison directors in place of old board of prison inspectors.

1. Has it worked any more successfully?
2. Do unsatisfactory conditions still exist? If so, why?
3. Has change eliminated shifting of responsibility?

V. Parole and probation.

1. What board acts and how does it operate?
 - a. Statutes.
2. Attention to duties.
 - a. Visits to prisons.
 - b. Recommendations to governor.
3. Authority and influence of judges.
4. Operation of the parole system.
 - a. Maintenance of supervision.
 - (1) Whether active check is kept of those on parole.
 - b. Subsequent criminal activity of those on parole and probation.
 - c. Statistics on parole and probation.
 - (1) Percentage of those on parole and in prisons.
 - (2) Percentage of those who have violated parole and probation.

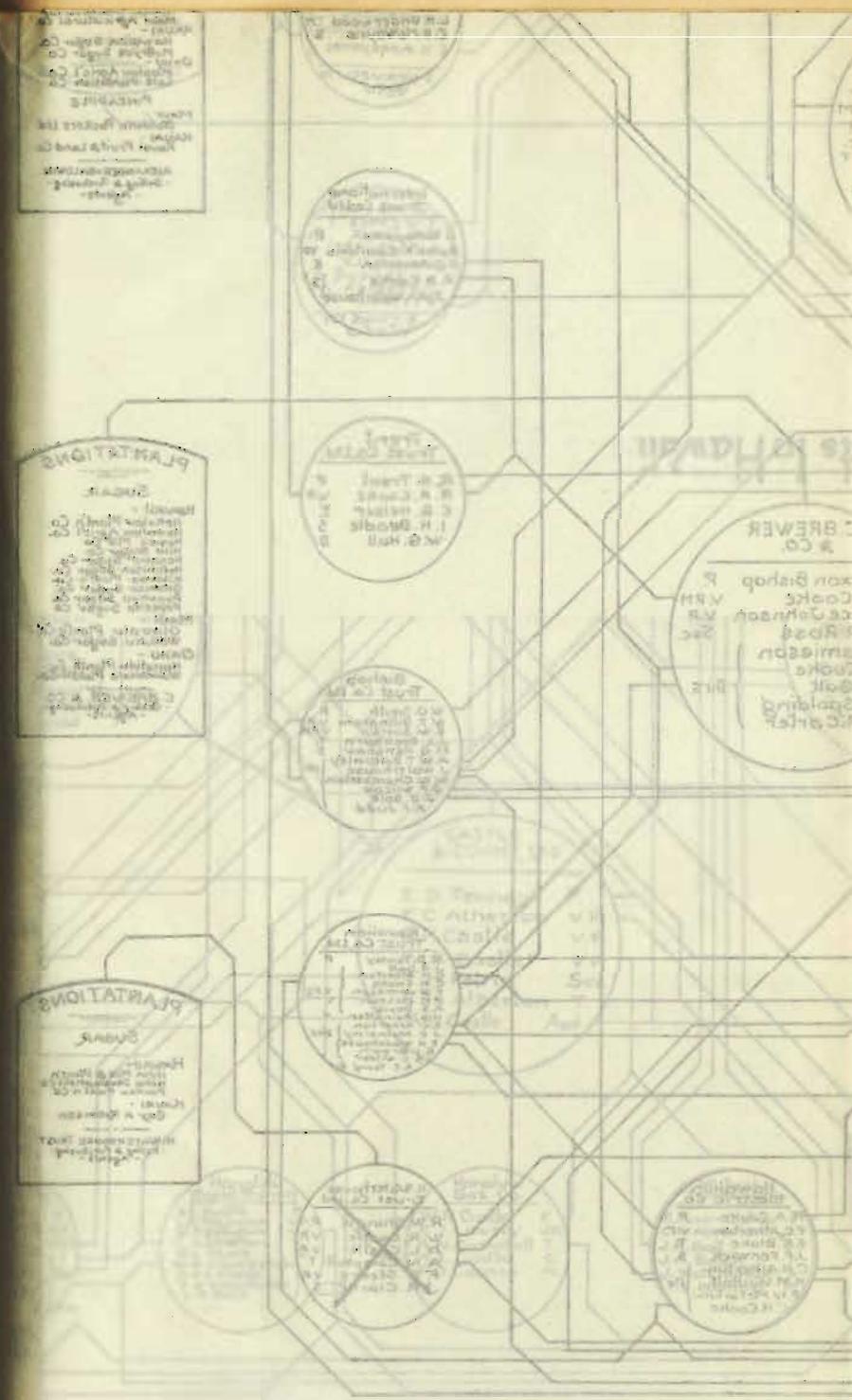
VI. Suggested changes and conclusion.

1. Is present system satisfactory and does it work satisfactorily?
2. Are requirements for parole and probation too lax?
3. Would any changes in present duties or personnel of prison board be helpful?
4. Further centralization of authority.
5. More thorough study of individual prisoner.

GENERAL

I. Army and Navy.

1. Opinions.
 - a. As to form of Government.
 - b. As to control of police.
 - c. As to extent of control over island demanded by consideration of national defense.
 - d. As to race problems.
 - e. As to sexual crimes.
 - f. As to participation of service men in vice, liquor crimes, and general lawlessness.
2. Jurisdiction of offenses committed by persons in military and naval services.
3. Regulation of conduct of officers, when off duty.
 - a. Discipline.
 - b. Effect on civilians.



II. Various high officials.

1. Governor.
 - a. Reputation.
 - b. Political set-up.
 - c. Business and social connections.
 - d. Character of appointments.
 - (1) List of these.
 - (2) Records.
 - e. Extent of control by legislature.
 - (1) On appointments and removals.
 - (2) Otherwise.
 - f. Should power be increased?
2. Attorney general.
 - a. Reputation, etc.
3. High sheriff.
 - a. Functions.
 - b. Relations with city police.
 - c. Reputation.
 - d. Political activity.
4. Legislative heads.
 - a. Of senate.
 - b. Of house.
5. City officials.

EXHIBIT NO. 7

Arrivals and departures of Filipinos from and to the Orient for calendar years

Years	Arrivals				Departures				Difference			
	Men	Women	Children	Total	Men	Women	Children	Total	Men	Women	Children	Total
1927.....	10,690	149	70	10,909	2,552	494	603	3,649	8,138	345	533	7,260
1928.....	11,507	187	132	11,826	3,592	433	679	4,704	7,915	246	547	7,122
1929.....	7,313	196	103	7,612	3,244	270	419	3,933	4,069	74	316	3,679
1930.....	7,143	193	140	7,476	3,044	247	310	3,601	4,099	54	170	3,875
1931.....	5,406	264	144	5,814	4,029	214	406	4,649	1,377	50	262	1,165

EXHIBIT NO. 8

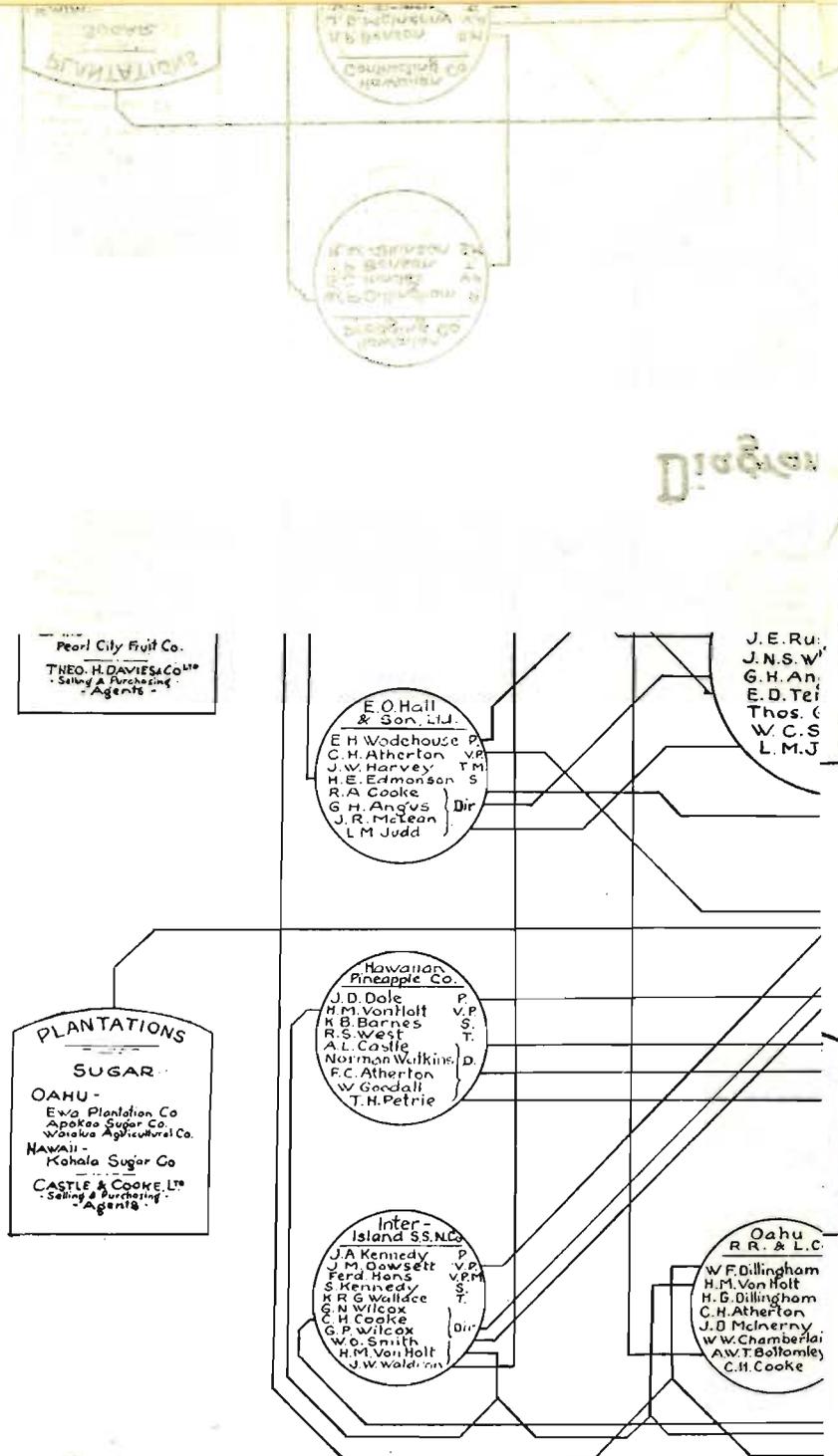
LABOR SUPPLY FOR HAWAIIAN SUGAR PLANTATIONS, WITH SPECIAL REFERENCE TO CITIZEN LABOR AND FILIPINO IMMIGRATION

Laborers in sufficient numbers to fill the requirements of the agricultural industries of Hawaii have not been available locally at any time since the inception of those industries and are not available locally in sufficient numbers to-day.

In 1882, when the predecessor of the Hawaiian Sugar Planters' Association was brought into being, the difficulty in securing enough laborers was one of the prime reasons which impelled the various units of the sugar industry to organize for cooperative action. The solution of the problem of labor supply has been at all times and is now one of the chief functions of the association.

In 1882 the population of these islands was about 72,000 persons, and 57,000 tons of sugar were produced from 23,000 acres of land, with about \$15,000,000 of invested capital in sugar companies. In 1931, with a population of about 370,000 people, this Territory produced about 990,000 tons of sugar from 135,000 acres, with an invested capital of \$160,000,000 in sugar companies. In addition, more than 10,000,000 cases of pineapples were grown and packed, and various other industrial activities, all requiring labor, were carried on.

All of this productive industry, which directly benefits every man, woman, and child in Hawaii, has been possible only because there have been sufficient hands to perform the necessary work in field and factory.



This Territory is isolated and can not draw on near-by sources of readily movable labor supply, as can communities on the mainland. Due to the shortage of local laborers, there have been in the past 75 years successive immigrations of laborers from other islands of the Pacific, from China, Europe, Japan, and for the past 20 years, from the Philippine Islands, which are still our source of supply. At various times there have been attempts, costly but unsuccessful, to induce a movement of field laborers from the mainland to Hawaii.

The sugar industry, which is now and for many years has been the largest employer in Hawaii, has naturally had to take the lead in all matters pertaining to labor supply. Other industries as they have grown up have depended upon drawing their employees from the sugar industry.

The following table shows the numbers of employees on Hawaiian sugar plantations for each of the past six years:

TABLE I.—*Employees on sugar plantations*

[From Hawaiian Sugar Planters' Association records]

Year	Total employees	Filipinos included in total employees	Year	Total employees	Filipinos included in total employees
1926.....	48,281	24,528	1929.....	53,587	33,707
1927.....	50,873	27,776	1930.....	53,304	34,081
1928.....	54,437	32,674	1931.....	53,960	34,333

The total number of employees and the number of Filipinos have both been approximately constant for the past three years. Since 1926 the total number of persons employed has increased by 5,679. The number of Filipino employees included in the total has increased during the same period by 9,805.

The decrease in employees in other classifications was therefore 4,126, the decline in the number of Japanese accounting for 3,461 out of this number.

The sugar industry employs directly one out of every three persons gainfully occupied in the Territory, as shown by the following figures:

TABLE II.—*Employees on sugar plantations in relation to total gainfully employed*

Total gainfully employed (from U. S. Census, 1930).....	154,270
Total employees on sugar plantations (from H. S. P. A. records, 1930)...	53,304
Employees on sugar plantations in per cent of total gainfully employed.....	34.3

There are no statistics available covering employment in the pineapple industry as a whole. However, the governor's advisory committee on education reported in 1931 (see their report, Appendix B, p. 19) that in 1930 there were 7,630 regular employees of pineapple companies in the entire Territory, and that seasonal employees temporarily engaged for picking and canning fruit brought the peak total to 20,474 persons. At that time (1930) it was estimated that in 1934 the pineapple industry would require 11,400 regular employees.

Since that time a recession in the market demand for canned pineapple has caused a sharp curtailment in the activities of pineapple companies with the lay-off of considerable numbers of men. Therefore, at the present moment, instead of an increased demand for workers, the reduction in numbers employed in the pineapple industry has created a temporary problem pending the absorption in other lines of work of former pineapple employees thus laid off.

When normal activities are resumed the pineapple industry will doubtless draw at an accentuated rate for a time upon employees in other lines of work, especially the sugar industry.

During the continuance of the unusual condition, hereinbefore set forth, the Hawaiian Sugar Planters' Association has ceased entirely bringing Filipinos to Hawaii and furthermore it holds out no promise of or encouragement toward employment on sugar plantations for any who are disposed to come through any other channels. This effectually stops the movement of any additional Filipinos to Hawaii pending the absorption of those now here, plus, as is always the case, the absorption of any local citizens seeking employment in occupations in which vacancies exist. When it becomes apparent that additional hands are

necessary, which will probably be in a few months, Filipinos will again come to Hawaii, but only in the numbers actually required to fill vacancies which can not be supplied locally. It has required careful development of methods and policies over many years to bring about the present advantageous status of control of the movement of Filipinos to and from Hawaii. Any legislative action to prohibit such movements because of consideration which, however, they may appeal to some of the Pacific Coast States, have no bearing whatever upon Hawaii, would inflict unwarranted hardship on this Territory.

Filipinos have come to Hawaii primarily for work as agricultural laborers. A comparison of statistics taken from the United States Census for the years 1920 and 1930 shows that the Filipinos, who have come to Hawaii in considerable numbers during the decade, have fulfilled that purpose, and have remained in the rural districts. The figures, taken from the reports of the United States Census, are as follows:

TABLE III.—*Population (U. S. Census)*

	1930			Total, 1920	Increase 1930 over 1920
	Total	Male	Female		
1. Total population, Territory of Hawaii.....	368,336	222,640	145,696	255,912	112,424
(a) Filipinos included in (1).....	63,052	52,566	10,486	21,031	42,021
2. Population, 21 years and over, entire Territory of Hawaii.....	192,802	129,292	63,510	139,700	53,102
(a) Filipinos included in (2).....	45,049	40,860	4,189	15,455	29,594
3. Total population, district of Honolulu.....	137,582	74,456	63,126	83,327	54,255
(a) Filipinos included in (3).....	4,776	3,337	1,439	2,113	2,663
4. Population, 21 years and over, district of Honolulu.....	69,811	39,964	29,847	45,649	24,162
(a) Filipinos included in (4).....	2,873	2,352	521	1,560	1,313

	1930	1920
Population of district of Honolulu in per cent of population of Territory.....	Per cent 37	Per cent 32
Population 21 years of age and over for district of Honolulu in per cent of population within same age limits for entire Territory.....	36	33

An increase of only 1,313 Filipinos of both sexes 21 years of age and over in the district of Honolulu during the decade, while the total population of that district within that age grouping increased by 24,162, could not have had any effect on economic or social conditions in the city.

During the same period Filipinos of both sexes 21 years of age and over in the entire Territory increased by 29,594, while the total population in that age grouping increased by 53,102. Since 28,281 of the Filipinos remained outside the city, the men doing necessary work for which local laborers were not available, it is apparent that every other resident of Hawaii has profited because these Filipinos have come here.

Filipinos have come only in the numbers required to fill vacancies which could not be filled from local sources.

Preference is always given to the employment of a local resident who is able and willing to do the work if such a person is available.

From 1920 to 1929 there was a period of unusual industrial activity and expansion, in Honolulu especially, but also to a certain extent in the entire Territory. The pineapple industry during those years accomplished a remarkable growth, trans-Pacific shipping increased considerably, bringing in its train the growth of various lines of business, and public and private building of all sorts was carried on at an unusual rate. All this unusual activity required considerable numbers of laborers, who were drawn principally from the workers on sugar plantations.

These intermittent employments carried pay at higher rates by the day or week than the steady, year-round employment on the sugar plantations, and, because the boom continued for several years, gave some of the laborers the impression of permanence in these new and attractive lines of work.

As workers left the ranks of the sugar-plantation employees, their places had to be filled, and, in field labor, they were filled by Filipinos, to the extent that local labor was not available.

Many of the other lines of work above referred to have suffered a marked restriction during the past two years, with consequent lay-off and discharge of employees. Many of those who left the sugar plantations a few years ago now see the advantages of steady, year-round employment, and also see that high pay by the day does not necessarily mean high earnings for a year.

The sugar industry, by restricting the numbers of incoming Filipinos, and by offering every reasonable inducement to local residents to enter or reenter plantation employment, is doing all it can to help in the solution of the economic and social problems which have thus come into being through a series of events for which the sugar industry has been in no way responsible.

Employment in the sugar industry has remained constant, as shown by the figures hereinbefore quoted. Many of the former employees of sugar plantations, who left to take up other lines of work as above outlined and who are now unemployed, have become so firmly rooted in a new environment that the problem of their readjustment is somewhat complex and is not solved by the willingness of the plantations to employ them if they desire to return and to do the work which is available.

There is in Hawaii relatively little of the acute unemployment from which many communities on the mainland are suffering. The events of the past two years have, however, brought about some unemployment and some economic and social maladjustment.

The sugar industry is quietly and effectively doing its full part in correcting and overcoming these conditions, for which it is not responsible. No fair-minded person could join with those ill-informed and misguided individuals or groups who are now attempting to place upon the sugar industry and Filipino immigration the blame and responsibility for every economic and social ill of Hawaii.

The annual labor turnover on sugar plantations for the past three years has been as follows:

TABLE IV.—Total turnover of employees on sugar plantations—Hawaiian Sugar Planters' Association figures

Year	Employees added to pay roll	Employees who left for all causes, including return home
1929.....	14,557	15,308
1930.....	14,833	13,693
1931.....	14,891	13,783
Average a year.....	14,770	14,260

A number of the employees added and dropped, of course, represent merely changes from one plantation to another.

HAWAIIAN SUGAR PLANTERS' ASSOCIATION

During the three years from 1929 to 1931, inclusive, the Hawaiian Sugar Planters' Association brought in an average of 6,491 Filipino men a year to replace an average of 5,080 Filipino men who left the Territory of Hawaii in each of those years, and, in addition, to furnish replacements, in excess of the number of employees locally available, which were required because of deaths, retirement, and all other causes in the various industries of the islands.

The foregoing figures show that the turnover and numbers of employees on sugar plantations have been approximately constant during the past three years. There are no figures available for the turnover in other industries in the Territory.

Filipinos who have come into the Territory have not had any harmful effect upon employment of local residents. This is illustrated by the census figures for persons gainfully employed, the male population, and the numbers in attendance at schools. These data from the United States census are as follows:

TABLE V.—Persons gainfully employed

[Figures from U. S. Census]

	1930 Census			1920 Census		
	Total	Male	Female	Total	Male	Female
Total population.....	368,336	222,640	145,696	255,912	151,146	104,766
Gainful workers.....	154,270	136,460	17,810	111,882	97,619	14,263
Per cent of total population.....	41.9	61.3	12.2	43.7	64.6	13.6

TABLE VI.—Males gainfully employed

[Figures from United States Census]

Males gainfully employed, 1930.....	136,460
Males gainfully employed, 1920.....	97,619
Increase in 10 years.....	38,841

TABLE VII.—Male population (United States Census)

	Total	Filipino	All other
Males 20 years and over:			
1930.....	135,657	43,623	92,034
1920.....	93,364	14,301	79,063
Increase in 10 years.....	42,293	29,322	12,971

TABLE VIII.—Population in school (United States Census)

	1930 Census			1920 Census		
	Total	Male	Female	Total	Male	Female
Total population, 5 to 20 years.....	127,354	68,818	58,536	77,662	41,128	36,534
Total in school, all ages.....	82,428	42,555	39,873	48,825	25,346	23,479
Total population, 14 to 20 years.....	48,989	29,089	19,891	29,464	16,504	12,960
Total in school, 14 years and over.....	22,519			11,513		

The foregoing data show that the small decrease from 1920 to 1930 in per cent of total population gainfully employed is offset by the larger percentage of persons in the upper age brackets (14 to 20 years) who are attending school.

Persons gainfully employed in the Territory, by general divisions of occupation, are shown as follows by the United States Census:

TABLE IX.—Persons gainfully employed by general divisions of occupation

Occupation	1930 census		1920 census	
	Number	Per cent of total	Number	Per cent of total
All occupations.....	154,270	100.00	111,882	100.00
Agriculture, forestry, and animal husbandry.....	65,692	42.58	56,244	50.30
Manufacturing and mechanical industries.....	21,028	13.64	18,194	16.20
Public service (general).....	21,387	13.87	6,282	5.60
Trade.....	13,141	8.52	7,343	6.50
Domestic and personal service.....	12,595	8.16	8,466	7.60
Transportation.....	10,780	6.98	7,781	7.00
Professional service.....	8,633	5.53	4,117	3.70
All other.....	1,114	.72	3,455	3.10

Agriculture is still the dominant industry, furnishing employment to 42 per cent of all those gainfully employed.

There is no element of cheap labor involved in Filipino immigration. The average earnings of all laborers on Hawaiian sugar plantations during 1930 was \$1.80 a day, before adding the "turnout bonus" of 10 per cent, making the average total earnings \$1.98 a day. These earnings are free and clear above perquisites of employment, which include housing for each laborer and his family, medical attention and hospitalization for each worker and all of his family, and fuel and water. The value of these perquisites has been placed at 50 cents a working day. Including this conservative valuation of perquisites, the real average earnings of laborers on Hawaiian sugar plantations become \$2.48 a day. These earnings may be compared with the average wages for all male farm laborers, without board, which were reported in the Yearbook of the United States Department of Agriculture for 1930, on page 1000, for the four quarters of 1929, as \$2.34 to \$2.46 per day, such figures covering all States in the Union.

Not only is the average real pay of laborers on Hawaiian sugar plantations higher than that of farm laborers on the mainland, but the laborer on a sugar plantation is assured of work on every working day of the year. There is no seasonal lay-off of sugar-plantation labor in Hawaii. Table 15, page 32, United States Bureau of Labor Statistics Bulletin No. 534, entitled "Labor Conditions in the Territory of Hawaii, 1929-30," gives total workings days a year for sugar plantations as 303, and in Table 14, page 26, it shows that a total of 101,115 persons reside on the sugar plantations of the Territory.

The same bulletin contains the following statement, on pages 13 and 14, under the heading of "Increase in output per man-day or man-year":

"The increase during recent years in output per man-day or per man-year throughout all the sugar plantations of Hawaii is remarkable. In so far as this increased production results from the improvement in types of sugarcane now grown over types formerly grown, it reaches even to the small growers or farmers who produce only a few acres of cane and sell such cane to the plantations having grinding mills.

"A plantation on the island of Oahu, with practically the same labor force, produced 40,000 tons of raw sugar in 1920 and 70,136 tons in 1929. This company in 1922 produced an average of 49.09 tons of cane per acre; in 1928 the average was 94.07 tons per acre, while on many of its separate fields the production was over 100 tons per acre. Measured in tons of 96° raw sugar, 6.68 tons per acre were produced in 1922 and 12.28 tons in 1928.

"Another plantation, on the island of Hawaii, increased its output of raw sugar from 6.7 tons per man-year in 1900 to 24.22 tons per man-year in 1920. This increase was due to several factors. Several years ago a pest or blight of some sort practically destroyed the sugarcane on the island. Since that time the Hawaiian Sugar Planters' Association has built up a remarkable laboratory for developing types of cane that will be more adapted to Hawaiian soil, more prolific in sugar content or yield, and more immune from pests.

"Machinery is used at every stage of production, beginning with the clearing of the ground. Plowing is now done with 4, 5, and 6 disk plows, arranged in tandem and drawn by 62-horsepower caterpillar tractors, which plow from 14 to 24 inches deep. The soil is thus put in a condition which would have been impossible formerly and at a great deal less expenditure of man power.

"Some of the more striking methods by which greater production has been secured with practically a stationary labor force are the greater use of much better fertilizers; the more systematic and extensive use of irrigation; the practice—quite general though not universal—of burning the blades from the lower part of the stalk instead of stripping it by hand, as formerly; the use of enormous cranes, each one of which, operated by two men, performs the work of 35 men, in loading the cane onto the cars for transportation to the grinding mill; and more efficient methods of laying tracks upon which these cars are conveyed to the mills.

"The Planters' Association has established a bureau which is constantly turning out minor labor-saving devices which in the aggregate do much to increase output of the labor force, if not actually reducing the force."

The average increase in output of sugar per man-day of labor has been about 45 per cent in the past 10 years, due to improved cane varieties, improved methods of culture and fertilization and improved machinery. The necessity for labor, in addition to that locally available, is, therefore, not due to any neglect of opportunities to improve the efficiency of operations on sugar plantations of Hawaii.

Mr. Allen W. T. Bottomley, in his address as retiring president of the Hawaiian Sugar Planters' Association in 1930, stated the case in regard to Filipino immigration and citizen labor with exceptional clarity, as follows:

"It is therefore my purpose to briefly outline the facts in connection with this matter, speaking as far as I may for the welfare of the Territory as a whole, as well as for the interests of the sugar industry.

"At the beginning I desire to say with all the emphasis that can be carried into a positive statement that there is no employer in the sugar industry, nor, I believe, in any other responsible and important industry of the Territory, who does not earnestly desire to employ citizens of Hawaii in preference to those who come from outside our boundaries, be they citizens of the United States, Filipinos, or aliens.

"With equal emphasis I assert that preference is and always will be given to the employment of citizen labor and present residents of our Territory over all others, such preference and employment being always subject to the suitability of those available for the tasks in question and to their readiness and willingness to undertake them.

"Again I state that no encouragement, assistance, or inducement is offered or given anyone, Filipinos included, to come to Hawaii unless and until there is a specific need for him and a job waiting for him which can not be filled from those available in Hawaii who are suitable for it and willing to undertake the work at the wage which can be paid.

"Further I state, and without fear of contradiction from any unbiased person who is willing to go into the facts, that there is no element of cheap labor involved in this question, as the plantation labor of the sugar industry is paid wages equivalent to or better than the earnings of labor of a similar grade elsewhere in the islands, and indeed these wages compare favorably with payments for agricultural work throughout the mainland of the United States.

"The Yearbook of the United States Department of Agriculture for 1930 shows, on page 1000, that the average wage for all male farm laborers, without board, for the four quarters of 1929 ranges from \$2.34 to \$2.46 per day, such figures covering all States in the Union.

"The average wage paid on Hawaiian sugar plantations for all male workers, including long-term contractors, short-term contractors, day laborers and every male laborer except salaried men, for the past year has been \$1.80 per day, exclusive of turnout bonus, and when you add the turnout bonus of 10 per cent, which we now pay, it brings the final figures to \$1.98 per day.

"As you all know, the workers on our sugar plantations receive, in addition to their wages of \$1.98 per day, housing for themselves and families, medical attention which includes hospitalization for the worker and all of his family, fuel, water, and continuous employment throughout the year.

"I challenge anyone, even the most critical, to question the statement that these perquisites and advantages are worth at least 50 cents a day to the worker, which brings the average wage paid to the laborers of the sugar plantations in Hawaii to a figure in excess of that received for farm labor on the mainland of the United States as shown by Government statistics.

"Labor in the pineapple industry is similarly compensated with earnings which are approximately the same as on the sugar plantations.

"These facts are necessary to a proper understanding of our situation in Hawaii and to a review of the reasons why there can be no violent disturbance thereof without serious material harm to our Territory.

"In 1920 our sugar crop was 556,871 tons. The year just closed shows a production of about 930,000 tons. In 1920 our pineapple crop was 5,986,982 cases, while the estimates for 1930, based on actual results for most of this year, are in excess of 12,000,000 cases. There are no concrete figures for other industries which can be quoted to show as clearly the increase in the volume of work, for increase in output means increase in work done; but all of us are familiar with the steady progress which has taken place in the commercial production of our Territory, while those who have analyzed the steadily increasing tax payments are thoroughly aware of the large and increasing amount of public work done over these years.

"This work has been accomplished only by the employment in one capacity or another of all of the man power of our community, which, being totally inadequate to take care of this increasing work, has been supplemented by the only extra man power available, namely, Filipinos. Without the addition of these Filipinos to our working force it would not have been possible for the

citizens of this Territory to have practically doubled the amount of sugar produced, to have increased the pineapple production twice over, to have continued their other industrial tasks, and to have carried on and paid for the rising costs of government, involving, as these do, not only the tremendous capital expenditures for improvements but the increasing costs of schools, public institutions, and diverse governmental functions, all of which combine to give employment to our citizenship and make civic life prosperous and happy.

"It has only been by skill in management, combined with security labor sufficient to do the necessary work, that the sugar industry has been able to increase its volume of output year by year and thus lessen the cost of production so that it could compete with the other sugar-producing countries which sell their crops in our market, namely, the United States. If we had been unable to decrease our costs in order to meet this competition, we would now be in a state of chaotic depression, if indeed we had been able to survive at all.

"During the period which I have dealt with—namely, from 1920 to 1930—all of our resident population who desired to do so were employed—were working—and all of the supplemental labor—Filipinos—were likewise working; and our arrangements are such that as soon as a surplus of labor appears in the Territory it is immediately corrected by reducing the number of Filipino laborers until the situation has been remedied."

Information in regard to the numerical distribution of employees of an irrigated sugar plantation, by occupations, and also in regard to labor turnover, may be of interest, and such information for the Oahu Sugar Co. (Ltd.), at Waipahu, island of Oahu, Territory of Hawaii, is as follows:

TABLE X.—Average distribution of employees by occupation on an irrigated sugar plantation

	Number	Per cent of total
Field work, automotive department, railroad and experimental department.....	2,355	77.6
Factory, electrical department, laboratory and machine shops.....	290	9.6
Pump department.....	113	3.7
Carpenter department.....	84	2.7
Blacksmith.....	12	.4
Civil engineer's department and mountain water system.....	98	3.2
Office.....	5	.2
All other.....	80	2.6
Grand total.....	3,037	100.0

TABLE XI.—Oahu Sugar Co. (Ltd.) turnover statistics, year 1931

At December 31, 1931, there were 3,006 employees, of whom 553, or 18.4 per cent, had been employed for less than one year and 2,453, or 81.6 per cent had been employed for one year or more.

Five hundred and eighty-six, or 19.5 per cent, of all employees are citizens.

There were newly employed during the year 201 citizens, of whom 36 left within the year, making a net gain of 165 citizens during the year.

Total departures for all causes during the year were 700, of whom 618 were men.

The departures of men were for the following reasons:

Returned to Philippine Islands through Hawaiian Sugar Planters' Association.....	203
Died during year from all causes.....	15
Not working account chronic sickness.....	22
Total nonturnover departures.....	237
Turnover departures.....	381
Total.....	618

Departures of women are not significant because many of them are members of families of male employees and work only during parts of the year.

Of the total 700 departures 568, or 81.1 per cent, were from field gangs and long-term cultivation contracts.

Of the 201 citizens newly employed 148, or 73.6 per cent, were placed in field gangs and long-term cultivation contracts.

This left 420 replacements in field gangs and long-term contracts, or 74 per cent of all replacements in these occupations, to be made from other than citizen applicants.

Preference in employment is always given to a qualified local citizen who is ready to undertake the job which is to be filled. There has been a marked improvement in recent years in the numbers of local citizens who have entered plantation work, but such potential local employees are markedly inadequate in terms of the total numbers required for annual replacements in our labor forces.

About 8,000 persons leave school in Hawaii each year, and about 4,000 of them are males. If 60 per cent of the males should decide to enter plantation work (a proportion which has never yet been approached), there would be 2,400 recruits a year, a number entirely inadequate under present conditions as shown by data hereinbefore set forth.

If the larger number of local citizens in the younger age groups, as shown by the census, who are growing up to working age, should effect a reduction in absolute turnover of labor in the Territory, and if no unusual events should intervene, it may be that 5 or 10 years hence our requirement for labor from outside sources may be greatly diminished. However, that condition is still a matter of the future.

The following is an extract from a report on the subject of the employment of citizen labor by the Oahu Sugar Co. (Ltd.), which was written in December, 1931:

"There are doubtless a number of factors which have tended to improve conditions regarding employment of citizens. Some of these are as follows:

"1. Gradual improvement in attitude toward plantation field work on the part of parents and boys.

"2. More local boys growing up to working age.

"3. Saturation of various types of employment in Honolulu which were regarded as socially preferable to plantation work.

"4. Wide application of piece-work system to field work.

"5. Emphasis on improved living conditions and reasonable community life on plantation.

"6. Year-round employment with opportunity to make good earnings.

"7. General policies and the interest which has been taken by a number of the men in our operating staff in encouraging citizen labor.

"8. The development of methods of training boys for field work and helping them through the transition period from school to work.

"You are familiar with the developments under all of these points, but a brief statement in regard to item 8 may be of interest. About 18 months ago we organized a citizens' training gang for field work made up of boys, mostly local, who were finished with school, ranging from 16 to 18 years of age. They work as a regular piece-work field gang at the usual piece-work rates, sharing the gang earnings on the regular group piece-work system. It is necessary to have a luna who will take an interest in the proper training of the boys, and who will deal with them fairly but without mollycoddling. After a suitable period in this gang they go out into cultivation contracts or regular field piece work gangs. After such training a boy goes into a regular gang knowing how to handle a hoe, pick, shovel, or fertilizer gun, etc., knowing how to work, and able to hold up his end of the work and group earnings with the men in the gang. We believe that with this method of training there is a marked improvement in the morale of boys starting work and also in their chances of finding a reasonable contentment in their work and staying with it. This training gang is made up mostly of local boys, although we are now getting a few boys from Honolulu. I believe that there may be a gradual increase in the number of Honolulu boys seeking work on plantations, but I believe that it would be a mistake for a plantation, or the association as a whole, to attempt to rush any such movement.

"We, of course, operate the usual apprentice training in the shops, etc.
 "There are a few general policies in dealing with citizen labor which are of special importance. A qualified citizen employee should always be given preference when there is a vacancy in any 'prestige job' or an opportunity for promotion. A boy should not be kept on a boy bango and the differential boy rate any longer than necessary. As soon as he is able to earn it, he should be put on a man's share basis. It is important to find ways to help through the transition period from school to work the boy who is willing to work and do his part."

It is apparent from the information hereinbefore set forth that the supply of labor from local sources is insufficient for the needs of the agricultural industries of Hawaii. Labor has come in from other sources to meet this need, the Philippine Islands having supplied most of the requirements for the past 20 years. The numbers of Filipinos entering Hawaii have been limited to those necessary to supplement the local supply of labor, so that local citizens have not been displaced from employment thereby. There is no element of cheap labor involved in Filipino immigration to Hawaii. Every reasonable preference is given to local citizens for employment on plantations. Because the numbers of local laborers available for employment are insufficient, it will be necessary to continue to bring in labor from outside sources for some years to come. Immigration of Filipinos to Hawaii should therefore be continued by exemption of Hawaii from any prohibition of Filipino immigration to the mainland of the United States if such legislation should be enacted.

If the movement of Filipinos to and from Hawaii should be stopped by congressional action, it would be necessary to draw from Porto Rico the laborers in excess of the numbers who are available locally. This we are reluctant to do, because Porto Ricans have been previously brought here, and experience has taught us that, from a social viewpoint, they are among the least desirable of the many races now living here.

Porto Ricans would be subject to what they would consider to be the attractive features of life in the larger cities on the Pacific coast of the mainland and these attractions would be apart from any economic considerations. Their civil status is such that they could move readily from Hawaii to the mainland, there to add to the difficulties of a labor and racial situation which is already sufficiently complex.

If, however, the movement of Filipinos should be prohibited, the business interests who represent many thousands of Hawaiian and mainland stockholders would have no other recourse than to supplement the inadequate local supply of labor with Porto Ricans. The excessive cost of such a movement might very well force the abandonment of certain marginal plantations with consequent loss of employment to many skilled citizens and the loss of tax income to the Territory.

The problem facing the sugar plantations would then be the physical abandonment of many enterprises with the consequent economic distress in the Territory, or the importation of Porto Ricans with the consequent grave social problem. Those people who urge the stoppage of Filipino immigration probably do so with the thought only of the immediate results which they hope, as we believe, without foundation, will follow such action, and without taking into account the ultimate disaster which would be the inevitable consequence. Filipino immigration is under a well-organized control, and at the present time no immigration is being carried on and none will be under the present aggravated unemployment situation until need arises.

Those who are directly connected with the sugar industry yield to none in their sincere love for Hawaii; but their attitude toward Filipino immigration is based upon a long experience in the actual working of economic forces and upon their belief that the continuation of this immigration on its present basis will be to the advantage of every one in this Territory.

JOHN E. RUSSELL,

Acting President Hawaiian Sugar Planters' Association.

HONOLULU, HAWAII, March 10, 1932.

EXHIBIT NO. 9

(A) PAROLE AND FINAL DISCHARGE OF BENNIE AHAKUELO

This is the incident which the naval subcommittee of the United States House of Representatives referred to as the "pardon" by the Governor of Hawaii of a native athlete who had been tried and convicted shortly before of an offense "similar" to the Ala Moana assault.

Before outlining a statement of the facts concerning this case I would like to point out that the Hon. Albert M. Cristy, the judge who heard the evidence and imposed the sentences in this case, is a mainland man who is well known to Assistant United States Attorney General Sisson, holding degrees from Brown University and Harvard Law School, and is a brilliant lawyer who has occupied the bench for the last five years. He is a son of Rev. Albert Barnes Cristy, a Congregational minister for the past 50 years, having had his pastorates during that time in Berlin and Conway, Mass., Hudson and Cleveland, Ohio, and Albuquerque, N. Mex. For 15 years Judge Cristy's father was superintendent of the Anti-Saloon League of Rhode Island. Judge Cristy himself is a religious man, is married to a mainland woman, and is the father of four children, two girls and two boys.

The following statement of facts up to and including the sentences has been furnished by Judge Cristy, whose certification to the correctness thereof is later appended.

In 1929 six boys of the average age of about 18 years were charged with the rape of a Chinese girl in the Kauluwela School grounds in this city. The complaining witness was living at the time with her mother or aunt and had left home on the evening in question under the pretense that she was going to a club meeting. Instead of that she contacted one of the boys among these defendants and went with him to the Kauluwela School grounds, apparently for the purpose of having sexual intercourse with him. At the grounds the balance of the defendants appeared and, apparently, intercourse followed between the girl and all of the boys.

The suspicions of her mother or aunt were aroused by the girl's appearance upon her late return that evening, and persistent questioning by the aunt broke the girl's story that she had been to a club meeting, whereupon she charged that she had been raped.

The six boys were indicted for rape and five of them stood trial together, whereas the sixth, Bennie Ahakuelo, demanded a separate trial.

The jury was composed of 8 Caucasians, 1 Chinese, 2 Caucasian-Hawaiians, and 1 seven-eighths Caucasian and one-eighth Tahitian, all, of course, American citizens. It was as fine a panel as is available in any American community. One of the mixed-blood jurors was the son of the late Judge Edward Hore, a district magistrate for many years on this island, and another was a brother of Judge Walter H. Hayselden, a district magistrate on the island of Hawaii. After hearing the evidence, this jury refused to return a verdict of guilty as charged and returned a verdict for assault with intent to ravish, with a recommendation of leniency, requiring only two hours and a half of deliberation on the evidence to reach this conclusion.

All the evidence indicated the girl's willingness in the first place, and disclosed her freedom to leave the scene between the various acts, inasmuch as she was left entirely alone as each of the boys left her and returned to the rest for another one to take his turn. The sum and substance of the evidence showed nothing but multiple fornication, which the judge described at the time of sentence as "disgusting."

In imposing sentence, Judge Cristy dwelt primarily upon the nastiness and disgusting feature of the entire incident and imposed a minimum sentence of four months, which, with good behavior, would result in approximately three months' imprisonment, pointing this out as the maximum provided by statute for the crime of fornication. He imposed a maximum sentence of 15 years but from the bench recommended to the prison board paroles at the expiration of the minimum sentences if their conduct in prison were good.

The sixth defendant, Bennie Ahakuelo, later entered a plea of guilty to the lesser offense for which the other five had been convicted; even though, in the meantime, the complaining witness had returned to China and consequently made a conviction impossible had he chosen to stand by his plea of not guilty. He was given the same sentence as the other five.

The prison conduct of all six defendants was exemplary, and at the expiration of the minimums, less commutation for good conduct, the prison board, under the chairmanship of Marshall B. Henshaw (a mainland man holding a law degree from Stanford University, married to a white woman, and father of two children, and a vice president of the Bishop Trust Co. at Honolulu), recommended paroles after going thoroughly into the case with Judge Cristy and others. Some time later, and after a further investigation and personal interviews with the prisoners, I acted favorably upon the recommendation of the prison board and granted paroles.

Bennie Ahakuelo has never been pardoned, but on January 22, 1931, the warden of Oahu Prison, acting on the sponsorship of several estimable white citizens, including the chairman of the boxing committee of the local association of the Amateur Athletic Union of the United States, recommended to the prison board Ahakuelo's final discharge, which is in nowise a pardon. After investigation, and on February 9, the prison board approved this recommendation, and on February 25, after a further investigation, I approved and granted his final discharge.

The transcript of the preliminary hearing and of the court's remarks upon pronouncing sentence is available in the court records, and although the transcript of the testimony at the trial has never been written up it is still available in the record of the reporter's notes in that court.

STATEMENT OF JUDGE ALBERT M. CRISTY

I wish to certify to the correctness of the foregoing statement, in so far as it details the circumstances and evidence regarding the alleged rape, the trial, conviction, and sentencing of the five defendants who stood trial together, as well as the plea of guilty of Bennie Ahakuelo and his sentence.

To my mind, it is unthinkable to consider this case as in any way similar to Ala Moana case. This was clearly a case of disgusting fornication only, and the minimum sentence was commensurate with the crime disclosed at the trial.

ALBERT M. CRISTY,
Judge, Circuit Court, First Judicial Circuit,
Territory of Hawaii.

EXHIBIT NO. 10

MEMORANDUM TO MR. SETH RICHARDSON, FEBRUARY 25, 1932

1. Amount of land in cane as of September 30, 1931, 251,533.07 acres.
2. Tons of sugar produced, 1931 crop year, from 137,037.37 acres cropped, 988,611.773 tons.
3. Value of crop produced, \$65,916,679.
4. Number of Filipinos on sugar plantations:

Filipino men other than those on monthly basis on pay rolls, December, 1931	34,401
Total Filipino men on pay rolls December, 1931	34,542
Total Filipino element on plantations (this figure is as of June 30, 1931)	43,648

5. Nature of wage agreements and approximate percentage of work performed under varying forms of wage agreements. See attached pamphlet entitled "Piecework," by E. W. Greene.
6. Approximate amount of land under long-term contracts, which term is defined as the agreement to cultivate cane land from plant or start of ratoon to the maturity of cane. Unable to furnish this figure.

7. Value of principal articles of exports produced in 1931:

Exports from Hawaii for calendar year 1931

[From collector of customs]

	Pounds	Value
To mainland:		
Refined sugar	26,137,906	\$939,970
Raw sugar	1,915,791,016	59,625,306
Canned pineapples	484,276,079	35,341,062
Coffee	6,636,658	1,066,872
To foreign countries:		
Canned pineapples	8,286,280	610,747
Green coffee	1,524,850	239,364
Roasted coffee	89,862	14,705

8. Crops of sugar and pineapple produced from 1922 to December 31, 1931, showing labor employed in sugar industry, with departures and arrivals of Filipinos during this period. This information is given you by years and is, we think, significant:

	Tons of sugar	Male labor employed other than those on monthly basis		Cases of pineapples	Filipinos	
		All nationalities	Filipinos		Departures, male	Arrivals, male
1922	609,077	41,491	18,235	4,770,239	1,463	7,446
1923	545,696	38,829	20,396	5,895,747	2,500	4,681
1924	701,433	37,048	19,271	6,825,904	3,311	7,793
1925	776,072	41,667	24,395	8,728,680	3,155	7,767
1926	787,246	41,099	25,059	8,939,590	5,103	4,299
1927	811,333	41,452	26,939	8,879,262	5,029	10,690
1928	904,040	45,221	31,811	8,663,056	5,337	11,607
1929	913,670	46,196	33,618	9,211,376	5,810	7,313
1930	924,463	45,929	33,763	12,672,296	4,891	7,143
1931	993,787	46,414	34,157	12,726,291	4,315	5,406

(Statement of Pineapple Packers' Association re Filipino labor.)

Labor employed by pineapple companies is not available as no records are kept. We could, if necessary, supply certain information relative to days worked, but do not believe that such information would be of much use, as it could not very well be compared with men on plantation pay rolls or with arrivals and departures.

EXHIBIT NO. 11

THE HAWAIIAN ISLANDS

The Hawaiian Islands are primarily a defensive outpost, or spearhead, lying 2,100 miles to the westward of the United States mainland in the Pacific Ocean, and in the event of war in the Pacific would constitute a vitally important naval operating base without the support of which the United States Fleet could not operate to the westward thereof except with great difficulty and danger.

The island of Oahu in particular, because of its armament, constitutes a fortress island of great national importance. The other islands of this group are also important, but to a lesser degree, and they will have to be denied to an enemy endeavoring to attack Oahu.

The conditions in all these islands are a vital concern of the whole people of the United States as well as of the National Government. May it not be stated as fundamental that the rights of any group of people in such a locality must of necessity be subordinated to the national interests in order that the exercise of such rights may in no way weaken the control a national government must have over important strategical military positions? This is true in both peace and war.

If these islands were populated, as are the States of our Union, by American citizens, comprised in large measure of the Caucasian race, their allegiance and loyalty to the welfare of the whole Nation might not be questioned. But the fact of several claimed unassimilable races predominating in the civil population gives to the situation here a decided element of doubt, if not of actual alarm. We can not disregard this fact through sentimental or altruistic ideas. The safety of the United States is far too important for us to close our eyes and refuse to appreciate the importance of this fact in the military problem in these islands.

The mission of the Navy here is of a rather complex nature. A large amount of money has already been expended in the development of Pearl Harbor as a base for the fleet. There exist in this vicinity a large quantity of valuable war material, such as fuel oil for the fleet; mines and ammunition, and stores of all kinds. The structures completed or building include dry dock, marine railway, piers, slips, shops, storehouses, hangars, radio stations, etc., aggregating a very sizeable outlay of money by the United States Government, and constitute only part of the necessary preparedness for a possible war in the Pacific. This material, and in addition, our internal and external lines of communication, our water supply, etc., are all practically unprotected from local sabotage.

There are based at Pearl Harbor warships assigned for the naval protection of the Hawaiian Islands. The personnel of the naval base and of the ships based thereon aggregate about 4,500 officers and men. Accommodations for the personnel on the naval reservation are far from adequate and the families are mostly required to live in the city of Honolulu and environs. The Navy's interest lies in the preservation of the above-described naval property as a primary concern, but it is also vitally interested in the living conditions, the safety and morale, and the healthful enjoyment of its personnel.

The acute threat of sabotage or of anti-American actions by hostile elements of the local population prior to or during a war is a danger that would weaken the defense of the islands to an extent scarcely appreciated in time of peace. It is well known that the military stationed here are barely adequate to permit the complete manning of all elements of the defense. They would be inadequate to control at the same time a probably hostile element in the population. They might find themselves fighting on two fronts at the same time.

The large number of aliens in the Hawaiian Islands is a matter of grave concern to our National Government, and years of study by civilian, military, and naval authorities, of the probable attitude of certain of the island-born orientals has led to the conclusion that but doubtful reliance can be placed upon their loyalty to the United States in the event of war with an oriental power. The presence of oriental-language newspapers, of Buddhist temples, of oriental schools, of oriental organizations for various purposes, are indicative of the methods by which many of the island-born orientals are being educated to consider themselves primarily subordinate to the country of their racial origin, and tends to lessen to a considerable degree the so-called ties that might bind them to America.

Furthermore, racial feelings are strong amongst all oriental races, and there can be little doubt but that the so-called dominant white race is cordially disliked by practically all of these races. No very great provocation would be required to cause these sparks of dislike to be fanned into active race hatred in time of war.

What is also disturbing is the intermixture of races that has been going on in the Hawaiian Islands for many years. Scientists have stated that these intermixtures tend to produce types of a lower moral and mental caliber than the pure-blooded types of each race, and this intermixture is increasing to an

extent that will tend to make each new generation of mixed bloods, with the continual introduction of a greater proportion of oriental blood, contain a majority of individuals of lower intellect and of increasing degeneracy.

The present system of self-government tends to increase the number of voters, and consequently of politicians and potential office-holders, from amongst racial mixtures, bred for centuries with ideas of government, of social and living standards, so diverse from our American ideals, that the social and political conditions in these islands will have a tendency to drift further and further from such ideals and thus make the islands more and more difficult of control in time of emergency.

There appears to be a tendency among those who have spent their lives in Hawaii to forget that the major importance of the Hawaiian Islands to the United States lies in their situation as an outpost in the Pacific and not in their agricultural or industrial wealth. Their value to the United States as a commercial port depends entirely upon their security. Some of the people seem to feel that their individual rights as citizens should not be subordinated to national security. Another element of discord, unfortunately, is a vague belief among a considerable number of the people that the Army and Navy here are an incumbrance that, except for their financial help, should be removed from the islands in any way possible.

It is true that ours is a democratic government under a constitution, and it is also true that one of our basic principles of government is against legislation without representation. But do we apply this axiom of government to our ships of war and to our military reservations?

When we come to a full realization of the vital value of the Hawaiian Islands to the United States it would appear that the only remedy that seems logical consists of some form of governmental control that will fit the situation as it actually exists now and not as we would like it to be. The situation here is unique throughout the world and requires remedies that, while foreign to our ideas of government for civil populations, will be probably the only ones practical under present conditions.

It may be that, in time, under drastic measures of education along American lines of thought, and the elimination of oriental thought, the characteristics of the people may be so changed that subsequent generations in the Hawaiian Islands would be capable of a complete measure of self-government with safety to the interests of the United States, but at the present moment it is believed that such characteristics do not generally exist, nor that the present tendencies are in that direction.

Present governmental control should be by men primarily of the Caucasian race, specially selected for the most important positions in the government of the islands; by men who are not imbued too deeply with the peculiar atmosphere of the islands or with the predominance of interfamily connections; by men without preconceived ideas of the value and success of the melting-pot. While there may be no real objection to a considerable measure of self-government in purely civil and local affairs, the actual control of the laws, their inception, promulgation, and enforcement should be by the National Government.

Should the logic of the situation decide for a government of limited suffrage with a considerable measure of control by the National Government, the constitution of such controlling government, while predominantly civilian, should include an officer of the United States Army and an officer of the United States Navy, specially selected, for the fact must not be lost sight of that the Hawaiian Islands are primarily a national concern, a fortress of vital importance to the United States as a whole, and the advice of these military and naval officers in the government would be of value in deciding questions of relative civil and military importance.

The present moment seems opportune to bring about such changes as logic and necessity seem to indicate, for any considerable delay in providing for the Hawaiian Islands the form of government best suited to their vital military value and importance to the United States may tend to increase the difficulties to be encountered in such change and may, in fact, make such change impossible due to danger of foreign complications.

The above statement given to Mr. Seth W. Richardson by Admiral Yates Stirling, Jr., March 11, 1932.

EXHIBIT NO. 12

TABLE NO. I.—Convictions as to individuals from January 1, 1922, to December 31, 1931, for the Territory of Hawaii

	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	Total
Assault with intent to ravish.....	4	7	3	2	2	2	2	9	6	2	39
Burglary, first and second degree.....	41	46	37	68	76	49	46	30	67	45	505
Carnal abuse of a female under 12.....	2	4	2	2	4	3	2	4	3	1	27
Embezzlement.....	13	15	17	5	6	14	22	5	6	1	104
Larceny, first and second degree.....	50	60	36	37	62	48	47	66	59	79	544
Manslaughter.....	4	1	5	7	3	6	3	5	6	6	45
Murder, first degree.....	2	4	1	1	0	4	2	2	0	2	18
Murder, second degree.....	2	14	10	10	8	8	7	9	4	2	74
Rape.....	1	9	1	1	2	0	1	4	3	0	22
Robbery, first and second degree.....	7	17	3	6	8	13	1	6	15	8	84
Sexual intercourse with a female under 16.....	16	7	13	13	16	30	28	41	30	26	220

EXHIBIT NO. 13

TABLE NO. II.—Convictions as to individuals from January 1, 1922, to December 31, 1931, for the city and county of Honolulu

	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	Total
Assault with intent to ravish.....	3	4	1	2	0	1	1	8	3	1	24
Burglary, first and second degree.....	19	32	29	59	54	38	34	18	54	29	366
Carnal abuse of a female under 12.....	0	0	1	2	2	2	0	1	2	0	10
Embezzlement.....	7	7	7	0	4	7	16	2	4	1	55
Larceny, first and second degree.....	12	22	4	2	18	13	9	22	14	9	125
Manslaughter.....	1	0	3	3	2	3	2	3	3	5	25
Murder, first degree.....	1	3	0	0	0	0	1	0	0	0	5
Murder, second degree.....	1	10	4	8	4	6	3	6	2	0	44
Rape.....	1	9	0	0	2	0	1	3	3	0	19
Robbery, first and second degree.....	6	16	3	6	7	13	1	6	15	8	81
Sexual intercourse with a female under 16.....	6	3	12	8	4	6	14	18	16	13	109

EXHIBIT NO. 14

TABLE NO. IV.—Convictions as to individuals from January 1, 1922, to December 31, 1931, for the county of Hawaii

	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	Total
Assault with intent to ravish.....	0	2	1	0	1	1	1	1	1	0	8
Burglary, first and second degree.....	9	12	2	7	8	7	11	11	9	15	91
Carnal abuse of a female under 12.....	2	3	0	0	2	1	0	3	0	0	11
Embezzlement.....	1	2	4	1	0	1	4	0	0	0	13
Larceny, first and second degree.....	1	5	0	1	4	1	1	2	2	4	21
Manslaughter.....	2	1	1	0	1	1	0	0	1	0	7
Murder, first degree.....	1	1	1	1	0	2	1	2	0	2	11
Murder, second degree.....	0	1	3	0	2	0	1	1	0	1	9
Rape.....	0	0	0	0	0	0	0	0	0	0	0
Robbery, first and second degree.....	0	1	0	0	1	0	0	0	0	0	2
Sexual intercourse with a female under 16.....	4	1	1	1	8	22	6	11	10	4	68

EXHIBIT NO. 15

TABLE NO. III.—Convictions as to individuals from January 1, 1922, to December 31, 1931, for the county of Maui

	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	Total
Assault with intent to ravish.....	0	0	0	0	0	0	0	0	2	1	3
Burglary, first and second degree.....	12	1	6	1	11	1	0	0	4	1	37
Carnal abuse of a female under 12.....	0	0	1	0	0	0	0	0	0	1	2
Embezzlement.....	4	4	5	4	2	6	2	2	2	0	31
Larceny, first and second degree.....	37	31	28	34	38	32	37	42	43	65	387
Manslaughter.....	1	0	0	0	0	2	0	2	1	1	7
Murder, first degree.....	0	0	0	0	0	0	0	0	0	0	0
Murder, second degree.....	1	3	3	0	2	2	3	2	2	1	19
Rape.....	0	0	1	0	0	0	0	1	0	0	2
Robbery, first and second degree.....	0	0	0	0	0	0	0	0	0	0	0
Sexual intercourse with a female under 16.....	4	2	0	3	3	2	4	12	1	0	31

EXHIBIT NO. 16

TABLE NO. V.—Convictions as to individuals from January 1, 1922, to December 31, 1931, for the county of Kauai

	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	Total
Assault with intent to ravish.....	1	1	1	0	1	0	0	0	0	0	4
Burglary, first and second degree.....	1	1	0	1	3	3	1	1	0	0	11
Carnal abuse of a female under 12.....	0	1	0	0	0	0	2	0	1	0	4
Embezzlement.....	1	2	1	0	0	0	0	1	0	0	5
Larceny, first and second degree.....	0	2	4	0	2	2	0	0	0	1	11
Manslaughter.....	0	0	1	4	0	0	1	0	0	0	6
Murder, first degree.....	0	0	0	0	0	2	0	0	0	0	2
Murder, second degree.....	0	0	0	2	0	0	0	0	0	0	2
Rape.....	0	0	0	1	0	0	0	0	0	0	1
Robbery, first and second degree.....	1	0	0	0	0	0	0	0	0	0	1
Sexual intercourse with a female under 16.....	2	1	0	1	1	0	4	0	3	9	21

EXHIBIT NO. 17

Criminal record—city and county attorney
JAMES F. GILLILAND, COUNTY ATTORNEY

Offense	Number of cases disposed	Convictions	Acquittals	Nolle-prossed	Transferred, stricken, or discharged	Cases pending
1931						
Adultery.....	2	1			1	
Abortion and manslaughter.....	1	1				
Assault with intent to ravish.....	4	1			3	7
Assault, being armed with a dangerous weapon with intent to murder.....						2
Assault and battery 1.....	46	18			4	25
Assault and battery with weapon 2.....	13	10			1	1
Burglary:						
First degree.....	19	18			1	4
First degree, attempted.....	1	1				
Second degree 2.....	5	5				1
Carrying concealed weapon.....	1					1
Conspiracy, first degree.....						6
Conspiracy and embezzlement.....						1
Election fraud.....	1	1			1	
Embezzlement.....	4	1				4
Extortion, second degree.....						1
Failure to render assistance.....	2	2				
Fraudulent conveyance of property.....	1					1
Forgery.....	1				1	

See footnotes at end of table.

Criminal record—city and county attorney—Continued

JAMES F. GILLILAND, COUNTY ATTORNEY—Continued

Offense	Number of cases disposed	Convictions	Acquittals	Nolle-prossed	Transferred, stricken, or discharged	Cases pending
1931						
Fishing rights	3	1		1	1	
Forgery and passing a forged writing	7	6	1			4
Forgery	3	3				1
Gambling, present at	5	1		4		
Going offensively armed	1	1				
Game law	2	2				
Impersonating a police officer	1	1				
Incest	3	2		1		
Indecent assault	2	1	1			1
Larceny:						
First degree	3	3				
Second degree	3	4				1
Malicious conversion	15	15				1
Malicious injury	1	1				1
Malicious burning:						
First degree	2	2				
Third degree, attempted	1	1				
Murder:						
First degree	2					2
Second degree	1					
Manslaughter	3	4	1	1		
National prohibition act	7	5			2	
Nonsupport	4	2		1		2
Obscene pictures	1					1
Profanity	1	1				
Perjury	3	2				
Possession of che-fa tickets	1	1				
Rape	1					1
Receiving stolen goods	1	1	1			1
Robbery:						
First degree	3	2				
Second degree	4	3				1
Seduction	1		1			
Sexual intercourse with a female under 16	16	14		2		3
Sodomy	6	3		3		
Soliciting	1			1		
Unlawfully selling stock	3	1		2		
Trespassing	2	2				
Traffic violations:						
Headless driving	12	5	1	2	4	1
Headless driving and driving while intoxicated	35	33		2		9
Headless driving; boulevard stop and driving while intoxicated	1	1				
Headless driving; boulevard stop; speeding and driving while intoxicated	3	3				
Headless driving; driving while intoxicated and driving without a license	5	5				
Driving while intoxicated	34	33		1		6
Driving while intoxicated and boulevard stop	1	1				
Driving without license	2	2				
Speeding	2	2				
Disobeying traffic officer's signal	1			1		
Driving heedlessly of the safety of others	2	1		1		
Failure to obey traffic officer	1			1		
Driving while license has been suspended	1	1				1
Deficient brakes						1
Using giant powder for fishing	1	1				
Vagrancy	1			1		
	315	232	11	33	39	69
1930						
Adultery	4		1	1	2	
Abortion	3	1			2	
Abortion and manslaughter	2		1		1	
Assault with intent to ravish	4	3			1	
Assault with intent to ravish a female under 12	1			1		
Assault with intent to maim or disfigure	1	1				
Assault being armed with weapon with intent to murder	4	3	1			
Assault and battery	31	26	1	2	2	
Assault and battery with weapon	15	13		1	1	

See footnotes at end of table.

Criminal record—city and county attorney—Continued

JAMES F. GILLILAND, COUNTY ATTORNEY—Continued

Offense	Number of cases disposed	Convictions	Acquittals	Nolle-prossed	Transferred, stricken, or discharged	Cases pending
1930						
Assault with weapon	1	1				
Assault and battery with weapon and assault with intent to commit robbery, first degree	1				1	
Adulteration of milk	1	1				
Affray	1	1				
Burglary:						
First degree	28	27		1		
Second degree	15	12	1		2	
First degree, attempt to commit	1	1				
Bunco game	2	2				
Being in house of ill fame	1	1				
Carnal abuse of female under 12	3	2		1		
Carrying concealed weapon	1	1				
Common prostitute	1	1				
Conspiracy:						
First degree	3	3				5
Third degree	1			1		
Conspiracy and embezzlement						2
Child stealing	2			2		
Disorderly house	2	2				
Driving without a license	4	4				
Drunkenness	1	1				
Embezzlement	11	4	1	4	2	5
Extortion, second degree	1	1				
Explosives, having in possession	1	1				
Failure to render assistance	1	1				
Fraudulently drawing on bank	1				1	
Fornication	1	1				
Forgery	9	7		2		
Forged writing, passing a	4	3		1		
Forgery and passing a forged writing	5	5				
Gambling game, conducting a	1		1			
Gambling, present at	4	3		1		
Going offensively armed	1	1				
Gross cheat	2	1		1		
Indecent assault	5	4		1		
Incest	1	1				
Impersonating a police officer	2	1		1		
Insufficient funds in bank	1	1				
Kidnaping	1			1		
Larceny:						
First degree	6	5		1		
Second degree	10	8			2	
Larceny, attempt to commit	1		1			
Malicious conversion	18	17			1	
Malicious injury	1	1				1
Murder:						
First degree	3					1
Second degree	2	1	1	1		
Manslaughter	3	4	1			
National prohibition act	28	15		10	3	3
Nonsupport and desertion	5	2		2	1	1
Opium, possession of	1	1				
Profanity	2	2				
Perjury	2	2				2
Polygamy	4	2		2		
Prostitution, maintaining house of	1			1		
Rape	4	1		2	1	
Robbery:						
First degree	9	7			2	
Second degree	3	2		1		1
Attempt to commit	2	2				
Seduction	1			1		
Sexual intercourse with a female under 16	19	17		1	1	4
Sodomy	3	3				
Suppression of evidence	1	3		1		
Soliciting	1			1		
Stock, unlawfully selling						1
Trespassing	1	1				

See footnotes at end of table.

Criminal record—city and county attorney—Continued

JAMES F. GILLILAND, COUNTY ATTORNEY—Continued

Offense	Number of cases disposed	Convictions	Acquittals	Nolle-prossed	Transferred, stricken, or discharged	Cases pending
1930						
Traffic violations:						
Heedless driving	18	10	1	6	1	1
Heedless driving, boulevard stop and driving while drunk	7	7				6
Speeding	3			1		
Driving while intoxicated	26	20	3	2	1	5
Boulevard stop	2	2				
Driving heedless of the safety of others	5	5				
Failure to obey traffic officer	1	1				
Failure to drive close to right of curb	1	1				
Vagrancy	9	7			1	
Violation section 3921, Revised Laws	2			2		
	391	290	14	57	30	39
1929						
Adultery	2			1	1	1
Abortion	2			2		1
Assault with intent to ravish	2	2				
Assault with intent to ravish female under 12 ^{1c}	2	2				
Assault on police officer	1	1				
Assault being armed with intent to murder						1
Assault and battery on police officer	1			1		
Assault and battery	37	23	2	10	2	4
Assault and battery with a weapon	21	18		2	1	5
Assault with weapon	1	1				
Bribery	1			1		
Burglary:						
First degree ¹¹	26	18		6	1	6
Second degree	5	4	1			4
Carnal abuse of female under 12 ^{12 13}	3	1				
Common nuisance	1	1				
Common prostitute	6	5			1	1
Conducting bunco game	4	4				
Conspiracy, first degree	4	2		2		
Disorderly house	4	2				
Depositing glass on highway	5	5				
Driving without a license	1	1				2
Drunkenness	5	5				
Embezzlement	7	2		5		1
Extortion, second degree, attempt at	3	2		1		1
Extortion	1	2			1	
Extortion, second degree						1
Extortion, second degree, and conspiracy, first degree	1			1		
Exposing self	2			2		
Failure to render assistance	1			1		
Fish act	2					3
Forgery	12	12				
Forged writing, passing a	7	7				
Gambling	3	3				
Gambling, present at	15	8		7		
Game law, violation	7	1		6		
Going offensively armed	3	2	1			
Gross cheat						1
Indecent assault ^{14 15}	3	5				2
Impersonating a police officer						2
Interfering with police officer	1			1		
Larceny, attempt to commit						1
Larceny:						
First degree	5	3		2		1
Second degree ¹¹	10	7	1	3		2
Loitering	2			1	1	
Malicious conversion	17	17				1
Manslaughter	3	2			1	
Murder:						
First degree ¹⁴	6		1	2		
Second degree ¹⁴		3				2
National prohibition act	12	11			1	
Procuring and pimping	1			1		
Profanity	1			1		
Perjury	3	2				

See footnotes at end of table.

Criminal record—city and county attorney—Continued

JAMES F. GILLILAND, COUNTY ATTORNEY—Continued

Offense	Number of cases disposed	Convictions	Acquittals	Nolle-prossed	Transferred, stricken, or discharged	Cases pending
1929						
Polygamy	1	1				2
Rape	6	4	1			2
Receiving stolen goods	1			1		
Robbery:						
First degree	3	2		1		4
Second degree	5	4				2
Reduction	1			1		1
Sexual intercourse with female under 16	27	25		2		
Trespassing	2	2				
Traffic violations:						
Heedless driving	29	24		4	1	5
Speeding	12	8	1	2	1	
Driving while intoxicated	33	25		6	2	6
Boulevard stop	5	3		2		1
Driving heedless of the safety of others	16	12			3	
Failure to travel to right of intersection	4	2		1	1	
Permitting unlicensed person to drive auto	1			1		
Turning without giving visible signal	1	1				
Parking on public highway	2	2				
Unlawful assembly	2			2		
Vagrancy	20	9		11		3
	430	300	8	104	18	72

- ¹ 1 case robbery, second degree, convicted of assault and battery.
- ¹ 1 case assault and battery with weapon convicted of assault and battery.
- ¹ 1 case burglary, second degree, convicted of receiving stolen goods.
- ¹ 1 case robbery, first degree, convicted of larceny, second degree.
- ¹ 1 case murder, second degree, convicted of manslaughter.
- ² 2 cases murder, first degree, convicted of manslaughter.
- ¹ 1 case manslaughter resulted in a mistrial; case nolle.
- ¹ 1 case rape resulted in a mistrial; case pending.
- ¹ Murder, first degree, convicted of murder, second degree.
- ¹⁰ 1 case, 1 defendant, assault with intent to ravish a female under 12, convicted of indecent assault.
- ¹¹ 1 case, 2 defendants, burglary, first degree, convicted of larceny, second degree.
- ¹² 1 case, 1 defendant, carnal abuse of female under 12, convicted of indecent assault.
- ¹³ 1 case, 1 defendant, carnal abuse of female under 12, convicted of assault with intent to ravish.
- ¹⁴ 3 cases, 3 defendants, murder, first degree, convicted of murder, second degree.

CHARLES S. DAVIS, CITY AND COUNTY ATTORNEY

Offense	Number of cases disposed	Number of defendants	Convictions	Acquittals	Nolle-prossed	Discharged	Cases pending
1928							
Adultery	3	6	2			4	1
Aiding the commission of fornication by a female child under 18 by parents, etc.	1	1		1			
Assault ^{1 2}			2				
Assault with intent to rob			2				
Assault with intent to ravish ³	2	2	1				
Assault on police officer	1	1	1				1
Assault and battery ⁴	42	42	34		13	2	10
Assault and battery with a weapon ⁵	30	31	18	1	3	1	5
Assault and battery on police officer	1	1			1		1
Bribery	3	5	3	1		1	1
Burglary:							
First degree	19	24	23		1		2
First-degree, and larceny, first-degree	1	2	2				
Second degree	10	12	11		1		1
Carrying a deadly weapon	2	2	2				
Common nuisance	2	2			1		1
Conducting bunco game	2	4	3		1		3
Conspiracy, first-degree	4	20		13	7		2
Contributing to delinquency of a minor	1	1				1	
Dentistry, practising without license	1	1	1				

See footnotes at end of table.

Criminal record—city and county attorney—Continued

CHARLES S. DAVIS, CITY AND COUNTY ATTORNEY—Continued

Offense	Number of cases disposed	Number of defendants	Convictions	Acquittals	Nolle prossed	Discharged	Cases pending
1928							
Disorderly house	2	2			1	1	4
Driving without a license	19	19	18		1		1
Embezzlement	18	18	16		1	1	4
Extortion, second-degree, and conspiracy, first-degree							1
Exposing self							1
Failure to render assistance	4	4	3			1	1
Fish act, violation	1	1	1				1
Forgery	2	2	2				1
Forgery and passing a forged writing	3	3	1	1		1	1
Forged writing, passing a							1
Fornication	2	2	2				2
Gambling	2	2	2				2
Gambling, present at	19	211	192		19		9
Game law, violation of							5
Going offensively armed	1	1			1		
Indecent assault	2	2	2				
Incest	1	1			1		
Interfering with police officer	4	4	3		1		
Larceny:							
First-degree ⁶	6	6	8			2	
Second-degree	1	1	1				
Maintaining house of prostitution	2	2	2				
Malicious conversion	24	36	28		6	2	
Malicious injury	1	1	1				
Manslaughter ⁷	2	2	2		1		2
Murder:							
First-degree ⁸	3	3	3				1
Second-degree	2	2	3		4		1
National prohibition act	8	9	5				3
Nonsupport	1	1			1		
Profanity	1	1			1		
Perjury	1	1			1		
Polygamy	1	1	1				1
Procuring and pimping							1
Procuring and pimping and conspiracy	2	4	2		2		
Rape	1	1	1				
Receiving stolen goods	2	2	1			1	
Robbery, second-degree ⁹	8	14	1		7		
Seduction	1	1			1		
Sexual intercourse with female under 16	15	15	14			1	3
Soliciting	1	1	1				
Sodomy	1	1			1		
Threatening	1	1				1	
Trespass	1	1	1				
Traffic violations:							
Headless driving	13	13	8		5		9
Speeding	14	14	14				9
Driving while intoxicated	5	5	3		2		9
Boulevard stop	3	3	3				1
Driving heedlessly of the safety of others	2	2	2				4
Failure to travel to right of intersection							1
Permitting unlicensed person to drive automobile	2	2	1		1		1
Unlawful assembly							1
Vagrancy	38	38	29		8	1	19
Total	367	613	479	17	99	18	119

1 case, 1 defendant, assault and battery with a weapon, convicted of assault.
 2 case, 1 defendant, assault and battery, convicted of assault.
 3 case, 1 defendant, assault with intent to ravish, convicted of assault and battery.
 4 case, 2 defendants, assault and battery, one appeal withdrawn in 1927, one conviction in 1928.
 5 cases, 7 defendants, assault and batter with a weapon, convicted of assault and battery.
 6 case, 4 defendants, robbery, second-degree, convicted of larceny, first-degree.
 7 case, 1 defendant, murder, first-degree, convicted of manslaughter.
 8 case, 1 defendant, murder, first-degree, convicted of murder, second-degree.
 9 2 cases, 2 defendants, robbery, second-degree, convicted of assault with intent to rob.

Criminal record for the year 1927—Charles S. Davis, city and county attorney

Offense	Number of cases disposed	Number of defendants	Cases pending	Convictions	Acquittals	Nolle prossed	Discharged	Appeal withdrawn
Adultery	4	6	1				6	
Assault				3				
Assault and battery ^{1,2}	49	52	7	34	5	15	1	5
Assault and battery with weapon ⁴	28	30	3	14	1	10		
Assault with weapon	1	1		1				
Assault with intent to murder	3	3		2			1	
Assault with intent to ravish a female under 12 ³	1	1						
Attempt to ravish a female under 16 ⁴				1				
Aiding commission of fornication by a female under 18	3	3		2			1	
Bond to keep the peace	1	1					1	
Bribery	1	3	1				3	
Burglary:								
First degree ⁷	22	40		33	1	2	1	
Second degree ⁸	6	6		5				
Carnal abuse of a female under 12 ⁹	7	7		2	1	3		
Carrying a deadly weapon	3	3		2		1		
Common nuisance	1	1				1		
Conspiracy:								
First degree	1	20			3	17		
Third degree	1	20					20	
Conspiracy, first degree; attempt to commit murder and assault with intent to murder ¹⁰	1	3				1		
Contributing to delinquency of a minor	1	1					1	
Criminal trespass	3	3		2		1		
Cruelty to animals	1	1				1		
Dentistry, practicing without license	2	2		1		1		
Disorderly house			1					
Disorderly person	2	2		1		1		
Driving without a license	19	19		16		3		
Embezzlement	37	37	2	7	1	28	1	
Extortion	1	1				1		
Failure to render assistance	2	3		1	2			
Fine regulations, violations	1	1						
Fish act, violation of	3	4		3		1		
Forgery	18	18		13		4	1	
Forgery and passing a forged writing	5	5		5				
Forged writing, passing a	12	12		7	1	4		
Fornication ⁶				1				
Fraudulently drawing on bank	5	5		4		1		
Gambling	11	80	1	6		74		
Gambling, present at	10	122	7	80		33		
Going offensively armed			1					
Gross cheat	8	8		1		7		
Indecent assault ¹¹	4	4		3			1	
Incest	3	4		2	1	1		
Intruding upon premises of a female boarding school	1	3						3
Kidnaping	1	1						1
Language school bill	3	3				3		
Larceny:								
First-degree ¹²	9	10	2	4		3	2	
Second-degree	12	15		9		5		2
Libel	2	13				13		
Maiming ¹³	1	1						
Malicious conversions ¹⁴	18	26	1	21	1	1		
Malicious burning	1	1			1			
Malicious burning and conspiracy ¹⁵	1	2					2	
Willful burning with intent to injure insurer	1	1					1	
Manslaughter ¹⁵	4	4	1	3		2		
Murder:								
First-degree ¹⁶	11	11	1		3	1	1	
Second-degree ¹⁵	1	1		6				
National prohibition act ¹⁷	51	51	2	12		39		
Perjury	5	5	1	4		1		
Polygamy	5	5		1		4		
Procuring and pimping	2	3		1		2		
Profanity	4	4			2	2		
Rape	2	2		2				
Receiving stolen goods			1					

See footnotes at end of table.

Criminal record for the year 1927—Charles S. Davis, city and county attorney—Continued

Offense	Number of cases disposed	Number of defendants	Cases pending	Convictions	Acquittals	Nolle-prossed	Discharged	Appeal withdrawn
Robbery:								
First-degree	4	13	1	8		5		
Second-degree	3	5	3	5				
Seduction	4	4			1	3		
Sexual intercourse with female under 16 ⁴	16	16	1	6	1	7		
Soliciting			1					
Traffic violations:								
Headless driving, sec. 412	50	50	3	15		32		3
Speeding, sec. 441	10	10		4	1	4		
Driving while intoxicated, sec. 432	20	20		13	1	4		2
Right of way, sec. 425	3	3		1		2		
Soliciting passengers at certain places, ordinance 232	1	1				1		
Vehicle turning out or changing course, sec. 425	1	1				1		
Boulevard stops, ordinances 294, 349	5	5	1	1		3		1
Failure to stop at intersection	1	1						1
Passing street car, sec. 426, as amended	1	1		1				
Passing to left of street car, sec. 415	1	1				1		
Failure to stop in order to allow passengers to be discharged, ordinance 265	1	1				1		
Exceeding speed limit, ordinance 350	4	4	1	1		3		
Rule of road driving along highways, sec. 414	1	1				1		
Traveling in wake of car, sec. 413	1	1		1				
Unlawful assembly			2					
Unlawfully inducing a female to practice prostitution ¹⁵	3	3		1			2	
Unlawful use of dynamite	1	1		1				
Vagrancy	22	23	3	17	1	4		1
Total	569	859	51	400	28	371	38	16

1 1 case, 1 defendant, assault and battery, found guilty of assault.
 2 1 case, 1 defendant, assault and battery with weapon, found guilty of assault.
 3 1 case, 2 defendants, assault and battery; 1 appeal withdrawn, 1 still pending.
 4 4 cases, 4 defendants, assault and battery with weapon, found guilty of assault and battery.
 5 1 case, 1 defendant, assault with intent to ravish female under 12, convicted of indecent assault.
 6 1 case, 1 defendant, sexual intercourse with a female under 16, convicted of fornication. 1 case, 1 defendant, sexual intercourse with a female under 16, convicted of attempt to ravish a female under 16.
 7 1 case, 2 defendants, burglary, first-degree; 1 defendant convicted in 1926. 1 case, 4 defendants, burglary, first-degree; 2 defendants convicted in 1926.
 8 1 case, 1 defendant, burglary, second-degree, convicted of assault and battery.
 9 1 case, 1 defendant, carnal abuse of female under 12, convicted of indecent assault.
 10 1 case, 3 defendants, conspiracy, first-degree, attempt to commit murder and assault with intent to murder; 2 convicted of assault and battery, 1 case nolle prossed.
 11 1 case, 1 defendant, indecent assault, convicted of assault. 1 case, 1 defendant, indecent assault, convicted of assault and battery.
 12 1 case, 1 defendant, larceny, first-degree, convicted of larceny, second-degree.
 13 1 case, 1 defendant, maiming, convicted of assault and battery.
 14 1 case, 4 defendants, malicious conversion; 3 defendants convicted in 1926.
 15 1 case, 1 defendant, murder, second-degree, convicted of manslaughter.
 16 6 cases, 6 defendants, murder, first-degree, convicted of murder, second-degree.
 17 32 cases, 32 defendants, national prohibition act, transferred to Federal court.
 18 3 cases, 1 defendant, unlawfully inducing female to practice prostitution; same defendants sentenced in Federal court.

Criminal record for the year 1926—Howard Hathaway, city and county attorney

Offense	Number of cases disposed	Number of defendants	Cases pending	Convictions	Acquittals	Nolle-prossed	Discharged
Assault ¹				1			
Assault and battery ¹	18	21	11	8	2	10	
Assault and battery with a weapon	6	8	9	3		5	
Assault with intent to murder	2	2	1	2			
Adultery	3	6	4	4		2	
Burglary:							
First degree ²	19	45	9	41		1	1
Second degree	9	16	1	13	1	2	
Carnal abuse of female under 12	3	3	4	2	1		
Carrying a deadly weapon	1		1	1			
Common nuisance			1				
Conducting a bunco game	1	1				1	
Contributing to delinquency of a minor			1				
Conspiracy, third degree	1	2		2			
Criminal trespass			1				
Cruelty to animals	1	1	1			1	
Driving without a license	5	5	1	4		1	
Embezzlement	7	7	24	4		3	
Extortion			1				
Failure to render assistance			1				
Fish act, violation of	1	1	2	1			
Fishing with explosives	1	1	1	1			
Forgery	22	22	4	20		2	
Forged writing, passing	30	30	2	26		4	
Fornication			1			2	
Fraudulently drawing on a bank	10	10		8		2	
Gambling	5	40	3	9		31	
Gambling, present at	1	3	1	3			
Gross cheat	2	2	8	1		1	
Indecent assault	1	1		1		1	
Incest			1				
Larceny:							
First degree ^{3,4}	12	18	4	15		1	
Second degree ^{3,4}	2	2	4	3			
Language school bill			3				
Language, profane			1				
Libel			2				
Lottery	1	1		1			
Maiming			1				
Malicious conversion ⁵	9	14	3	9		3	
Malicious injury	1	1				1	
Manslaughter ⁶	1	1	2	2	1		
Murder:							
First degree ⁷	6	6	2				1
Second degree ⁷	1	1		4			
National prohibition act	2	2	11	2			
Nonsupport	1	1				1	
Polygamy	1	1	2	1			
Rape	2	2		2			
Robbery:							
First degree	2	2	1	2			
Second degree	5	13	1	5	7	1	
Seduction	1	1	2			1	
Selling bay rum without license	7	8	4	4	1	2	
Sexual intercourse with female under 16 ⁸	4	4	2	2		2	
Stodomy	3	3		3			
Vagrancy			2				
Violation traffic ordinance:							
Sec. 441, speeding	12	12	2	9		3	
Sec. 412, headless driving	17	17	14	6	3	8	
Sec. 432, R. O., driving while intoxicated	11	11	2	8	2	1	
Sec. 419, R. O., crossing street to left	2	2		1		1	
Sec. 418, R. O., left-hand turn	1	1				1	
Sec. 432, R. O., right of way at crossing	1	1	2			1	
Sec. 425, R. O., vehicle turning out of course			1				
Sec. 426, R. O., passing standing street car	1	1		1			
Ordinance 232, soliciting passengers at certain places			1				
Ordinance 294, failure to stop	2	2				2	
Total	287	356	159	235	18	96	2

1 1 case, 1 defendant, assault and battery, found guilty of assault.
 2 1 case, 4 defendants, burglary, first degree, 2 convicted, cases against the other 2 defendants still pending.
 3 1 case, 2 defendants, larceny, first degree, 1 defendant convicted, case against 1 defendant still pending.
 4 1 case, 1 defendant, larceny, first degree, defendant convicted of larceny, second degree.
 5 1 case, 4 defendants, malicious conversion, case against 2 defendants, nolle, case against other 2 defendants still pending.
 6 1 case, 1 defendant, murder, first degree, defendant convicted of manslaughter; 1 case, 1 defendant, murder, second degree, defendant convicted of manslaughter.
 7 4 cases, 4 defendants, murder, first degree, convicted of murder, second degree.
 8 1 case, 1 defendant, sexual intercourse with a female under 16, found guilty of fornication.

EXHIBIT NO. 18

Consolidated total of sex crimes of violence in Honolulu in past five years

	1927	1928	1929	1930	1931	Totals
Rape.....	2	1	3	3	1	10
Assault with intent to ravish.....	0	2	2	4	11	19
Assault with intent to ravish female under 12 years.....	1	0	2	1	0	4
Carnal abuse of female under 12.....	7	0	3	3	0	13
Total.....	10	3	10	11	12	46

NOTE.—1 rape case and 7 assaults with intent to ravish were committed in 1931, but not indicted until 1932, and do not appear in the above table because reported for 1932.

Verdicts in total sex crimes of violence tried before juries in Honolulu

	1927		1928		1929		1930		1931	
	Acquit- ted	Con- victed								
Rape.....		1		1	1	7		3		
Assault with intent to ravish.....				1	1			3		1
Assault with intent to ravish female under 12 years.....										
Carnal abuse of female under 12.....	2	1								

NOTE.—82 per cent convictions.

EXHIBIT NO. 19

Sex cases of violence against white women

	1927	1928	1929	1930	1931	Total for 5 years
Rape.....			1	1 ²	1	4
Assault with intent to ravish.....					2	2
Assault with intent to ravish female under 12.....	1			1		2
Carnal abuse of female under 12.....	1					3
Total.....	2		1	2	3	9

¹ Complainant in first case is American; complainant in second case is Portuguese.

² Complainant in first case is Portuguese and is same complainant mentioned in 2 separate indictments; complainant in second case is American.

³ Complainant is Spanish-Caucasian.

EXHIBIT NO. 20

RAPE, YEAR 1927

Defendant: Isabello Gonzaga, Filipino.

Complainant: Benita Purisima, aged 16; Filipino.

Date of occurrence: February 7, 1927.

Location of occurrence: Aiea, Oahu.

Indicted: February 18, 1927.

Arraignment: February 19, 1927.

Plea: February 25, 1927, plea of autrefois convict and of former jeopardy entered.

Disposition: Plea of autrefois convict confessed.

Records show that defendant was charged with assault and battery in the district court of Ewa where he entered a plea of guilty and was fined \$50.

Remarks: No facts of the assault on file.

Defendant: Abe Santana, aged 19, Portuguese.

Complainant: Ruth Kua, aged 21, Hawaiian.

Date of occurrence: February 20, 1927.

Location of occurrence: Kahala, Honolulu.

Indicted: February 25, 1927.

Arraignment: February 26, 1927.

Plea: February 26, 1927, not guilty.

Disposition: April 1, 1927, trial begins. April 7, 1927, mistrial entered. May 11, 1927, second trial. Verdict: Guilty of assault with intent to ravish. Sentence: (May 14, 1927) 4 years 10 months to 5 years, plus \$1,000 fine to be worked out.

Remarks: Complainant met the defendant at a luau; they ate and danced at the party together, then went for a ride. Santana drove into a field of alfalfa where he punched complainant in the stomach and then assaulted her. Then he took her home. He wanted to marry her, but was refused. Complainant reported the matter to her sister and brother-in-law, who in turn reported the matter to the police. When arrested the defendant admitted having sexual intercourse with the complainant and admitted punching her; also that he was willing to marry her.

ASSAULT WITH INTENT TO RAVISH A FEMALE UNDER 12, YEAR 1927

Defendant: David Keumi, aged 20; Hawaiian.

Complainant: Dorothy Pell, aged 9; American.

Date of occurrence: August 4, 1927.

Location: Manoa Valley, Honolulu.

Indicted: August 19, 1927.

Arraigned: August 20, 1927.

Plea of guilty to indecent assault: August 20, 1927.

Sentence: 2 to 5 years to run concurrently with present sentence.

Note: Defendant was sentenced May 5, 1924, on a charge of indecent assault of from 1 to 5 years.

Remarks: Mr. Pell, father of Dorothy Pell, complainant, states defendant gave daughter four pennies and induced her to expose herself to him. Upon being refused, defendant attacked her, but became frightened when child cried and he ran away.

CARNAL ABUSE OF A FEMALE UNDER 12, YEAR 1927

Defendant: John D. Souza, Portuguese.

Complainant: Mary Miller, aged 5; Spanish-white.

Date of occurrence: October 20, 1926.

Location: Palolo Valley.

Indicted: October 22, 1926.

Arraigned: October 25, 1926.

Plea of not guilty: November 1, 1926.

First trial: December 15-21, 1926.

Mistrial (hung jury): December 21, 1926.

Second trial: April 12, 13, 18, 19, 20, 21, 1927.

Mistrial (hung jury): April 21, 1927.

Remarks: Complainant was sent to a corner store to make a purchase for her mother. The mother became alarmed over the length of time it took the child to perform the errand and went in search of her. She was informed by one who had seen Mary that the child had been picked up by a man by the name of Souza and that they had driven up the valley. The mother then procured an automobile and proceeded in the direction to which she believed they had gone. About half way she met her daughter on the road who told her of the assault committed upon her by a man, whose name she did not know. The mother then called the police who located Souza and Mary identified him as the man who had criminally abused her. Defense presented alibi.

Defendant: John D. Souza, Portuguese.

Complainant: Margaret Opilger, aged 6.

Date of occurrence: August 8, 1926.

Location: Place not mentioned.

Indicted: October 22, 1926.

Arraigned: October 25, 1926.

Plea of not guilty: November 1, 1926.

Case nol-prossed: June 21, 1927.

Reason: Two mistrials in another case.

Remarks: Between the hours of 12 and 1 o'clock on August 8, 1926, defendant picked up complainant and her 4-year old brother in his truck. According to the girl, he took them out into the hills somewhere, told the little boy to stay in the truck and asked the little girl to go with him to get mountain apples. He took her pants off, laid her down, and committed the offense of rape. Then he let the two children out of his truck at Ward and King Streets, where they were picked up and taken home, where the children were questioned by their parents, the girl telling her parents what had happened. The girl's dress was soiled. Upon examination of the girl by Doctor Faus no marks of penetration were visible.

Defendant: David Nalu, aged 30; Hawaiian.

Complainant: Ella Soong, aged 10; Korean.

Date of occurrence: December 19, 1926.

Location of occurrence: Kakaako.

Indicted: December 23, 1926.

Arraignment: December 24, 1926.

Plea: December 24, 1926; guilty.

Disposition: December 29, 1926, changed to plea of not guilty; January 10, 1927, change to plea of guilty of indecent assault.

Sentence: Not less than four years nor more than five.

Remarks: Ella Soorty is the step-daughter of David Nalu. She was 10 years old on the 7th of April, 1926. They live in Mai Block, room 4, Cooke and Queen Streets. On Sunday, December 10, Ella and her mother and father went to a luau on Private Lane near Halekauila Street. Her mother was at the luau helping, and she was at a neighbor's place taking care of the baby right next to where they were having the luau. After lunch, maybe about 3 o'clock, she is not sure, her father came and got her and told her to come home with him. He was drunk. He had been drinking all day. So she went home with him. When they got to their room, he locked the door. He told her to take off her bloomers and then he took off all his clothes but his undershirt. He made her lay down on the floor and then he laid on her. When he got through he turned over and went to sleep. Then she got up and put on her bloomers. Then a little while after she saw her mother coming home and she opened the door for her. She told her mother what had happened and they went to her aunt's place. Then the father came over and her mother and father had a fight on the street on account of what the father did to her.

Defendant: Kozaemon, aged 62; Japanese.

Complainant: Toshiye Nakagaki, aged 4; Japanese.

Date of occurrence: March 5, 1927.

Location of occurrence: Vineyard Street.

Indicted: March 18, 1927.

Arraignment: March 21, 1927.

Plea: March 21, 1927, not guilty.

Disposition: April 18, 1927, trial before jury; directed verdict of not guilty, complaining witness unable to qualify as witness.

Remarks: No facts on file.

Defendant: Gregorio Shario; Filipino.

Complainant: Felicidad Baran, aged 7; Filipino.

Date of occurrence: June 3, 1927.

Location of occurrence: 1542 Kalani Street.

Indicted: June 10, 1927.

Arraignment: June 13, 1927.

Disposition: June 21, 1927, nol-prosse entered.

Remarks: No facts on file with the exception of notation that after investigation by Special Investigator Lake and prosecuting attorney nol-prosse was entered because they were satisfied no conviction could be obtained; that the complainant admitted being told to make the false statement.

Defendant: John Quenone; Porto Rican.

Complainant: Carrie Ponce, aged 8; Porto Rican.

Date of occurrence: May 19, 1927.

Location of occurrence: Stable camp No. 242, Waipahu, Oahu.

Indicted: July 8, 1927.

Arraignment: July 9, 1927.

Plea: July 9, 1927, not guilty.

Disposition: July 22, 1927, tried before jury; verdict guilty; sentence, life imprisonment.

Remarks: No facts on file.

Defendant: Julian Acolda, aged 35; Filipino.

Complainant: Mele Daisy Brown, age 10; Hawaiian.

Date of occurrence: April 8, 1929.

Location of occurrence: Metcalf Street, Honolulu.

Indicted: April 17, 1929.

Arraignment: April 27, 1929.

Plea: April 27, 1929, not guilty.

Disposition: May 10, 1929, changed plea to guilty of indecent assault; sentence, 18 months to 5 years.

Remarks: Mother of complainant and defendant were living together as man and wife. One night, when Mrs. Brown was ill and was sleeping on the mattress on the floor, defendant and complainant slept on the bed. When the lights were out defendant took off complainant's pants and criminally assaulted her. Mother saw the act take place and reported the matter to the police. Complainant stated that defendant had had sexual intercourse with her several times before the last act took place.

Defendant: Clemente Kilala; Filipino.

Complainant: Consolation Marie Espinas; Filipino.

Date of occurrence: July 15, 1928.

Location of occurrence: Vineyard Street, home of defendant.

Indicted: November 6, 1929.

Arraignment: November 7, 1929.

Plea: November 7, 1929, guilty; sentence, life imprisonment.

Remarks: Defendant confessed to abusing the complaining witness on numerous occasions when she came to his home. At different times he would give her money, but at other times not. No further facts on file.

RAPE, YEAR 1928

Defendant: Manuel Vierra; Portuguese.

Complainant: Elvida Villanueva, age 45; Filipino.

Date of occurrence: May 6, 1928.

Location of occurrence: Kakaako.

Indicted: June 1, 1928.

Arraignment: June 2, 1928.

Plea: June 14, 1928, not guilty.

Disposition: June 14, 15, 1928, trial; verdict, guilty; sentence, 5 years to life.

Remarks: Complainant was on her way home from a store about 5.30 a. m. when defendant came up, grabbed her, knocked her down, punched her in the eye, tore off her bloomers, covered her face with her dress and assaulted her. Complainant recognized defendant as she had seen him around Kakaako district for six years. Defendant denied being there about that time, saying that he was with other boys that morning. The other boys all deny his being with them at that time.

ASSAULT WITH INTENT TO RAVISH, YEAR 1928

Defendant: Herbert Ho; Chinese.

Complainant: Rosie Kane, aged 18½; Hawaiian.

Date of occurrence: September 27, 1928.

Location: Alewa Heights.

Indicted: October 12, 1928.

Arraigned: October 15, 1928.

Plea of not guilty: October 20, 1928.

Trial: October 24, 1928, convicted of assault with intent to ravish on October 30, 1928.

Sentence: Six months to five years and fine \$1.

Remarks: Defendant in this case was a driver of a delivery car, who picked up complainant on the street and offered her a ride, to which she consented. He drove her up Alewa Heights and parked and it was there that complainant alleged that she was assaulted. Defendant denied having assaulted complainant.

Defendant: Rufino Benites, aged 32; Filipino.

Complainant: Mrs. Mary Kim, aged 39; Korean.

Date of occurrence: November 6, 1928.

Place of occurrence: Kukui Street, Honolulu.

Indicted: November 23, 1928.

Arraigned: November 24, 1928.

Plea of not guilty: November 24, 1928.

Trial: December 4, 1928, convicted of assault and battery.

Sentence: 60 days.

Remarks: Defendant in this case stated that he had no recollection of assaulting the complainant; that if he did, it was without his knowledge as he was drunk at the time. Complainant stated that through misrepresentation she was induced to go to defendant's room, where he forced her to drink a half pint of swipes and then stripped her of clothes and assaulted her, threatening her that if she reported the matter he would kill her. Both witnesses in case stated that when they located defendant and complainant in room, she was naked and under the influence of liquor.

RAPE, YEAR 1929

Defendant: James A. Boyd; part Hawaiian.

Complainant: Mrs. Wm. Crowell; part Hawaiian.

Date of occurrence: November 28, 1928.

Location of occurrence: Kamehameha School Dairy Road.

Indicted: January 1, 1929.

Arraignment: January 5, 1929.

Plea: January 5, 1929, not guilty.

Disposition: May 16, 1929, trial begins May 21, 1929, acquitted.

Remarks: Complainant was returning from a friend's house about 11.30 p. m. when defendant approached her and said that she was under arrest and that he was to take her to the police station. The defendant in this case was a sergeant of traffic in the police department. He drove her around for a while and then took her to a place in back of the Kamehameha School dairy, where he assaulted her. The act took place in the car. She stated that she fought and struck him several times but he was too strong for her. During the assault the defendant's elbow accidentally struck the horn of the auto, which attracted the attention of the watchman. Defendant and watchman had an argument, the defendant threatening to kill him. After the argument defendant drove the complainant back to the place where he picked her up. She did not report the matter until two days later, the reason being that the day following the assault was a holiday. She also stated that her body was bruised in several different places.

Defendants: Louis Malabey, aged 16, Portuguese; George Seals, alias George Silva, aged 16, Portuguese.

Complainant: Asahoa Mahata, aged 13; Japanese.

Indicted: November 8, 1929.

Arraignment: November 12, 1929.

Disposition: November 21, 1929, court transfers defendants to juvenile division; juvenile division, both committed to industrial school for term of minority; January 2, 1930, case dismissed by court.

Remarks: Defendants grabbed complainant while she was on her way to school, took her into the bushes, and assaulted her. Both defendants admitted they had sexual intercourse with her against her will.

Defendant: William Keao, aged 39; Hawaiian.

Complainant: Beatrice Forbes, aged 20; American.

Date of occurrence: April 6, 1929.

Location of occurrence: Mutual Telephone grounds off Ala Moana Road.

Indicted: April 4, 1929.

Arraignment: April 20, 1929.

Plea: April 20, 1929; not guilty.

Disposition: September 24, 1929; trial begins. September 27, 1929; verdict, guilty of rape.

Sentence: Not less than 5 years nor more than life.

Remarks: Complainant and her boy friend, Harold Lee, had been to the country. Returning to town about 10 p. m. or midnight, they parked their car beyond the pumping station on the Ala Moana Road. They sat talking when suddenly some one flashed a searchlight in their faces. Defendant stated that he had been watching them, that there were three of them and that he was going to turn them in. He then ordered them from the car. Lee asked them what they wanted and one of them said that they would not turn them in if he gave them \$5 apiece. Lee then left in his car to get some money. In the meantime complainant was taken by defendant a short distance away and then assaulted. Defendant threatened to hit her with a club if she yelled. Complainant was too frightened to talk. A short while after the assault, Lee returned with the money. Defendant took the money and ordered complainant and Lee to leave. After Lee started the car, complainant told Lee about the assault. The matter was then reported to the police.

Defendants: Edward Seki, aged 19, Japanese; Ben Ahakuelo, aged 18, Hawaiian; Charles On Tai, aged 21, Chinese-Hawaiian; Harry Baty, aged 16, part Hawaiian; Thomas Ohta, aged 19, Japanese; Henry Chang, aged 19, Chinese; Arthur Wong, aged 19, Chinese; Alfred Kilion, aged 29, Hawaiian.

Complainant: Rose Younge, aged 17; Chinese.

Date of occurrence: March 22, 1929.

Location of occurrence: Kauluwela school yard.

Indicted: April 10, 1929.

Arraignment: April 13, 1929.

Plea: April 13, 1929; not guilty.

Disposition: April 19, 1929; defendants, On Tai, Baty, Wong, Chang, and Kilion tried by jury.

Verdict: Guilty of assault with intent to ravish (April 23, 1929).

Sentence: Four months to five years (April 27, 1929).

April 27, 1929, Ahakuelo pleaded guilty to assault with intent to rape. Sentence, four months to five years.

October 8, 1929, case against Seki and On Tai nolle-prossed.

Remarks: Complainant was returning home from a meeting when near Pahala Lane she was grabbed from behind, gagged, punched and beaten, and dragged into the Kauluwela School grounds where her bloomers were torn off and where she was then assaulted. She stated that 13 boys assaulted her. After the assault she stated that she walked to Kalihi to her aunt's house.

According to statements of the boys, she went into the school grounds with Baty, one of the defendants, willingly. While Baty was attempting to assault her, some other boys came up and carried her to the rear of the schoolhouse where she was criminally assaulted by a number of boys. This case was not reported to the police until the 25th of March, 1929, when some boys in the vicinity of Rose's home began teasing her about the assault. She then reported the assault to her aunt, who in turn took the matter up with the police department.

Defendants: Noah Freitas, Portuguese; Napoleon Durant; Will Godwin, aged 22, Chinese-Hawaiian; Ernest Benson, aged 20; William Kawelo, aged 24, Hawaiian.

Complainant: Bertha Ferreira.

Date of occurrence: July 30, 1929.

Location of occurrence: Salt Lake, Moanalua.

Indicted: August 28, 1929.

Disposition: September 4, 1929, nolle-prosse entered.

Name of complainant wrong; one defendant, Kawelo, had nothing to do with case. Four other defendants reindicted.

Remarks: See facts in case of Noah Freitas, et al.

Defendants: Noah Freitas, Portuguese; Napoleon Durant, Will Godwin, aged 22, Chinese-Hawaiian; Sam Oneha, jr., Hawaiian; Louis Fomin, Russian; Ernest Benson, aged 20.

Complainant: Bertha Ferreira, also known as Bertha Kamakea.

Date of occurrence: July 30, 1929.

Location of occurrence: Salt Lake, Moanalua.

Indicted: September 4, 1929.

Arrestment: September 7, 1929.

Plea: September 14, 1929, not guilty.

Disposition: October 11, 1929, Noah Freitas pleaded guilty to fornication; sentence, 60 days in jail. October 11, 1929, Napoleon Durant turned over to juvenile authorities. October 17, 1929, Will Godwin pleaded guilty to lascivious conduct; sentence, 13 months, suspended. October 17, 1929, Ernest Benson pleaded guilty to fornication; sentence, 13 months, suspended. October 17, 1929, nolle-prosse entered as to Sam Oneha, jr., and Louis Fomin.

Remarks: Freitas came for complainant where she was working at Kahala Heights and took her for a ride. On the way to Moanalua, they picked up Napoleon. They drove to Moanalua and parked near Salt Lake. Freitas then took off his raincoat, placed it on the ground, and asked her to have sexual intercourse with him. She refused. He dragged her from the car, laid her on the raincoat, and then assaulted her. According to her statement, she then saw several boys in another car watching them. After Freitas assaulted her, the other boys then had sexual intercourse with her. She admitted that they didn't punch or hit her, although she struggled to prevent them from assaulting her.

Defendants: Ralph Pacheco, aged 18, Portuguese; Edgar Hugo, aged 23, Hawaiian.

Complainant: Helen Simeona, aged 21, Hawaiian.

Date of occurrence: August 31, 1929.

Location of occurrence: Kaiulani school grounds.

Indicted: September 11, 1929.

Arrestment: September 14, 1929.

Plea: September 23, 1929, not guilty.

Disposition: October 28, 1929, trial begins. November 1, 1929; verdict, guilty of rape.

Sentence: Five years to life, \$1 fine (Nov. 2, 1929).

Remarks: Complainant stated she was on her way home about 11 p. m. She got off the street car at King Street and Pua Lane, and walked up King Street to Austin Lane. Near the Kaiulani School grounds the defendants grabbed her and she yelled for help. One of the defendants punched her and dragged her into the school grounds. He tore off her bloomers and had sexual intercourse with her. When he was through, the other defendant assaulted her. Evidence shows torn bloomers and woolen sweater bloodstained.

ASSAULT WITH INTENT TO RAVISH, YEAR 1929

Defendant: Alfonso Hugo, aged 32; Filipino.

Complainant: Sau Ngan, aged 6; Chinese.

Date of occurrence: December 26, 1928.

Location: Aala Street, Honolulu.

Indicted: January 10, 1929.

Arrestment: January 12, 1929.

Plea of guilty: January 12, 1929.

Sentence: Five years to life and \$1,000 fine.

Remarks: Complainant in this case is a child six years of age. She stated that the defendant took her to his room on the pretense that he would give her candy and there had sexual intercourse with her; that this act was repeated on three occasions. The defendant stated that the child came to his room of her own free will and there offered herself to him; that he attempted to have sexual intercourse with her but was unsuccessful in communicating it because of her size. The defendant was afflicted with a venereal disease at that time which he passed on to the complainant.

Defendants: James Omori, aged 19, Japanese; Peter Kim, aged 18, Korean.

Complainant: Signer Helenihi, aged 16, Hawaiian.

Date of occurrence: March 6, 1929.

Location: Wahiawa near baseball park.

Indicted: March 20, 1929.

Arrestment: March 23, 1929.

Trial: October 4, 1929.

Acquittal: October 8, 1929.

Remarks: One of the defendants in this case was a student at McKinley High School and the other a plumber by trade. In company with other boys they met complainant and a school mate returning from school and offered to give the

girls a ride, to which they refused and kept on walking. The boys then gave chase to the girls, catching complainant and dragging her into the bushes. Defendant Omori there attempted to assault complainant while defendant Kim held her mouth. However, by her screams one of the other boys in the group came to her assistance and saved her from being assaulted. Both defendants denied having committed the assault.

ASSAULT WITH INTENT TO RAVISH A FEMALE UNDER 12, YEAR 1929

Defendant: Marcial Torro, aged 45; Porto Rican.

Complainant: Elizabeth Kahepa, aged 10; Hawaiian.

Date of occurrence: July 15, 1929.

Location: Fern Block, Honolulu.

Indicted: September 18, 1929.

Arrestment: September 19, 1929.

Plea of not guilty: September 19, 1929. Changed to plea of guilty of indecent assault; October 10, 1929.

Sentence: Not less than six months nor more than five years.

Remarks: Defendant promised complainant 50 cents if she would lie on his bed with him. She did, and when he was through assaulting her refused to give her the 50 cents. Later, about two months after, upon being questioned, she told her stepmother. Defendant admitted that he might have been drunk and assaulted the child, but denies the charge. According to his own statement, he served one year in the county jail in 1922 on a charge of pimping.

Defendant: Amador Barrios, aged 55; Filipino.

Complainant: Catilina Sabal, aged 10; Filipino.

Date of occurrence: June 2, 1929.

Location: King and Liliha Streets.

Indicted: June 5, 1929.

Arrestment: June 8, 1929.

Plea of not guilty: June 8, 1929. Changed to plea of guilty: September 7, 1929.

Sentence: Three years to life.

Remarks: Mother of complainant reported matter to police. The complainant stated that about 7 p. m. on June 2, 1929, she entered the defendant's room, and upon her arrival the defendant asked her if she wanted to eat some ice cream. The girl said "No"; however, defendant went out and bought some ice cream for her. After that he took off her pants and went on top of her. Complainant claimed that penetration was not successful.

CARNAL ABUSE OF A FEMALE UNDER 12, YEAR 1929

Defendant: Jose Del Rosario, Filipino.

Complainant: Asoncion del Rosario, aged 11; Filipino.

Date of occurrence: December 5, 1929.

Location of occurrence: No information.

Indicted: November 6, 1929.

Arrestment: November 7, 1929.

Plea: November 7, 1929—not guilty.

Disposition: November 26, 1929—plea of not guilty withdrawn and plea of guilty to assault with intent to ravish; sentence, 5 years to life, plus \$250 fine.

Remarks: No facts on file.

RAPE, YEAR 1930

Defendants: Moses Manoiki, aged 34, Hawaiian; Dick Richards, aged 26, Hawaiian; David K. Kaeka, aged 33, Hawaiian.

Complainant: Emma Caldeiro, aged 32; Portuguese.

Date of occurrence: December 26, 1929.

Location of occurrence: Punchbowl Crater.

Indicted: January 8, 1930.

Arrestment: January 9, 1930.

Plea: January 9, 1930, not guilty.

Disposition: February 14, 1930, trial begins; verdict, guilty of rape. February 18, 1930, sentence Kaeka, 10 years to life; Richards and Manoiki, 5 years to life.

Remarks: Complainant and Russell Ruth reported to the police that while parked at Punchbowl Crater, three Hawaiian boys held them up. The Hawaiians

represented themselves as National Guard men who were in charge of the grounds there and who were authorized to arrest anyone for trespassing on said grounds. Complainant and Ruth were ordered from the car. One man took the complainant away from the car, while the other two held Ruth. One of the defendants had a club. The first man, who took complainant away from the car, finally succeeded in criminally assaulting her. After he was through, the other two defendants had sexual relations with complainant. Complainant struggled and pleaded with the defendants to leave her alone to let her go to Ruth, but this they refused to do until they had completed the assault. She was then taken to the car. Later, the defendants demanded money from the complainant and she gave them \$5. Money was also demanded from Ruth, and he gave them \$5. Before the assault on the complainant, Ruth was led about 100 feet away from his car, so he didn't see the assault. After complainant and Ruth left the crater she told him about it and the matter was reported to the police.

ASSAULT WITH INTENT TO RAVISH, YEAR 1930

Defendant: Pok Hyun Park, Korean.
Complainant: Virginia Song, aged 13; Korean.
Date of occurrence: May 2, 1930.
Location: 425 North Vineyard Street.
Indicted: May 16, 1930.
Arraignment: May 19, 1930.
Plea of not guilty: May 19, 1930.
Trial: May 22, 1930. Convicted of assault with intent to ravish on May 23, 1930.

Sentence: Five years to life.

Remarks: Complaint was made by mother of complaining witness, upon being told by her daughter that the defendant had assaulted her twice. Younger sister of complaining witness (incompetent to testify) also stated defendant assaulted her.

Defendant: Sadao Honda, aged 30 years; Japanese.
Complainant: Ruth Matsumoto, aged 16; Japanese.
Date of occurrence: June 21, 1930.
Location: Koko Head.
Indicted: June 26, 1930.
Arraignment: June 27, 1930.

Plea of not guilty: July 8, 1930.

Trial: September 9, 15, 16, 17, and 18, 1930. Convicted of assault with intent to ravish on September 18, 1930.

Sentence: Sentenced five years to life, \$100 fine and costs.

Remarks: Two girls, Florence Honda and Ruth Matsumoto, on the date of the occurrence, went riding with the defendant and his friend, Itagaki. They first went swimming and after the swim drove to Diamond Head and beyond to Koko Head. There the defendant attempted to assault Florence Honda but was prevented from doing so by the friend, Itagaki. While Itagaki was taking Florence to safety, the defendant brutally assaulted Ruth Matsumoto, the complainant.

Defendant: Walter Fernandez, aged 17; Portuguese.
Complainant: Mrs. Martha J. Purdy, aged 79, Hawaiian.
Date of occurrence: December 31, 1929.
Location: 793 South Hotel Street.
Indicted: January 10, 1930.
Arraigned: January 11, 1930.

Plea of not guilty: January 11, 1930.

Trial: January 21, 1930. Convicted of assault with intent to ravish.

Sentence: Five years to life and \$50 fine.

Remarks: Defendant lived with his mother who was working for complainant, landlady of rooming house. On the night of the incident, while drunk, defendant entered the room of complainant, stole money, attempted to assault her, and upon being resisted, brutally beat up the complainant. Defendant was also charged with burglary, to which charge he pleaded guilty and received a sentence of 5 to 20 years.

Defendant: Peter Kelepolo, aged 29; Hawaiian.
Complainant: Eloise Akana, aged 4.
Date of occurrence: January 5, 1930.
Location: 1942 Hau Street.
Indicted: January 15, 1930.
Case nol-prossed: January 16, 1930.
Remarks: Defendant was reindicted for carnal abuse of female under 12. See remarks in that case.

ASSAULT WITH INTENT TO RAVISH A FEMALE UNDER 12, YEAR 1930

Defendant: Tony Vera Cruz, aged 16; Porto Rican.
Complainant: Patricia Janssen; American.
Date of occurrence: March 17, 1930.
Location: Kaimuki, Honolulu.
Indicted: May 8, 1930.
Arraigned: May 9, 1930.
Plea of not guilty: May 9, 1930.
Case nol-prossed: May 13, 1930.
Reason: Remanded to juvenile court.
Remarks: Defendant enticed child two or three blocks away from her home to a vacant lot where he attempted to assault her. The child's crying attracted the attention of a passerby and defendant was frightened away. Later, upon being apprehended, he admitted it was his intention to ravish the child.

CARNAL ABUSE OF A FEMALE UNDER 12, YEAR 1930

Defendant: Peter Kelépolo, aged 29; Hawaiian.
Complainant: Eloise Akana, aged 4; Hawaiian.
Date of occurrence: January 5, 1930.
Location of occurrence: 1942 Hau Street, Honolulu.
Indicted: January 16, 1930.
Arraignment: January 17, 1930.
Plea: January 17, 1930; guilty.
Disposition: Sentence, 20 years to life. January 21, 1930, sentence set aside as not in accord with law; resentment, life imprisonment.
Remarks: Defendant was living with the family of the complaining witness. He confessed to abusing the child twice on the date charged in the indictment. The child complained to the mother, who then reported it to the police. Defendant was diseased and transferred the disease to the complaining witness.

Defendant: Hermenildo Orano, aged 32; Filipino.
Complainant: Helen Aranio, aged 4; Filipino.
Date of occurrence: October 30, 1930.
Location of occurrence: Young Street, Honolulu.
Indicted: November 14, 1930.
Arraignment: November 17, 1930.
Plea: November 17, 1930, not guilty.
Disposition: December 2, 1930, changed plea to guilty; sentence, life imprisonment.

Remarks: Defendant was living with complainant's grandmother. Both were not married. Mother of complainant noticed child walking in a peculiar manner. When she questioned the child, the child stated that her private parts were sore. Mother took the child to a doctor, who examined her and found that she had gonorrhoea. Mother then took the child home and the child accused the defendant. Defendant finally admitted that he had assaulted the child and that the reason he had done so was his belief that having sexual intercourse with a child would cure him of the disease (gonorrhoea) he had.

Defendant: Paul Brickwood, aged 19; part Hawaiian.
Complainant: Ro In Soon, aged 6; Korean.
Date of occurrence: November 16, 1930.
Location: Home of step-mother, 227 Merchant Street.
Indicted: November 24, 1930.
Arraigned: November 25, 1930.
Plea of not guilty: November 25, 1930.

Disposition: December 4, 1930, trial begins. Nol-prosequi entered; complainant refused to talk when placed on witness stand.

Remarks: Complainant was visiting her stepmother and was alone in the room with defendant. Her father returned, and upon being questioned as to why she was crying, she told her father the defendant had abused her.

RAPE, YEAR 1930

Defendants: William Makanani, also known as William Punihaoie, aged 21, Hawaiian; Peter Kanae, jr., aged 20, Hawaiian; Junior Iona, aged 19, American.
Complainant: Dorothy Causey, aged 21, American.

Date of occurrence: July 4, 1930.

Location of occurrence: Vineyard Street.

Indicted: July 10, 1930.

Plea: July 21, 1930, not guilty.

Arraignment: July 14, 1930.

Disposition: September 10, 1930, nol-prosse entered; complaining witness left Territory.

Remarks: On the morning this crime was committed the complaining witness in this case and a sailor in the United States Navy by the name of Pickard were parked in a Willys Knight roadster at 4 a. m. on Vineyard Street. The defendants, in company with other boys, passed the parked car and stopped and one of the defendants approached the complainant and her companion and then proceeded to drag the sailor from the car and beat him up. Before he could get help the three defendants got into the roadster and drove off with the complainant; took her to McInerney Tract and there all three defendants had intercourse with her. All three defendants were indicted for rape, but as the complaining witness left the Territory for the mainland before the case was set for trial a nol-prosse was entered.

RAPE, YEAR 1931

Defendants: Horace Ida, aged 24, Japanese; David Takei, aged 21, Japanese; Ben Ahakuelo, aged 20, Hawaiian; Joe Kahahawai, jr., aged 21, Hawaiian; Henry Chang, aged 22, Chinese-Hawaiian.

Complainant: Thalia Hubbard Massie, aged 23; American.

Date of occurrence: September 12, 1931.

Location of occurrence: Ala Moana Road.

Indicted: October 12, 1931.

Arraignment: October 17, 1931.

Plea: October 17, 1931, not guilty.

Disposition: November 16, 1931, trial begins. Trial, November 16, 17, 18, 19, 20, 23, 24, 25, 27, 30, December 1, 2, 3, 4, 5, and 6, 1931. Mistrial entered December 6, 1931. Case now pending retrial.

Remarks: Complainant in company with her husband and friends was at a dance at the Alawai Inn, Kalakaua Avenue, the evening of the occurrence. Along about 11.30 or so, as complainant states, she left the Alawai Inn and took a walk. Complainant stated that she was bored with the party and wanted to leave. She walked along Kalakaua Avenue to John Ena Road and thence down John Ena Road to just about the intersection into Ala Moana Road. She was walking slowly. Just as she reached a spot about 50 feet from the intersection a machine came along, two boys jumped out of it, grabbed her, beat her and forced her into the car. Then they drove off, down the Ala Moana Road to a clump of bushes. There the two boys who had grabbed her and forced her into the machine, and the other occupants of the car—complainant says about three—criminally assaulted her. When she struggled they brutally beat her. Complainant's jaw was broken in possibly three places, in addition to bruises and abrasions about the body. Defendants then drove off and left complainant to find her own way home. She rushed into the street, stopped a car and asked the occupants to drive her to her home, which they did. When she reached home she told her husband what had happened and he reported the matter to the police.

ASSAULT WITH INTENT TO RAVISH, YEAR 1931

Defendant: Buster H. Fujitani, aged 24; Japanese.

Complainant: Ah Sun Lum (Ella Lum), aged 16; Chinese.

Date of occurrence: May 1, 1931.

Location: Wilhelmina Rise, Honolulu.

Indicted: May 14, 1931.

Arraignment: May 16, 1931.

Plea of not guilty: May 23, 1931.

Case nol-prossed: June 20, 1931.

Reason: Defendant was verbally charged in the district court of Honolulu on June 16, 1931, with assault and battery, to which charge he pleaded guilty and was fined \$100 and no costs. Evidence insufficient to convict defendant of crime charged in indictment.

Remarks: Complainant worked for an American family in Kaimuki. On the date of occurrence she was walking home from school with the daughter of her mistress, when she was accosted by the defendant, who was riding in an automobile. Upon being told that he would drive her home, she got in the car with him. Instead of defendant driving her home, he drove her to Wilhelmina Rise and there attempted to assault her.

Defendant: Antone Pestana, aged 37; Porto Rican.

Complainant: Rosaline Parish, aged 12; Hawaiian.

Date of occurrence: May 24, 1931.

Location: 1367 Miller Street, Honolulu.

Indicted: June 4, 1931.

Arraignment: June 6, 1931.

Plea of not guilty: June 6, 1931.

Case nol-prossed: October 10, 1931.

Reason: Evidence is insufficient to secure a conviction. The complaining witness in this case was the complainant in another case of similar nature in which stepfather was concerned and the court held that she was not mentally competent to testify. Without her testimony no evidence of crime.

Remarks: Complainant lived with her mother and stepfather in a tenement house on Miller Street. She is only in the third grade at the age of 12 and is mentally deficient. Her mother was out one night and she was spending the evening with a friend in a neighboring apartment. She was awakened by the daughter of the neighbor, with whom she was sleeping, who told her the defendant wished to see her in the bathroom. There, in the presence of the other girl, a child of 10, defendant assaulted complainant.

Defendant: Henry L. Bodine; aged 17; Hawaiian.

Complainant: Harrietta Vossberg, aged 19; American.

Date of occurrence: May 31, 1931.

Location of occurrence: Catholic Church, Waikiki.

Indicted: June 4, 1931.

Arraignment: June 6, 1931.

Plea: June 13, 1931; not guilty.

Disposition: July 6, 1931, trial begins; verdict, guilty. July 7, 1931, sentence, 25 years. July 17, 1931, motion for new trial denied. Case now pending before supreme court.

Remarks: Complainant, who arrived from Australia about 9 months before assault, and who was employed as a housemaid at Black Point, met the defendant when she occasionally went swimming at Waikiki. On the date of the occurrence, while walking on Kalakaua Avenue, she met the defendant. They stood and talked for a while, then walked over to the Catholic church grounds, at the suggestion of the defendant. After being in the grounds for a while the defendant made several indecent advances toward complainant, which she resented. Defendant then became enraged and when complainant refused to kiss him, bit her lips and attempted to throw her down. In the struggle that followed defendant succeeded in throwing complainant to the ground and attempted to pull her bloomers off. Complainant then screamed for help, whereupon defendant repeatedly struck her about the face and head with his fist. Witnesses heard her screams and rushed to her assistance. Defendant fled from the scene of the assault when the witnesses arrived. The complainant then reported the matter to the police.

Defendant: Tony Costello, (United States Navy); age unknown; American.
 Complainant: Mrs. Lily Kaili; Aged 57; Hawaiian.
 Date of occurrence: June 28, 1931.
 Location: Kakaako, Honolulu.
 Indicted: August 20, 1931.
 Arraignment: August 22, 1931.
 Plea of not guilty: August 22, 1931.
 Case nol-prossed: September 12, 1931.
 Reason: Turned over to Navy in accordance with agreement.
 Remarks: Complainant was asleep in her room when the defendant entered her house in a drunken condition and assaulted her. She believed at first it was her husband, but when she fully awakened, she realized it was not. She then roused the household and neighborhood.

ASSAULT WITH INTENT TO RAVISH, YEAR 1931, PENDING AS OF 1932

Defendant: Harry C. Kaisan, aged 25; Japanese.
 Complainant: Mabel Koseki, aged 20; Japanese.
 Date of occurrence: October 11, 1931.
 Location of occurrence: Pali Road, Nuuanu Valley.
 Indicted: October 22, 1931.
 Arraignment: October 31, 1931.
 Plea: October 31, 1931, not guilty.
 Disposition: Awaiting trial.
 Remarks: Complainant went riding the date of the occurrence in the company of one Harry Kaisan, Harry Tanaka, and Edna Nishino. They stopped on the Pali Road to pick some ginger flowers and while complainant was picking her flowers, she was assaulted by the defendant. She returned to the home of her employer to whom she reported the matter. Her mistress then reported it to the police.

Defendant: Mateo De Los Santos, aged 32; Filipino.
 Complainant: Victorina Barongan, aged 4; Filipino.
 Date of occurrence: November 20, 1931.
 Location of occurrence: 995 Akepo Lane.
 Indicted: December 10, 1931.
 Arraignment: December 12, 1931.
 Plea: December 12, 1931, not guilty.
 Disposition: January 23, 1932, nol-prossed; defendant reindicted; assault with intent to ravish a female under 12.
 Remarks: The attention of eye witnesses was drawn by the cries of the complaining witness and the defendant was found assaulting her. Later the defendant was brought in and positively identified by the witnesses and the complainant as the man who assaulted her.

Defendant: Frank V. De Mello, also known as Frank Verece, aged 23; Portuguese.
 Complainant: Lorentina Frias, aged 16; Portuguese.
 Date of occurrence: November 17, 1931.
 Location of occurrence: Coconut Grove, Kailua, Honolulu.
 Indicted: December 23, 1931.
 Arraignment: December 26, 1931.
 Plea: December 26, 1931, not guilty.
 Disposition: Awaiting trial.
 Remarks: Defendant was the other assailant in the case of Lorentina Frias, complaining witness in the David Soares case. See that case for facts.

Defendant: David Soares, aged 21; Portuguese.
 Complainant: Lorentina Frias, aged 16; Portuguese.
 Date of occurrence: November 17, 1931.
 Location of occurrence: Coconut Grove, Kailua, Honolulu.
 Indicted: December 23, 1931.
 Arraignment: December 26, 1931.
 Plea: December 26, 1931, not guilty.
 Disposition: Awaiting trial.
 Remarks: The complainant, who was the maid of a family living at Kailua, went riding the night of the occurrence with the defendant and one Frank Verece

De Mello, both of whom she had recently met. They rode around for a while then parked the car at the Coconut Grove where De Mello left the car. The defendant then forcibly assaulted the complainant. When through, Soares left the car after signaling to De Mello. The latter then returned to the car and he also assaulted the complainant. The next day complainant reported the matter to her mistress who in turn reported the matter to the police. Both boys denied committing the assault.

Defendant: Joseph Ferreira, aged 35; Portuguese.
 Complainant: Leilani de La Cruz, aged 16; Spanish-Hawaiian.
 Date of occurrence: November 1, 1931.
 Location of occurrence: Puuloa Road, Honolulu.
 Indicted: December 23, 1931.
 Arraignment: December 26, 1931.
 Plea: December 26, 1931, not guilty.
 Disposition: February 11, 1932, trial begins; February 15, 1932, verdict, guilty; awaiting sentence.
 Remarks: The complaining witness was walking toward her home, in the Kalihi District, the afternoon of the occurrence, when the above defendant, with three other boys (Frank Soffra, Manuel Rodrigues and Joseph de Corte) drove up alongside of her in a car and offered to drive her home. The complainant was acquainted with the defendant and accepted the invitation. Instead of driving her home, however, they drove out Puuloa Road, into the cane fields, and there three of the boys—Soffra, Rodrigues and the defendant—assaulted her. They then drove her home. Several days later she told her mother of the incident when questioned as to bruises on her face. The mother made the report to the police.

Defendant: Manuel Rodrigues, aged 28; Portuguese.
 Complainant: Leilani de La Cruz, aged 16; Spanish-Hawaiian.
 Date of occurrence: November 1, 1931.
 Location of occurrence: Puuloa Road, Honolulu.
 Indicted: December 23, 1931.
 Arraignment: December 26, 1931.
 Plea: December 26, 1931, not guilty.
 Disposition: Awaiting trial.
 Remarks: Defendant was one of assailants in Joseph Ferreira case. See facts that case.

Defendant: Frank Soffra, aged 29; Spanish.
 Complainant: Leilani de La Cruz, aged 16; Spanish-Hawaiian.
 Date of occurrence: November 1, 1931.
 Location of occurrence: Puuloa Road, Honolulu.
 Indicted: December 23, 1931.
 Arraignment: December 26, 1931.
 Plea: January 2, 1932, not guilty.
 Disposition: January 30, 1932, plead guilty to adultery; nol contendere, Sentence, 13 months suspended; awaiting disposition.
 Remarks: Defendant was one of assailants in Joseph Ferreira case. Case very weak as to the above defendant. See facts in Ferreira case.

ASSAULT WITH INTENT TO RAVISH A FEMALE UNDER 12, YEAR 1931 PENDING AS OF YEAR 1932

Defendant: Mateo de Los Santos, aged 32; Filipino.
 Complainant: Victorina Barongan, aged 4; Filipino.
 Date of occurrence: November 20, 1931.
 Location of occurrence: 995 Akepo Lane.
 Indicted: January 6, 1932.
 Arraignment: January 9, 1932.
 Plea: January 9, 1932, not guilty.
 Disposition: January 28, 1932, trial begins; verdict, guilty of indecent assault; sentence five years.
 Remarks: Defendant was reindicted on above charge after nol prose entered on the charge of assault with intent to ravish. See former case for facts.

EXHIBIT NO. 21

SEX CASES OF VIOLENCE REPORTED TO CITY AND COUNTY ATTORNEY'S OFFICE DURING 1931, WHICH ARE NOT SHOWN ON REPORTS PREVIOUSLY GIVEN ATTORNEY GENERAL AND/OR INVESTIGATORS

RAPE

1. Six Japanese boys from Kawaiiloa.

Complainant: Chizuko Nakamoto, Japanese.

Remarks: This case was not presented to the grand jury for the reason that girl, who was reported to have been assaulted, denied the assault and was sent back to Japan by her parents before alleged assault was reported to city and county attorney's office. Inspector Jardine and Detective Takei made a thorough investigation of the case and reported that there was no evidence of assault shown. Matter was referred to the office of the city and county attorney by juvenile authorities.

2. Defendants: Haruo Shibata, Alex. Thompson, and Harry Nakamura.

Complainant: Vivian McGrew, Portuguese-Caucasian.

Remarks: This case was thrown out in the District court of Honolulu after preliminary hearing. No elements of assault shown.

3. Defendants: Eddie Wong, aged 23; Chinese.

Complainant: Helen Wong, aged 17; Chinese.

Remarks: Case presented to grand jury and "no bill" returned on August 27, 1931.

4. Defendants: Sam Jonah also known as "Mumps," and Jimmie Pani Miner.

Complainant: Mary Leal, aged 9; Hawaiian.

Remarks: Case presented to grand jury and "no bill" returned January 6, 1932.

ASSAULT WITH INTENT TO RAVISH

1. Defendant: Julian Holo, aged 32; Hawaiian.

Complainant: Amy Koloa, aged 18; Hawaiian.

Remarks: Case presented to grand jury and "no bill" returned on February 12, 1931.

2. Defendant: David Noa, aged 35; Hawaiian.

Complainant: Alana Paa, aged 39; Hawaiian.

Remarks: Case presented to grand jury and "no bill" returned on November 19, 1931.

3. Defendants: Edwin Neves, Joseph Holt, Frank Amell.

Complainants: Frances Spencer and Billy Lewis also known as Billy Clark; Americans.

Remarks: Complainants signed statements in city and county attorney's office refusing to testify against said men on the alleged assault. Statements merely show assault. Complainants are prostitutes.

4. Defendant: Chas. Lee Fong; Chinese.

Complainant: Chinese woman (name unknown).

Remarks: Defendant left Territory before matter could be brought before grand jury. Complainant was an alien.

5. Defendant: Manuel Torres, aged 16; Porto Rican.

Complainant: Yasuko Tamura, aged 9; Japanese.

Remarks: Case was referred to this office by Judge Watson of the juvenile court. Case was brought before grand jury by city and county attorney. Grand jury informed Mr. Wight, deputy city and country attorney that this case should be tried as a juvenile case. Matter taken over by Judge Watson.

RAPE CASES REPORTED TO THE POLICE DEPARTMENT BUT NOT REPORTED TO THE COUNTY ATTORNEY DURING THE YEAR 1931

Defendant: Tadashi Mamistuka, aged 15; Japanese.

Victim: Hazil Miles, aged 11; Hawaiian.

Date and location of occurrence: March 27, 1931, Kalihi Valley.

SYNOPSIS OF FACTS

The complainant in this case is the father of the victim. He alleges that on the afternoon of March 27, his three daughters were hauling water from the Kalihi stream to the house nearby, when the subject is alleged to have pulled

the victim into the bushes, thrown her down on the ground and was attempting to assault her when the complainant appeared on the scene.

Turned over to juvenile authorities.

Defendant: William "Billy" Richmond, aged 27; part Hawaiian.

Victim: Shizue Kanazawa, aged 25; Japanese.

Date and location of occurrence: July 19, 1931, aboard S. S. *Waialeale* at sea.

SYNOPSIS OF FACTS

The defendant in this case was turned over to the police by the captain of the steamship *Waialeale* of the Inter-Island Steam Navigation Co., who reported that on July 19, while at sea, the victim—a passenger aboard the ship in state-room No. 15—was attacked by one of the crew while she was asleep, and an endeavor made to rape her.

The defendant was turned over to the United States marshal of Honolulu for prosecution in the United States district court.

Defendant: Sherman Cooke, aged 37; American.

Victim: Mary Kane, aged 19; Hawaiian.

Date and location of occurrence: April 4, 1931, Diamond Head Road, opposite Mr. Magoon's residence.

The following comments are taken from police records:

"According to the above-named witnesses, after having a drinking party they all left for a ride to Hanauma Bay in Sherman Cooke's automobile, a Whippet sedan 68-020 (N), with Mrs. Mattie Lloyd at the wheel driving. Left Palama at 10 p. m. and went to the Barbecue Inn to get something to eat and stayed there about 30 minutes; then went direct to Hanauma Bay. Left Hanauma Bay about 3 a. m. via Diamond Head Road; when they reached a place near Mr. Magoon's residence, Sherman Cooke ordered Mrs. Mattie Lloyd to stop the automobile and pulled Mary Kane out of the automobile and asked her to have sexual intercourse with him. When she refused him he choked her against the stone wall, at the same time pounding her head against the stone. In the meantime Radford McNeese, another sailor in the same automobile, went to the rescue of Mary Kane. Sherman Cooke ran back to the automobile and got the crank and threatened to kill Radford McNeese. McNeese got frightened and ran away from the scene. Cooke turned around and struck Mary Kane again with the crank on her back, and caused her to become semiconscious. A white man came by in an automobile, whom the witnesses think was Mr. Magoon, and saved Mary Kane, and told the sailors if they made another move he would shoot them. This frightened Sherman Cooke and he ran away from the scene. Half an hour later Sherman Cooke was apprehended on Kalakaua Avenue near Ohua Road, by Officers William Clarke and William Simerson, as he was walking along with blood about his face and shirt."

Turned over to naval authorities.

Defendant: Unknown.

Victim: Miss Ellen Whatmore, aged 22; American.

Date and location of occurrence: March 22, 1931, Makalei Place on Diamond Head Road.

SYNOPSIS OF FACTS

Mr. H. H. Gaylord reported to the police that his nurse, Miss Ellen Whatmore, had been attacked by an unknown man dressed in khaki uniform at about 10.20 p. m. on March 22, 1931.

According to the complainant the victim was walking home on her return from the Royal Hawaiian Hotel. Upon nearing her home an unknown subject accosted her, strangled her, and carried her into the yard adjoining the home of Mrs. Whitney, where he assaulted her and threatened to kill her if she screamed.

Miss Whatmore claimed that the man was dressed in khaki uniform, medium size, and very strong, and that she would be able to recognize his voice.

The physician examining the victim stated that the girl had been raped very brutally and used very roughly.

EXHIBIT NO. 22

Rape—City and county of Honolulu

	1927	1928	1929	1930	1931	Total
Indictments returned.....	2	1	16	23	21	13
DISPOSITION AS TO INDIVIDUAL DEFENDANTS						
Nolle prosequi.....			4	5	1	6
Pleas of guilty:						
Rape.....			1			1
Assault with intent to ravish.....			1			1
Lascivious conduct.....			2			2
Fornication.....			2			2
Convictions:						
Rape.....		1			3	6
Assault with intent to ravish.....	1		5			6
Acquittals.....			1			1
Transferred to juvenile authorities.....			1	2		3
Autrefois convict.....	1					1
Pending.....					5	5

¹ This includes 1 indictment against 8 defendants—Kauluwela School case and 1 indictment against 6 defendants—Moanalua case.

² This includes 1 indictment against 3 defendants—Punchbowl case and 1 indictment against 2 defendants—juvenile cases.

This includes 1 indictment against 5 defendants—Ala Moana case (previous mistrial). This includes 2 defendants in Kauluwela School case and 2 defendants in Moanalua case and 1 defendant involved in Moanalua case who was indicted separately.

Assault with intent to ravish

	1927	1928	1929	1930	1931	Total
Indictments returned.....	None.	2	2	4	11	19
DISPOSITION AS TO INDIVIDUAL DEFENDANTS						
Nolle prosequi.....				1	3	4
Pleas of guilty:						
Assault with intent to ravish.....			1			1
Assault and battery.....		1				1
Convictions: Assault with intent to ravish.....		1		3	1	5
Acquittals.....			1			1
Pending.....					7	7

Assault with intent to ravish female under 12 years

	1927	1928	1929	1930	1931	Total
Indictments returned.....	1	None.	2	1	None.	4
DISPOSITION AS TO INDIVIDUAL DEFENDANTS						
Nolle prosequi.....				1		1
Pleas of guilty:						
Indecent assault.....	1		1			2
Assault with intent to ravish female under 12 years.....			1			1

Carnal abuse of female under 12

	1927	1928	1929	1930	1931	Total
Indictments returned.....	7	None.	3	3	None.	13
DISPOSITION AS TO INDIVIDUAL DEFENDANTS						
Nolle prosequi.....	2			1		3
Pleas of guilty:						
Carnal abuse of female under 12.....	1		1	2		4
Assault with intent to ravish.....			1			1
Indecent assault.....	1		1			2
Convictions: Carnal abuse of female under 12.....	1		1			1
Mistrials.....	1					1
Acquittals (directed verdict).....	1					1

¹ Defendant discharged after 2 mistrials.

Criminal report, January 1 to February 12, 1932

RAPE

Number of indictments pending December 31, 1931.....	1
Number of indictments returned in 1932.....	1
(One act committed in 1931 and one in 1932.)	2
<hr/>	
Disposition:	
Plead guilty to rape (1932) ¹	1
Pending ²	1
	2

ASSAULT WITH INTENT TO RAVISH

Number of indictments pending December 31, 1931. (All acts committed in 1931).....	7
Number of indictments returned in 1932.....	0
	7
<hr/>	
Disposition:	
Plead guilty to adultery.....	1
Nolle prosequi ³	1
Pending.....	5
	7

ASSAULT WITH INTENT TO RAVISH AND CARNALLY KNOW A FEMALE UNDER 12

Number of indictments pending December 31, 1931.....	0
Number of indictments returned in 1932 (act committed in 1931).....	1
	1
<hr/>	
Disposition:	
Conviction—indecent assault.....	1
Pending.....	0
	1

CARNAL ABUSE OF FEMALE UNDER 12

None.
Cases under investigation:
2 cases of assault with intent to ravish—P. Gray and Herman Apio (acts committed in 1932).

¹ Kalkapu case.
² Ala Moana case.
³ Defendant in this case was reindicted in 1932 for assault with intent to ravish and carnally know a female under 12.

EXHIBIT NO. 23

Offenses known or reported to police of cities of over 100,000 for the year 1931

	1931 census popula- tion	Murder and non- negli- gent man- slaugh- ter	Man- slaugh- ter by negli- gence	Rape	Rob- bery	Aggra- vated as- sault	Bur- glary	Lar- ceny over \$50	Lar- ceny under \$50	Auto theft
Honolulu, Hawaii.....	202,923	28		16	57	101	556	819		791
Akron, Ohio.....	255,040	14	9	16	286	240	230	619	1,611	858
Dayton, Ohio.....	200,982	16	29	14	167	149	570	109	2,744	1,145
Fall River, Mass.....	115,274	4		17	7	16	127	103	86	681
Grand Rapids, Mich.....	168,592	1	2	14	127	9	487	165	1,145	524
Long Beach, Calif.....	142,032	3	5	13	188	57	1,073	88	1,488	955
Omaha, Nebr.....	214,006	18	2	3	276	154	505	216	1,431	1,547
Richmond, Va.....	182,929	25	34	18	134	418	928	439	3,221	1,015
San Antonio, Tex.....	231,542	47	13	20	306	372	1,498	730	3,224	1,693

NOTE.—The basis for this table is offenses known to the police rather than arrests. The uniform crime records classification has been used. The offenses for Honolulu were obtained from the case reports of the police department. There is no method of determining whether all offenses reported were recorded.

EXHIBIT NO. 24

TABLE IX.—Report of major offenses for the year 1931, showing rates per 1,000 population for the city and county of Honolulu as compared with other cities in the United States in the 100,000–250,000 population group and showing the probable number per 1,000 population for this city and county on the basis of the rates in mainland cities

Major offenses	City and County of Honolulu 210,000 1931		Cities 100,000 to 250,000		Probable number of crimes
	Crimes	Per 1,000	Crimes	Per 1,000	
1. Felonious homicide:					
(a) Murder and nonnegligent manslaughter.....	(1)	(1)	(1)	(1)	(1)
(b) Manslaughter by negligence.....	28	.133	867	.138	28,890
2. Rape.....	16	.076	291	.046	9,660
3. Robbery.....	57	.271	6,049	.949	199,200
4. Aggravated assault.....	101	.490	4,013	.630	132,300
5. Burglary.....	556	2.647	23,756	3.728	782,880
6. Larceny.....	819	3.9	45,849	7.505	1,576,050
7. Auto theft.....	87	.414	30,036	4.714	989,940
Average crime rate.....	1,657	7.890	110,861	17.681	3,713,010

¹ Included in (b) manslaughter by negligence.

Due to the poor record system of the Honolulu police department, it is probable that all offenses known to the police were not recorded.

EXHIBIT NO. 25

Rape cases reported to police department, Honolulu, during the year 1931

	Number of cases	Nationality of defendants							Total	Nationality of victims					Total		
		Caucasian	Chinese	Filipino	Hawaiian and part Hawaiian	Japanese	Portuguese	Others		Caucasian	Chinese	Filipino	Hawaiian and part Hawaiian	Japanese		Portuguese	
Reported to police.....	16	24	2	1	1	9	6	4	1	24	3	2	1	6	2	2	16
Unsolved by police.....	1																
Discharged in police court.....	1																
Indictments for rape (cases).....	1																
Indictments for assault with intent to ravish (cases).....	5																
Other prosecution.....	1																
Grand jury no bills (cases).....	3																
Turned over to naval author- ities.....	2																
Turned over to juvenile authorities.....	1																
Turned over to Federal authorities.....	1																
Total.....	16																

NOTE.—This table compiled from case reports on file in the police department of the city and county of Honolulu.

EXPLANATION OF THE TERM "RAPE" IN THOSE CHARTS WHEREIN THE UNIFORM CRIME CLASSIFICATION IS USED

"Rape" under the uniform crime classification includes:

1. Ravishing or having carnal intercourse with any female by force and against her will. (Sec. 4147.)
2. Ravishing or carnally abusing and knowing any female child under the age of 12 years. (Sec. 4148.)
3. Assault with intent to commit rape. (Sec. 4149, amended Sess. L. 1927, Act 19, p. 13.)
4. All attempts.

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EXHIBIT NO. 26

TABLE No. VIII.—Arrests by police department, city and county of Honolulu for the years 1929-1931, classified as to offenses

	Total persons charged		
	1929	1930	1931
PART I CLASSES			
1. Felonious homicide:			
(a) Murder and nonnegligent manslaughter.....	10	4	7
(b) Manslaughter by negligence.....	35	15	11
2. Rape.....	27	3	15
3. Robbery.....	23	7	37
4. Aggravated assault.....	38	24	43
5. Burglary.....	45	34	57
6. Larceny.....	139	124	83
7. Auto theft.....	26	21	33
Total Part I classes.....	343	232	280
PART II CLASSES			
8. Other assaults.....	132	237	206
9. Forgery and counterfeiting.....	15	15	29
10. Embezzlement and fraud.....	27	39	25
11. Weapons, carrying, etc.....	13	6	14
12. Sex offenses (excluding rape).....	51	120	107
13. Offenses against family and children.....	6		
14. Dry laws.....	8	7	36
15. Driving while intoxicated.....	200	121	110
16. Liquor laws.....	212	318	534
17. Drunkenness.....	168	432	403
18. Disorderly conduct and vagrancy.....	310	262	304
19. Gambling.....	1,560	1,212	900
20. Traffic and motor vehicle laws.....	2,410	1,757	2,311
21. All other offenses.....	27	37	39
Total Part II classes.....	5,139	4,563	5,018
Grand total.....	5,482	4,795	5,304

NOTE.—The arrests as reflected in the annual reports of the police department for the years 1929, 1930, and 1931 constituted the basis for this table. The arrests records for previous years are not available.

EXHIBIT NO. 27

TABLE No. VI.—Police Department, county of Hawaii, Territory of Hawaii

PART I. RETURN OF OFFENSES KNOWN TO POLICE 1925-1931

	1925	1926	1927	1928	1929	1930	1931
Felonious homicide, murder, and nonnegligent manslaughter.....			2	3	3	5	2
Manslaughter by negligence.....	1	2	2	1	1		3
Rape.....	3	2	1	1	1	4	
Robbery.....							1
Aggravated assault.....	5	2	5		1	4	1
Burglary, breaking and entering.....	8	5	4	19	9	4	7
Larceny, theft, \$50 and over in value.....	9	2	9	1	9	8	4
Under \$50 in value.....	41	62	14	48	27	53	50
Auto theft.....	5	3	1	5	1	2	1

¹ This table prepared by the police department, county of Hawaii, and is based upon offenses known to the police. The crimes have been classified in accordance with the uniform classification of offenses formulated by the International Association of Chiefs of Police, and used by the Bureau of Investigation of the Department of Justice in compiling police statistics.

TABLE No. VI.—Police Department, county of Hawaii, Territory of Hawaii

PART II. MISCELLANEOUS OFFENSES

	1925	1926	1927	1928	1929	1930	1931
Other assaults.....	146	134	123	171	113	126	123
Forgery and counterfeiting.....	3	8	1	2	1	1	10
Embezzlement and fraud.....	18	11	16	12	18	4	5
Weapons, carrying, possession, etc.....	13	18	2	11	4	5	72
Sex offenses, except rape.....	62	43	39	97	61	73	4
Offenses against family and children.....	6	14	5	5	5	1	6
Drug laws.....	38	20	14	18	5	5	7
Driving while intoxicated.....	6	7	5	5	15	5	24
Liquor laws.....	167	124	92	116	32	49	33
Drunkenness.....	71	61	60	116	85	33	40
Disorderly conduct and vagrancy.....	215	96	91	153	152	106	96
Gambling.....	687	605	593	620	370	198	220
Traffic and motor-vehicle laws.....	354	316	227	338	351	136	222
All other offenses.....	238	156	161	144	95	220	214
Suspicion.....	611	585	519	483	641	717	484
Total.....	2,635	2,198	1,948	2,290	1,945	1,680	1,545

EXHIBIT NO. 28

Juvenile delinquency by offenses, 1924-1931

	1924		1925		1926		1927	
	Male	Female	Male	Female	Male	Female	Male	Female
Assault.....	15		4		9		7	
Disobedience.....	3	6	2	2		2	3	5
Gambling.....	14		11		7		3	
Larceny.....	120	6	154	5	62	5	150	5
Tuancy.....	18		19	2	5		7	1
Incorrigible.....	18	11	23	23	24	20	24	29
Immorality.....		44		31	4	38	3	38
Waywardness.....	20	13	23	35	17	26	20	8
Violation traffic ordinance.....	12		11		9	1	4	
Common nuisance.....	35	1			2		4	
Violation curfew law.....	1		12		21		3	1
Other offenses.....	19	1	12	1	17	1	25	10
Total.....	275	82	280	99	177	93	253	97
Population, Oahu.....	156,500		165,800		169,300		171,250	

	1928		1929		1930		1931 ¹	
	Male	Female	Male	Female	Male	Female	Male	Female
Assault.....	4		11		3		15	
Disobedience.....	4	3	1	1				2
Gambling.....	16		18		8		19	
Larceny.....	175	7	168	12	190	12	167	1
Tuancy.....	10		8		8		3	
Incorrigible.....	24	27	31	29	22	24	19	21
Immorality.....	9	33	13	61	4	34	7	39
Waywardness.....	15	16	10	4	12	10	13	9
Violation traffic ordinance.....	3		13		10		14	
Common nuisance.....	11		6		17		15	
Violation curfew law.....	4		29	1	2		1	
Other offenses.....	7		25	4	29	1	27	2
Total.....	282	92	333	112	305	81	300	74
Population, Oahu.....	180,000		184,816		204,195		204,195	

¹ Figures for 1931 up until Oct. 31, 1931.

Figures obtained from Mr. Gordon O. Virgo, chief probation officer.

Annual reports, 1929, 1930, and 1931—January 1 to December 31

	Male	Female
1929, delinquents:		
Declared delinquent.....	333	112
Placed on probation.....	263	27
Care and custody private family.....	3	21
Care and custody charitable institution.....	2	17
Committed to industrial schools.....	65	45
Committed to Waimano Home.....		
1930, delinquents:		
Declared delinquent.....	305	81
Reprimanded.....	1	0
Placed on probation.....	222	18
Care and custody private family.....	15	22
Care and custody charitable institution.....	7	7
Committed to industrial schools.....	60	34
(Committed to Waimano Home, classed as dependents, feeble minded).....	3	2
1931, delinquents:		
Declared delinquents.....	343	83
Reprimanded.....	7	0
Placed on probation.....	235	9
Care and custody private family.....	23	37
Care and custody charitable institution.....	18	10
Committed to industrial schools.....	60	27
(Committed to Waimano Home, classed as dependents, feeble minded).....	7	6
1929, nationality:		
Chinese.....	30	6
Filipino.....	8	10
Hawaiian.....	67	32
Japanese.....	54	11
Korean.....	11	
Porto Rican.....	27	6
Russian.....	1	
Spanish.....	7	2
White, including Portuguese.....	56	10
Mixed races.....	72	35
1930, nationality:		
Chinese.....	24	3
Filipino.....	16	3
Hawaiian and part Hawaiian.....	105	40
Japanese.....	39	5
Korean.....	15	1
Porto Rican.....	14	6
Spanish.....	3	0
White.....	81	16
Others.....	8	8
1931, nationality:		
Chinese.....	45	9
Filipino.....	11	5
Hawaiian and part Hawaiian.....	91	35
Japanese.....	55	4
Korean.....	21	2
Porto Rican.....	12	6
Russian.....	3	0
Spanish.....	1	0
White.....	56	14
Others.....	47	14
Alien.....	1	0

EXHIBIT NO. 29

Number of absolute convictions for sex crimes in all Territorial courts of Hawaii, classified by race for two 6-year periods, the first ending December 31, 1923, and the second December 31, 1930. Reports of chief justice

		Rape	At-tempted rape	Offense against girls under 16	Adultery	Fornication	Bas-tardy	In-cest	Pol-yg-amy	All other	Total
Hawaiian and part Hawaiian.	1919-24.....	6	5	15	241	39	7	6		32	351
	1925-30.....	5	3	35	113	34	4	1	2	13	210
White.	1919-24.....	4		13	90	31	6	3	1	22	170
	1925-30.....	1	3	27	47	35	11	2	2	22	150
Porto Ricans.	1919-24.....	1	1	12	97	11		3	4	30	169
	1925-30.....	1	1	14	64	8			2	17	107
Chinese.	1919-24.....		1	7	21	4	3			7	43
	1925-30.....	3	4	6	10	6	2	3		3	37
Japanese.	1919-24.....	2	2	4	76	18	3	1		2	108
	1925-30.....	1	4	8	45	17	6		1	7	89
Koreans.	1919-24.....		1	2	16	3				1	23
	1925-30.....	1	1	3	7	1				3	16
Filipino.	1919-24.....	7	8	24	605	44			8	14	710
	1925-30.....	2	13	78	546	44		1	3	64	751
All others¹.	1919-24.....				7	3				3	13
	1925-30.....	7		2	1					3	13
All races.	1919-24.....	20	18	77	1,153	193	19	13	13	111	1,577
	1925-30.....	21	29	173	833	145	23	7	10	132	1,373

¹ Includes a few hundred Negroes, South Sea Islanders, and others.

EXHIBIT NO. 30

Number of absolute convictions for specified crimes, in all Territorial courts of Hawaii, with racial classifications for two 6-year periods, the first ending December 31, 1924, and the second December 31, 1930. Source, reports of chief justice

		Mur-der	Man-slaugh-ter	Rob-bery	Bur-glary	Fraud	Em-bezzle-ment	For-gery	Total of the 7 col-umns
Hawaiian and part Hawaiian.	1919-24.....	6	3	20	102	10	24	11	176
	1925-30.....	6	12	24	94	19	19	41	215
White.	1919-24.....	3	5	3	41	17	45	17	131
	1925-30.....	1	4	19	81	65	23	49	242
Porto Rican.	1919-24.....	8	2	2	17		1	1	31
	1925-30.....	1	3	1	27		17	1	50
Chinese.	1919-24.....		1	5	14	9	20	12	61
	1925-30.....	1		4	26	5	14	12	62
Japanese.	1919-24.....	9	5	9	26	6	27	12	94
	1925-30.....	6	2	5	27	20	10	23	93
Korean.	1919-24.....	1	1	2	7	5	7	2	25
	1925-30.....	2	1	1	17	6	2	15	44
Filipino.	1919-24.....	21	5	7	49	4	41	2	129
	1925-30.....	35	7	6	51	7	32	13	151
All others.	1919-24.....			1	1				4
	1925-30.....		1		2		1		8
All races.	1919-24.....	48	22	49	256	52	167	57	651
	1925-30.....	52	30	60	325	122	118	158	865

EXHIBIT NO. 31

Average annual number of convictions in all Territorial courts of Hawaii in proportion to population, for sex crimes to each 1,000 civilian males 18 years of age and over for two 6-year periods, the first ending December 31, 1924, and the second December 31, 1930

		Rape	Attempted rape	Adultery	Offense against females under 16	All other	Total
Hawaiian	1919-24	0.088	0.073	3.561	0.221	1.241	5.180
	1925-30	.070	.042	1.602	.496	.765	2.977
White	1919-24	.048	-----	1.081	.156	.757	2.043
	1925-30	.011	.033	.519	.285	.795	1.650
Porto Rican	1919-24	.089	.089	9.651	1.194	4.776	15.522
	1925-30	.087	.087	5.631	1.233	2.375	9.415
Chinese	1919-24	-----	.043	.302	.100	.201	.648
	1925-30	.045	.061	.153	.091	.214	.565
Japanese	1919-24	.008	.008	.325	.017	.102	.462
	1925-30	.004	.017	.195	.034	.134	.380
Korean	1919-24	-----	.062	1.000	.125	.250	1.437
	1925-30	.066	.066	.463	.198	.264	1.059
Filipino	1919-24	.055	.063	4.809	.190	.524	5.644
	1925-30	.008	.054	2.306	.329	.473	3.172
All races	1919-24	.032	.029	1.899	.126	.509	2.598
	1925-30	.028	.040	1.146	.239	.439	1.902

EXHIBIT NO. 32

Number of convictions in proportion to population for certain specified crimes in all Territorial courts of Hawaii to each 1,000 civilian males 18 years of age or over, classified by race and for two 6-year periods, the first ending December 31, 1924, and the second December 31, 1930

		Murder	Man-slaughter	Robbery	Burglary	Fraud	Embezzlement	Forgery	Total of foregoing
Hawaiian and part Hawaiian	1919-24	0.088	0.044	0.295	1.507	0.147	0.354	0.162	2.600
	1925-30	.085	.170	.340	1.332	.269	.269	.581	3.046
White	1919-24	.036	.060	.036	.492	.204	.540	.204	1.574
	1925-30	.011	.044	.209	.894	.717	.253	.541	2.672
Porto Rican	1919-24	.796	.199	.199	1.691	-----	.099	.099	3.084
	1925-30	.087	.263	.087	2.385	-----	1.495	.087	4.404
Chinese	1919-24	-----	.014	.072	.201	.129	.289	.172	.878
	1925-30	.015	-----	.061	.398	.076	.214	.184	.950
Japanese	1919-24	.038	.021	.038	.111	.025	.115	.051	.402
	1925-30	.026	.008	.021	.117	.086	.043	.099	.403
Korean	1919-24	.062	.062	.125	.437	.313	.437	.125	1.562
	1925-30	.132	.066	.066	1.126	.307	.132	.998	2.914
Filipino	1919-24	.167	.039	.055	.389	.031	.325	.015	1.025
	1925-30	.147	.029	.025	.215	.029	.135	.054	.634
All races	1919-24	.079	.036	.080	.421	.085	.276	.093	1.072
	1925-30	.072	.041	.083	.450	.167	.163	.218	1.198
But white	1919-24	-----	-----	-----	-----	-----	-----	-----	.087
	1925-30	-----	-----	-----	-----	-----	-----	-----	.087

EXHIBIT NO. 33

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR ALL SEX CRIMES TO EACH 1,000 CIVILIAN MALES OF THE RESPECTIVE RACIAL GROUPS WHO WERE 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm.=1]

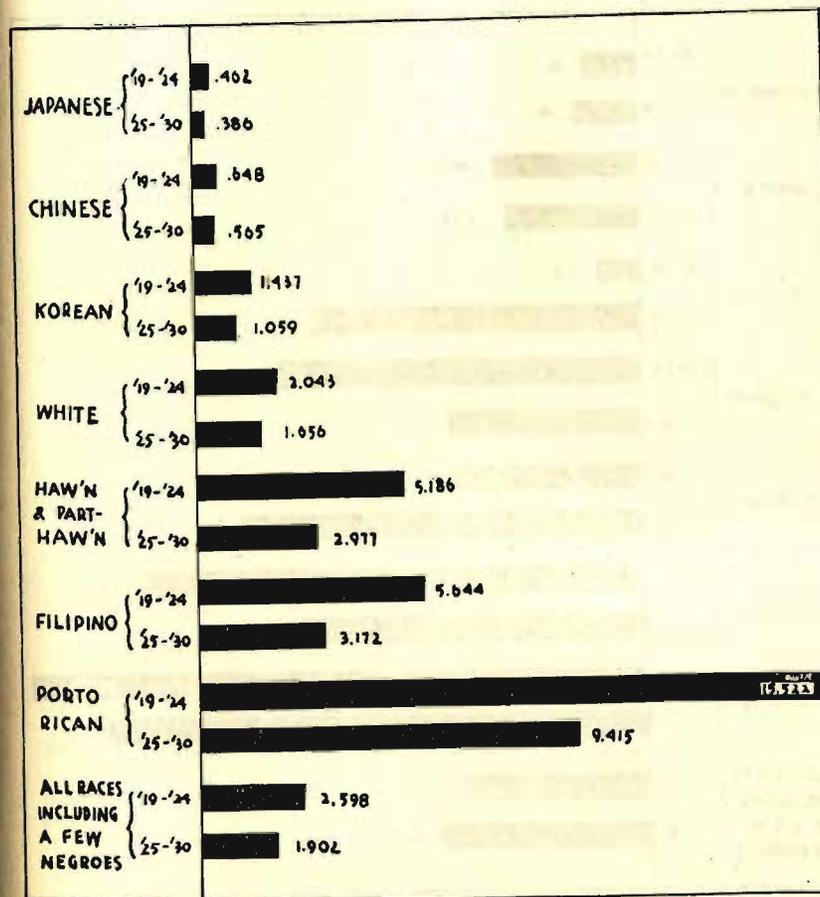


EXHIBIT NO. 34

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR RAPE AND ATTEMPTED RAPE TO EACH 1,000 CIVILIAN MALES OF THE RESPECTIVE RACIAL GROUPS WHO WERE 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm.=0.013]

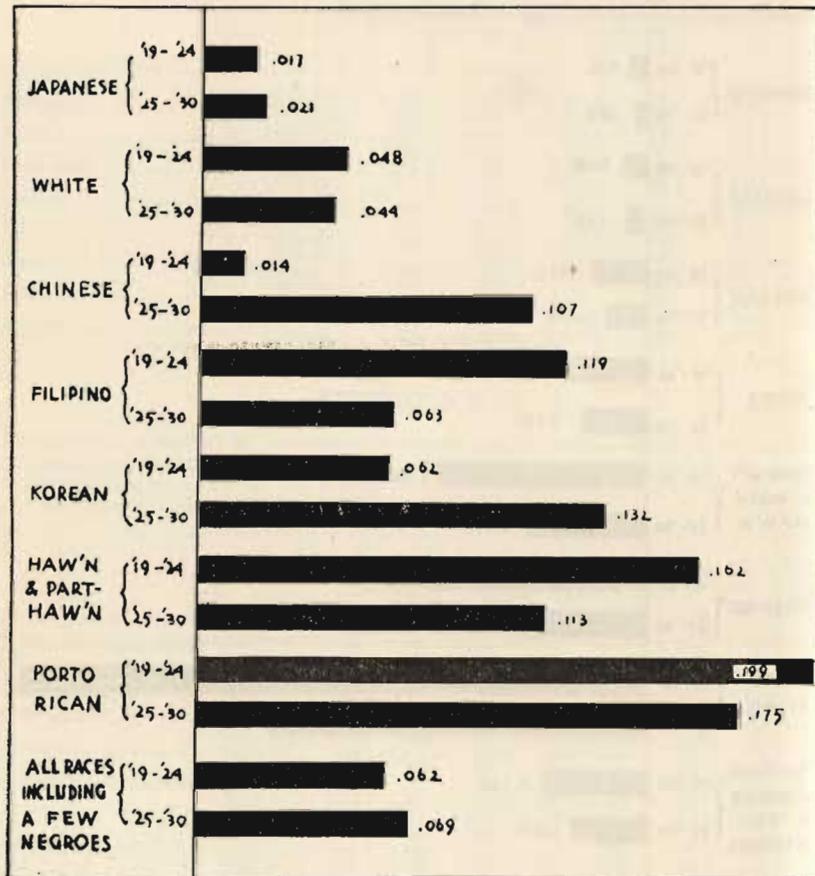


EXHIBIT NO. 35

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR ADULTERY TO EACH 1,000 CIVILIAN MALES OF THE RESPECTIVE RACIAL GROUPS WHO WERE 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm.=0.6]

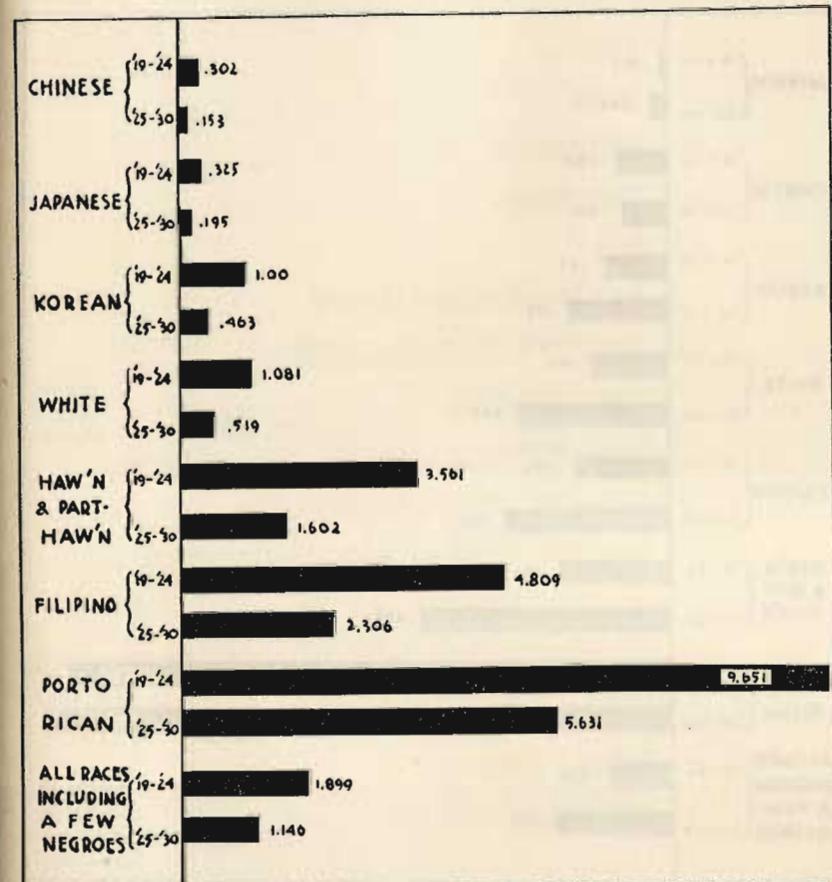


EXHIBIT NO. 36

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR OFFENSES AGAINST FEMALES UNDER 16 YEARS OF AGE TO EACH 1,000 CIVILIAN MALES OF THE RESPECTIVE RACIAL GROUPS WHO WERE 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm.=0.08]

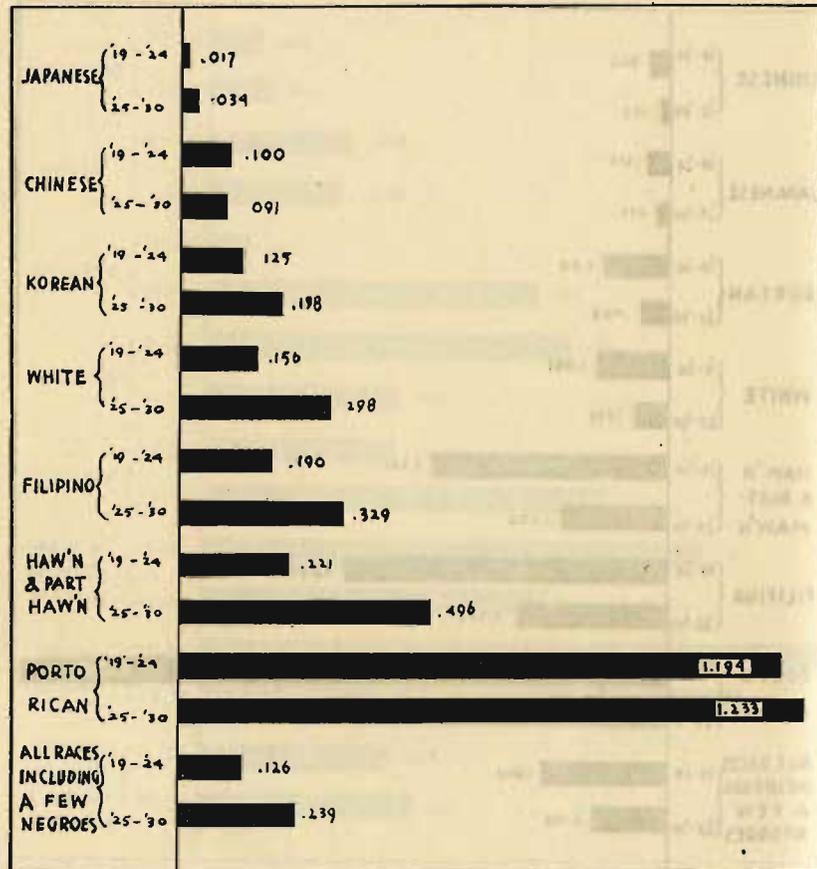


EXHIBIT NO. 37

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR MURDER IN ALL TERRITORIAL COURTS TO EACH 1,000 CIVILIAN MALES 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm.=0.05]

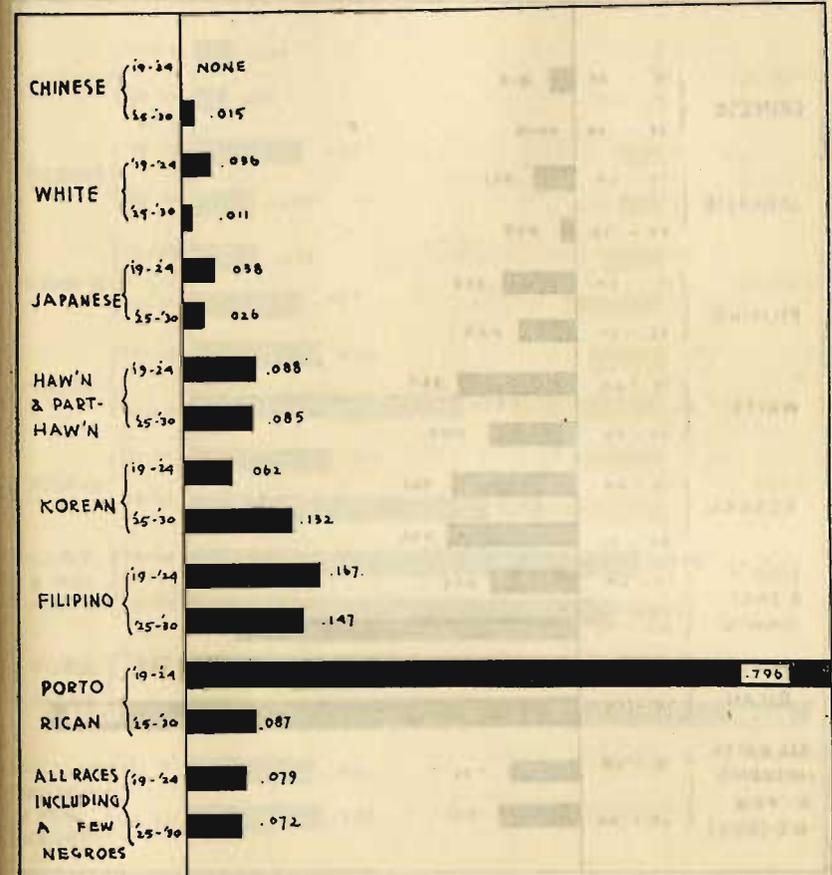


EXHIBIT NO. 38

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR MANSLAUGHTER IN ALL TERRITORIAL COURTS TO EACH 1,000 MALES 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm.=0.02]

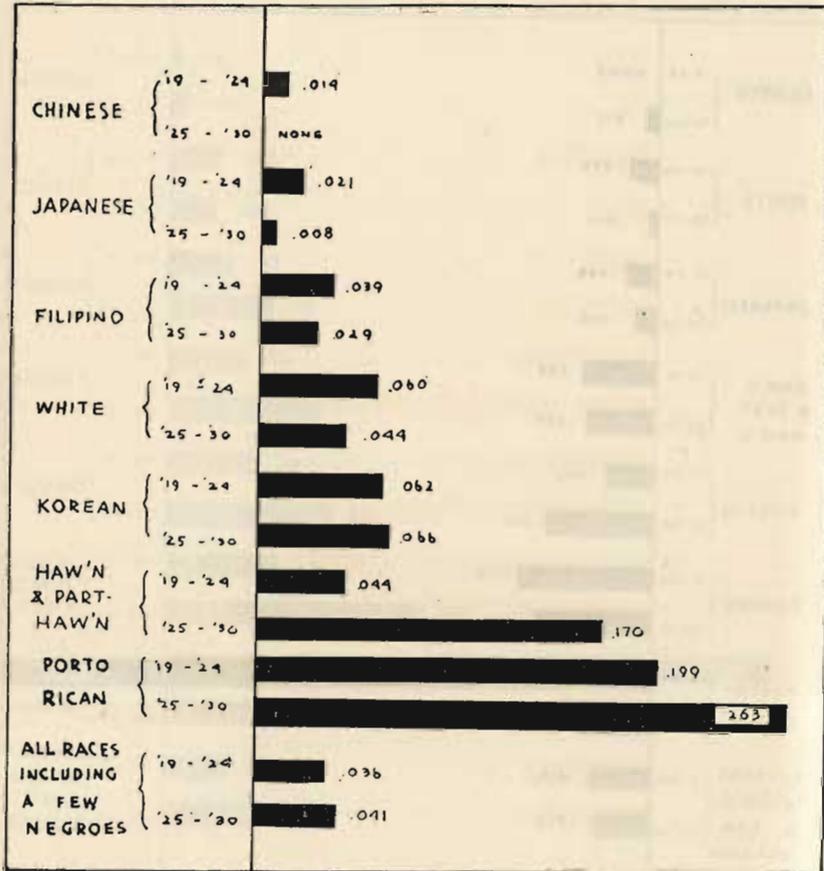


EXHIBIT NO. 39

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR ROBBERY AND BURGLARY IN ALL TERRITORIAL COURTS TO EACH 1,000 MALES 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm.=0.16]

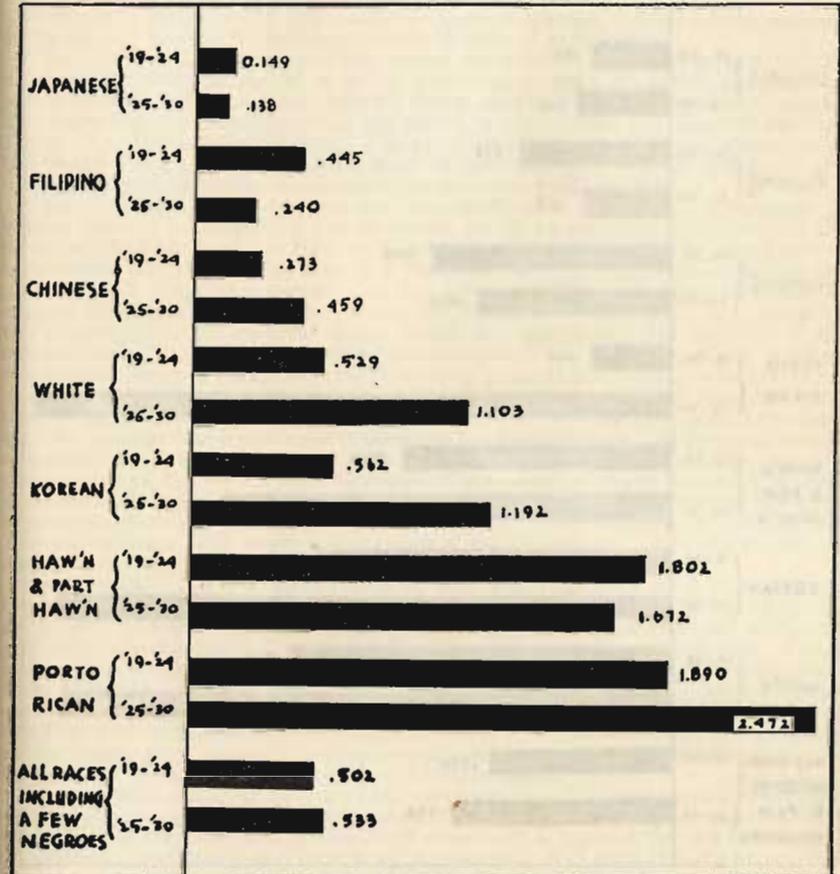


EXHIBIT NO. 40

ANNUAL AVERAGE NUMBER OF CONVICTIONS FOR FRAUD, EMBEZZLEMENT, AND FORGERY IN ALL TERRITORIAL COURTS TO EACH 1,000 MALES 18 YEARS OF AGE OR OVER FOR TWO 6-YEAR PERIODS, THE FIRST ENDING DECEMBER 31, 1924, AND THE SECOND, DECEMBER 31, 1930

[Scale: 1 cm. = 0.10]

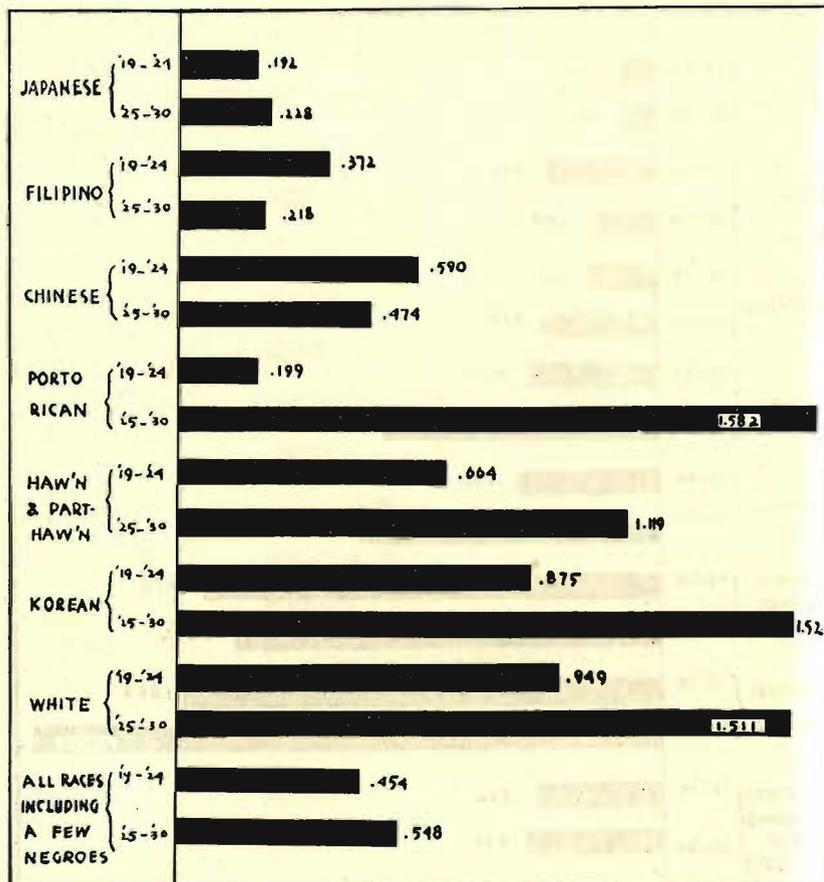


EXHIBIT NO. 41

ACT I. HOUSE BILL No. 1

AN ACT To amend chapter 118 of the revised laws of Hawaii, 1925, by adding thereto fourteen new sections to be numbered sections 1831A to 1831N, inclusive, by amending sections 1826 and 1831, and by repealing sections 1752 and 1825, relating to the government of the city and county of Honolulu and reorganizing the police department thereof

Be it enacted by the Legislature of the Territory of Hawaii—

SECTION 1. Chapter 118 of the Revised Laws of Hawaii, 1925, is hereby amended by adding thereto fourteen new sections to read as follows:

"Sec. 1831A. *Organization.*—The police department of the city and county of Honolulu shall consist of a police commission, chief of police, and force of police officers, and such other officers, clerks, and employees, as said commission may from time to time prescribe, appointed in the manner provided by sections 1831A to 1831N of this chapter. The provisions of chapter 122, as amended, of the Revised Laws of Hawaii, 1925, shall be deemed to be, and are hereby, made inapplicable to the police department as defined by this section.

"Sec. 1831B. *Police commission—Appointment.*—A police commission is hereby created to consist of five members, all of whom shall not belong to the same political party at the time of appointment, and who shall be appointed as hereinafter provided. The first five members of the commission shall be appointed, and may be removed, by the governor in the manner provided by section 80 of the organic act. Thereafter the members shall be appointed by the mayor, with the approval of the board of supervisors. No member of the commission shall be a salaried officer or employee of the Territory or any political subdivision thereof. Any member becoming a candidate for any elective office ipso facto vacates his office as such member. Each commissioner must be at the time of his appointment an elector of the city and county and must have been such for at least three years next preceding his appointment. Any commissioner appointed by the mayor may be removed from office by the mayor with the concurrence of the vote of five members of the board of supervisors. The commissioners shall serve without remuneration, but may be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties. The commission may employ such clerks, employees and other assistants, at such salaries as it may find necessary.

"Sec. 1831C. *Term of office.*—One of said commissioners shall be appointed for a term to expire June 30, 1933, one for a term to expire June 30, 1934, one for a term to expire June 30, 1935, one for a term to expire June 30, 1936, and one for a term to expire June 30, 1937. Upon the expiration of the term of each commissioner his successor shall be appointed for a term to expire five years from the date of the expiration of the preceding term. Any vacancy in said commission occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term by appointment by the governor in the event such vacancy occurs among his appointees and otherwise by the mayor with the approval of the board of supervisors.

"Sec. 1831D. *General powers of the commission.*—The commission shall hold regular public meetings at a designated time and place. The commission shall elect its chairman and a majority shall constitute a quorum for the transaction of business, provided that a vote of three members shall be necessary to validate the appointment or removal of the chief of police. In the absence of the chairman the remaining members shall elect an acting chairman. The commission shall adopt such rules and regulations as it may consider necessary for the conduct of its business and regulation of the matters herein committed to its charge.

"Sec. 1831E. *Classifications, training, and promotions.*—The rules and regulations of the commission shall, among other things, provide for the proper training of police officers, for a system of classification of the force of police officers and a merit system having for its purpose a systematic method of promotion of said police officers based upon efficiency, service and outstanding performance of official duties.

"Sec. 1831F. *Chief of police.*—The commission shall appoint and may remove at pleasure a chief of police, who shall devote his full time to the duties of his office, and must at the time of his appointment have been a resident of the Territory for five years. Subject to the rules and regulations prescribed by the commission, he shall have control, management and direction of all officers and employees serving under him with full power to detail any of said officers or employees to such public service as he may direct. He shall receive a salary in such

amount as the commission may designate, not to exceed, however, \$7,200 per annum.

"SEC. 1831G. *Police force—employees.*—The chief of police shall have the power to appoint police officers and other officers and employees under such rules and regulations and at such salaries as may be prescribed by the commission, but the commission may abolish any office or position in the department and revoke the salary or commission therefor, in which event, when necessary, the commission shall determine which of several officers or employees in the same class shall be released. Such rules and regulations shall provide that appointments may be made in the first instance for a probationary period of not over one year. The chief of police, with the approval of the commission, may appoint and remove without cause instructors of the police who need not have any residential qualifications. Except as otherwise provided, all acts or duties which may be performed by the chief of police may in like manner and with like effect be performed by any police officer under him.

"SEC. 1831H. *Powers and duties of chief of police.*—The chief of police shall have concurrently with the sheriff of the city and county the powers and duties which said sheriff now has, except such as are enumerated in section 268, as amended; sections 327, 328, 363, 681, 1826, 1827, 1828, 1829, 1984, 2087, chapter 129 as amended; sections 2407, 2441, 2694, 2739, 2784, chapter 161 as amended; chapter 162 and sections 2849, 3954, 4016, 4095 of the Revised Laws. The chief of police shall not have the care, custody, or control of Honolulu jail.

"There are hereby transferred to the chief of police from the sheriff of the city and county the powers and duties of said sheriff enumerated in section 1306 as amended; sections 2002 to 2015, inclusive, as amended; section 2106 as amended; chapter 128 of said Revised Laws as amended; Act 206 of the Session Laws of 1927; and Act 127 of the Session Laws of 1929.

"He shall at all times diligently and faithfully discharge his duties and enforce all laws of the Territory and all ordinances of the city and county for the preservation of peace and good order, and the protection of the rights and property of all persons. He shall consult and advise with the commission, and act with its approval on all matters pertaining to the police department not herein specifically provided for, and shall make such reports from time to time as the commission shall require, and shall annually make report to the commission of the state of affairs and condition of the police department.

"SEC. 1831I. *Specific duties.*—The chief of police shall have the following duties:

"(1) To preserve the public peace and prevent and suppress affrays, riots, and insurrections;

"(2) To arrest and take before the nearest qualified magistrate for examination all persons who have committed or attempted to commit a public offense, and through any officer designated by him to prosecute the same under the direction of the city and county attorney;

"(3) To serve all processes and notices in criminal proceedings;

"(4) In any emergency requiring the same to command the aid of such inhabitants of the city and county as he may think necessary in the execution of his duties; and

"(5) To exercise general police supervision and control over all pawnbrokers, peddlers, junk shopkeepers, auctioneers, and dealers in second-hand merchandise; to examine the books and premises of any such persons when in search of property feloniously obtained or of evidence of the commission of crime.

"SEC. 1831J. *Service of process.*—The police department may at the request of the sheriff of the city and county of Honolulu serve processes and notices which are permitted by law to be served by police officers in the manner prescribed by law. There shall be indorsed on every process or notice the year, month, day, hour, and minute of reception, and whenever requested that shall be issued to the person delivering the same, on payment of any fees required by law, a receipt showing the name of the parties, title of paper, when received and amount paid. The officer making service shall certify under his hand upon every process or notice served by him the manner and time of service, or if he fails to make service the reason of his failure, and shall return such process or notice without delay.

"SEC. 1831K. *Suspension—Removal—Political activities prohibited.*—The removal and suspension of any officer or employee under the chief of police shall be in the manner provided by the rules and regulations of the commission: *Provided*, That the chief of police shall have the absolute right to suspend for a period or periods, not exceeding in the aggregate 60 days in any calendar year, any officer or employee under him for incompetence, neglect of duty, drunkenness, or failure to obey orders given him by proper authority, or for any other just

cause and such suspension shall be final and without appeal or review: *Provided further*, That any such officer or employee removed or suspended for a period exceeding, or which, added to any previous suspensions exceeds, 60 days in any calendar year, may, within 10 days from the date of the service upon him of a certified copy of the order so removing or suspending him, or, in case he can not be found, within 12 days from the mailing of such certified copy by registered mail addressed to him at his last known address, apply to the commission for a review of the case; the commission shall thereupon have power, in its discretion, either to entertain or to refuse to entertain such appeal; if it entertains such appeal, it may affirm, set aside, amend or modify such order, or make such further order, as in its judgment the facts shall warrant. The decision of the commission refusing to entertain an appeal, or its order upon any appeal allowed, shall be final. No officer or employee shall receive any compensation for the period of any suspension, unless after entertaining an appeal the commission shall so order. This section shall not apply to any appointment made for a probationary period. No member of the police department shall, aside from exercising the right to vote, support, advocate or aid in the election or defeat of any candidate for public office. Upon satisfactory proof of said prohibited activity being made to the appointing power by whom the offending member was appointed, such offending member shall be summarily dismissed from the police department.

"SEC. 1831L. *Appropriations.*—The board of supervisors, upon request of the commission, shall appropriate from time to time, for the use of the police department, sums aggregating not less than \$500,000 per annum from such funds as are available by law for such purpose: *Provided, however*, That said board may appropriate for such purpose up to \$100,000 per annum from the road fund created by section 1309 as amended. The board of supervisors may from time to time in its discretion appropriate from the proper funds additional moneys to be used by the police department.

"SEC. 1831M. *Disbursement of funds.*—All moneys appropriated for the police department shall be disbursed by the city and county treasurer only upon warrants issued by the city and county auditor on vouchers signed by the chairman or acting chairman of the commission or such officer or employee as the commission may authorize.

"SEC. 1831N. *Hearings by commission.*—In all investigations made by the commission and in all proceedings before it relative to the police department or the officers or employees thereof the commission and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. In case of disobedience by any person or persons of any order of the commission or any member thereof or of any subpoena issued by it or him or of the refusal of any witness to testify to any matters regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the commission or a member thereof, to compel obedience as in case of disobedience of the requirements of a subpoena issued from a circuit court or a refusal to testify therein. The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid out of any appropriations available for the use of the police department."

"SEC. 2. *Transfer of property—Duty to furnish quarters.*—All properties of every kind and nature and all records now in the custody and use of the sheriff and his department, except the Honolulu jail, are hereby transferred to the police department, and the commission may transfer back to the board of supervisors any property or records which may be found unnecessary for its use in carrying out its duties. The board of supervisors shall make available to the police department sufficient and proper quarters in the police station in Honolulu and in each district in the city and county for the use of the police department and shall maintain and keep the same in repair.

"SEC. 3. *Transfer of present appropriation.* All appropriations made by the board of supervisors for the use of the sheriff's department for the year 1932, except those portions thereof for the salaries of the sheriff, one deputy sheriff, two clerks, one stenographer, police surgeons, court officers, and for the Honolulu jail and for weights and measures, shall be and the same are hereby transferred to the police department for its use during said year and shall be considered an appropriation made by said board as required by section 1831L of said Revised Laws as herein enacted.

"SEC. 4. Section 1825 of the Revised Laws of Hawaii 1925 is hereby repealed.

SEC. 5. Section 1826 of said Revised Laws is hereby amended so that the first line thereof shall read:

"Sec. 1826. *Specific duties.*—The sheriff shall:" and so that paragraph 6 thereof shall read:

"6. Take charge of and keep the Honolulu jail and all prisoners committed thereto."

SEC. 6. Section 1831 of said Revised Laws, as amended, is hereby amended to read as follows:

"Sec. 1831. *Deputy sheriffs, police officers, and other employees.*—The sheriff may appoint and remove at pleasure such deputies, police officers and employees with such qualifications and at such salaries as may be allowed by the board of supervisors."

SEC. 7. Section 1752 of said Revised Laws, as amended, is hereby repealed.

SEC. 8. Any person employed in the police force (as that term is used in chapter 130, as amended, of the Revised Laws of Hawaii 1925) of the city and county of Honolulu immediately prior to the taking effect of this act and not continued in employment by the chief of police or the commission and who would have been entitled to a pension under the terms of said chapter if dismissed from service without cause immediately prior to the effective date of this act, shall be entitled to receive such pension as he would have been entitled to receive had he been so dismissed; and all persons who are members of said police force immediately prior to the taking effect of this act and are continued in employment in the police department shall have all the rights and benefits under the terms of said chapter 130, or of act 55 of the Session Laws of 1925 as amended, as if this act had not been passed.

SEC. 9. *Constitutionality.*—If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have approved this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 10. This act shall take effect on and after February 1, 1932: *Provided*, That the members of the commission may be appointed at any time prior thereto; that the commission may make its rules and regulations and that either the commission or the chief of police appointed by it may make appointments prior thereto which appointments shall take effect February 1, 1932.

Approved this 22d day of January, A. D. 1932.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

EXHIBIT NO. 42

ACT IV.—SENATE BILL NO. 8

AN ACT Relating to loitering upon public highways, streets, and sidewalks, and providing a penalty therefor and repealing act 256 of the Session Laws of 1929

Be it enacted by the legislature of the Territory of Hawaii.—

SEC. 1. *Loitering.*—Any person who shall loiter, or loaf, or idle upon any public highway, street, or sidewalk, thereby impeding or rendering dangerous the passage of pedestrians or others lawfully using any such public highway, street, or sidewalk, or thereby in any way imperiling the public welfare or thereby tending in any way to cause a breach of the peace, is guilty of a petty misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$250 or imprisonment without hard labor for not less than 30 days nor more than 90 days, or by both such fine and imprisonment.

SEC. 2. Act 256 of the Session Laws of 1929 is hereby repealed.

SEC. 3. This act shall take effect upon its approval.

Approved this 22d day of January, A. D. 1932.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

EXHIBIT NO. 43

Chart showing arrests by Federal officers in the territory of Hawaii during the years 1927–1931, inclusive, for violation of the national prohibition act, and disposition thereof

	1927	1928	1929	1930	1931
Arrests:					
Oahu.....	178	298	379	285	235
Other islands.....	166	113	100	85	167
Total.....	344	411	479	370	402
Disposition:					
Convictions.....	270	325	383	276	336
Acquittals.....	10	6	12	5	2
Dismissals.....	40	58	68	89	64
Not prosed.....	24	22	16	0	0
Total.....	344	411	479	370	402
Pleas of guilty.....	266	320	371	272	336
Jury trials.....	14	11	24	9	2
Jail sentences.....	18	11	10	37	36

EXHIBIT NO. 44

Sections 1825–1827 of the Revised Laws of Hawaii (1925) provide:

"SHERIFF

"SEC. 1825, general powers and duties. Subject to the special provisions of this chapter, the city and county sheriff shall have and exercise all the powers, privileges, and authority, and be required to perform all the duties in his own jurisdiction, as are by law provided to be had, exercised, and performed by the high sheriff of the Territory or by the sheriffs of the various counties respectively; and shall have such other powers and duties as are by this chapter conferred and which may be provided by any law enacted by legislative authority: *Provided, however*, That nothing in this chapter contained shall be construed to vest in the sheriff of the city and county the care, custody, or control of any Territorial jail, house of correction, or penitentiary, or the care and custody of any of the prisoners confined therein. (L. 1907, c. 118, s. 122; R. L. 1915, s. 1745.)

"SEC. 1826. *Specific duties.* He shall:

"1. Preserve the public peace;
"2. Arrest and take before the nearest qualified magistrate for examination all persons who have attempted to commit or who have committed a public offense, and shall prosecute the same under the direction of the city and county attorney;

"3. Prevent and suppress affrays, breaches of peace, riots and insurrections;
"4. Attend all circuit courts held within the city and county and obey all lawful orders and directions of all courts held within the city and county;

"5. In an emergency requiring the same, command the aid of as many male inhabitants of the city and county as he may think necessary in the execution of his duties;

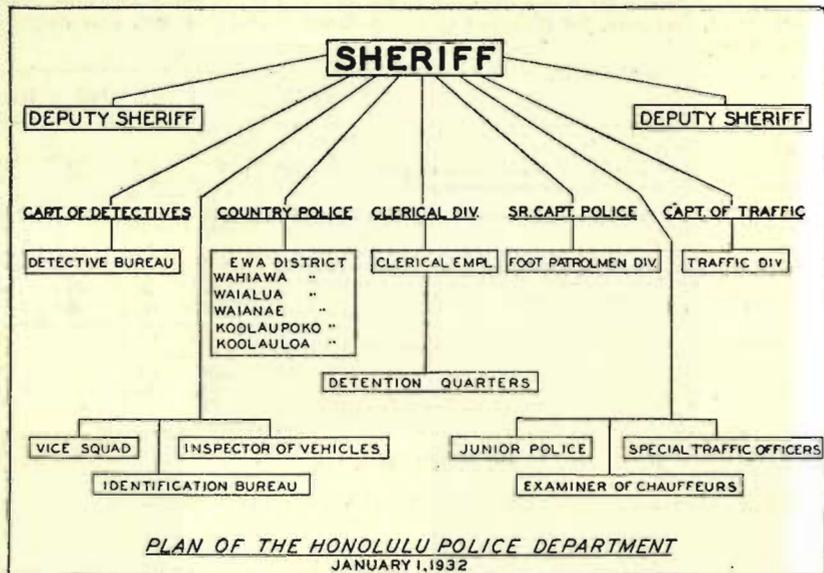
"6. Take charge of and keep the city and county jail, and the prisoners therein;

"7. Serve all processes and notices in the manner prescribed by law and indorse thereon the year, month, day, hour, and minute of reception, and issue to the person delivering the same on payment of fees therefor, a certificate showing the name of the parties, title of paper, and time when received;

"8. Certify, under his hand, upon every process or notice, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay. (L. 1907, c. 118, s. 123; R. L. 1915, s. 1746.)

"SEC. 1827. Act as coroner. The sheriff and his deputies shall be ex officio city and county coroners, and as such, shall, within the city and county and districts, have all the powers and perform all the duties of coroners as provided by law. (L. 1907, c. 118, s. 124; R. L. 1915, s. 1747.)"

EXHIBIT NO. 45



PLAN OF THE HONOLULU POLICE DEPARTMENT
JANUARY 1, 1932

EXHIBIT NO. 46

Honolulu police department, present salary schedule, 1932, by ranks and grades

1 chief	\$600
1 assistant chief	275
1 captain of detectives	275
1 chief clerk	250
1 investigator (detective)	250
1 identification officer	250
1 senior captain	250
1 inspector, vice squad	250
1 district constable	250
1 pay roll and property clerk	225
1 assistant investigator	225
1 captain, traffic	225
1 bond and warrant clerk	200
3 captains, foot patrol	200
1 district constable (Ewa)	200
1 sergeant, examiner of chauffeurs	185
1 secretary to chief of police	175
2 detectives, county attorney's office	175
1 special traffic officer	175
3 lieutenants, foot patrol	175
1 district constable (Waialaua)	175
1 district constable (Koolaupoko)	175
1 district constable (Koolauloa)	175
2 examiners of chauffeurs	175
3 sergeants, traffic	170
3 sergeants, foot patrol	170
5 detectives, first class	165
57 motorcycle patrolmen ¹	165
1 district constable (Waianae)	160
1 assistant investigator (detective)	160
12 detectives, second grade	160

¹ Furnish own motorcycle, allowed 40 gallons of gasoline monthly

2 inspectors of vehicles	\$160
11 traffic officers, intersections	155
4 stenographers (female)	150
1 assistant bond and warrant clerk	150
6 patrol and ambulance drivers	150
1 auto mechanic	150
24 detectives, third grade	150
2 special traffic officers	150
42 foot patrolmen	150
5 motorcycle patrolmen (country) ¹	150
25 motorcycle patrolmen (country)	125
3 matrons, city jail	110
6 jailors, country ²	90
2 traffic officers, intersection	150
Total, 246.	

EXHIBIT NO. 47

Present age of officers of the Honolulu police department

Age	Total	Age	Total
22	1	44	4
23	1	45	5
24	9	46	3
25	7	47	6
26	8	48	4
27	16	49	4
28	10	50	4
29	5	51	4
30	10	52	3
31	6	53	1
32	9	54	2
33	14	55	1
34	6	56	2
35	9	57	1
36	5	58	2
37	17	59	1
38	8	60	1
39	11	61	1
40	10	62	1
41	4	63	1
42	14	64	1
43	7		

EXHIBIT NO. 48

Honolulu police department

Length of service

Period	Clerical	Transportation	Jail	Detectives	Foot patrol	Traffic bureau	Waianae district	Waialua district	Koolauloa district	Ewa district	Koolaupoko district	Wahiawa district	Total
Less than 1 year	2	1	3	4	1	1	1	1	1	1	1	1	12
1 to 3 years	1	4	18	11	18	1	4	1	3	2	1	1	60
3 to 5 years	1	1	8	8	17	1	1	1	3	1	1	1	50
5 to 10 years	4	2	13	12	24	2	3	1	4	1	1	1	68
10 to 15 years	1	1	3	8	12	1	1	1	1	1	1	1	28
15 to 20 years	1	1	2	6	7	1	1	1	1	1	1	1	17
20 to 25 years	1	1	3	3	2	1	1	1	1	1	1	1	5
25 years and over	1	1	1	1	1	1	1	1	1	1	1	1	8
Total	9	7	5	48	52	81	4	7	7	8	8	7	243

¹ Furnish own motorcycle, allowed 40 gallons of gasoline monthly.

² Furnished with house, fuel, water, and light, allowed 30 cents per meal per prisoner.

EXHIBIT NO. 49

Age at appointment of officers of the Honolulu police department

Age	Total	Age	Total
19		38	8
20	2	39	5
21	5	40	5
22	15	41	1
23	20	42	3
24	13	43	3
25	16	44	3
26	12	45	1
27	15	46	2
28	13	47	1
29	19	48	
30	14	49	1
31	6	50	
32	9	51	
33	9	52	1
34	11	53	1
35	8	54	1
36	8	55	1
37	7	56	1

EXHIBIT NO. 50

Honolulu police department

Marital status

	Clerical.	Transportation	Jail	Detectives	Foot patrol	Traffic bureau	Waianae district	Waialua district	Koolauloa district	Ewa district	Koolaupoko district	Wahiawa district	Total
Married	6	5	3	35	45	74	4	5	7	6	8	7	205
Single	2	1		8	4	3		2		2			22
Widower	1		1		1	3							6
Divorced		1	1	5	2	1							10
Total	9	7	5	48	52	81	4	7	7	8	8	7	243

EXHIBIT NO. 51

Height of officers of police department

	Above 5 feet 9 inches	Below 5 feet 9 inches		Above 5 feet 9 inches	Below 5 feet 9 inches
Clerical	1	8	Koolauloa district	3	4
Transportation	3	4	Ewa district	3	5
Jail	2	3	Koolaupoko district	4	4
Detectives	24	24	Wahiawa district		7
Foot patrol	41	11			
Traffic bureau	49	32	Total	134	109
Waianae district	1	3		243	
Waialua district	3	4			

EXHIBIT NO. 52

[Chart showing number of times arrested of present members of the police department together with the offenses upon which the arrests were made, and the results]

Position	Arrested		Offense	Result
	Yes	No		
Clerical		9		
Transportation	1	6	Manslaughter, third degree	Sentence, 1 year, pardoned by Governor Farrington.
Jail		5		
Detectives	11	37	Assault and battery	Found "not guilty."
			Conspiracy	Nol-prossed.
			Contempt of court	30 days in jail.
			Assault and battery	Fined \$25.
			Do	Suspended sentence.
			Embezzlement	6 months in jail.
			Bad language	Suspended sentence.
			Assault and battery	Fined \$50.
			Traffic violation	Suspended sentence.
			Cut-out open	Do.
			"Mome"	Acquitted.
Foot patrol	10	42	Nonsupport (2)	(1) To live with wife. (2) Charges stricken.
			Assault and battery	Discharged.
			Intoxicated	Suspended sentence.
			Embezzlement	6 months in jail.
			Assault and battery	Fined \$25.
			Assault and battery with weapon.	Sentenced to 4 to 5 years.
			(Not stated)	Charges dropped.
			Overloading truck	Suspended sentence.
			Larceny	(Not stated.)
Traffic bureau	10	71	Assault and battery	Fined.
			39 indictments, forgery	Acquitted, balance charges dropped.
			Nonsupport	Charges dismissed.
			Larceny-malicious conversion	Do.
			At gambling game	Fined \$15.
			Assault and battery	Fined \$100.
			(Not stated)	(Not stated.)
			Speeding	Suspended sentence.
			Disturbing peace	30 days in jail.
			Headless driving	\$100 fine, 6 months sentence (pardoned).
Waianae district		4		
Waialua district	2	5	Parking overtime	(Not stated.)
			Assault and battery	Nol-prossed.
Koolauloa district		7		
Ewa district	2	6	Present at gambling game	Stricken.
			Assault and battery	Suspended sentence.
Koolaupoko district		8		
Wahiawa district		7		
Total	36	207		

EXHIBIT NO. 53

Grades attained by members of police department education by years

	Clerical	Transportation	Jail	Detectives	Foot patrol	Traffic Bureau	Waianae district	Waiana district	Koolauloa district	Ewa district	Koolaupoko district	Wahiawa district	Total
No education.....				1									1
Grammar, 1-4.....				8	7		1						16
Grades:													
5.....		1	1	3	4	7	1			2	1	1	20
6.....		1	1	4	7	12		2	1	1	1	2	30
7.....	1	1	1	4	11	10	1	2	1	1	1	1	34
8.....	5	4	2	17	20	35	1	3	2	3	5	4	101
High school:													
9.....		1		2	1	2	1		1				8
10.....				1	1	1			1				4
11.....	1		1	2	1	1		1					6
12.....	2			9		4				1			16
University:													
1.....				1		1							2
2.....				1		1							2
3.....				1		1							1
4.....				2									2
Business college:													
1/4.....													
1.....	5			1	2	2						1	11
1 1/2.....	1												1
2.....						1							1
Extension.....	3		1	6	4	7		1					22
Vocational.....			1	3	1	3							8

Former occupations of members of the police department

EXHIBIT NO. 54

	Clerical	Transportation	Jail	Detectives	Foot patrol	Traffic Bureau	Waianae district	Waiana district	Koolauloa district	Ewa district	Koolaupoko district	Wahiawa district	Total
Accountant.....	1			1		1							3
Blacksmith.....				1	1	1							3
Boilermaker.....					1	1							2
Bookkeeper.....				2									2
Brakeman.....					1	1							2
Butcher.....					1	1							2
Carpenter.....				3	3	3		1		1			11
Checker.....				1	2	4							7
Chauffeur, taxi.....		1		2	2	4							9
Clerk.....	4	1	1	2	3	6				2			16
Conductor, tram.....				1	3	5							9
Craneman.....				1	1	1							3
Dairy and farming.....	1			1	1	1				1			5
Draper.....				1	1	1							3
Electrician.....				1	1	2							4
Engineer.....				1				2		1			4
Fireman.....					3	2							5
Fireman, city and county.....				1	1	2							4
Forest ranger.....				1	1	1							3
General.....	1	1	4	5	3	3	1		1	1			12
Guard and police.....			6	5	3	3						1	15
Laborer.....		1	2	6	3	3	1	3	2	3	1	1	22
Machinist.....				1	1	4							7
Mason.....				1	2	7							10
Mechanic.....		2		3	2	7		1					15
Motorman.....				1	4	4		1					10
Molder.....					1	1							2
Musician.....					1	3							4
Oiler.....	1			1	1	1							3
Painter.....					1	1							2
Pipe fitter.....					1	1							2
Plumber.....					3	3							6
Postmaster.....									1				1
Practical nurse.....			2										2
Radio operator.....				1		1							2
Rigger.....					1	1							2
Riveter.....					1	1							2
Rodman.....				1				1					2
Salesman.....				4		1							5
Stenographer.....	2												2
Stevedore.....					4	2						1	7
Switchman.....					1	1							2
Timekeeper.....				1	1			1					3
Truck and tractor driver.....		1		2	3	9			1		4	4	24
Typist.....	1												1
Warehouseman.....				1		1							2
Watchman.....				2									2
Water tender.....					2								2
Welder.....					1								1
No prior occupation.....			1			3			1				5
Total.....	9	7	5	48	52	81	4	7	7	8	8	7	243

EXHIBIT NO. 55

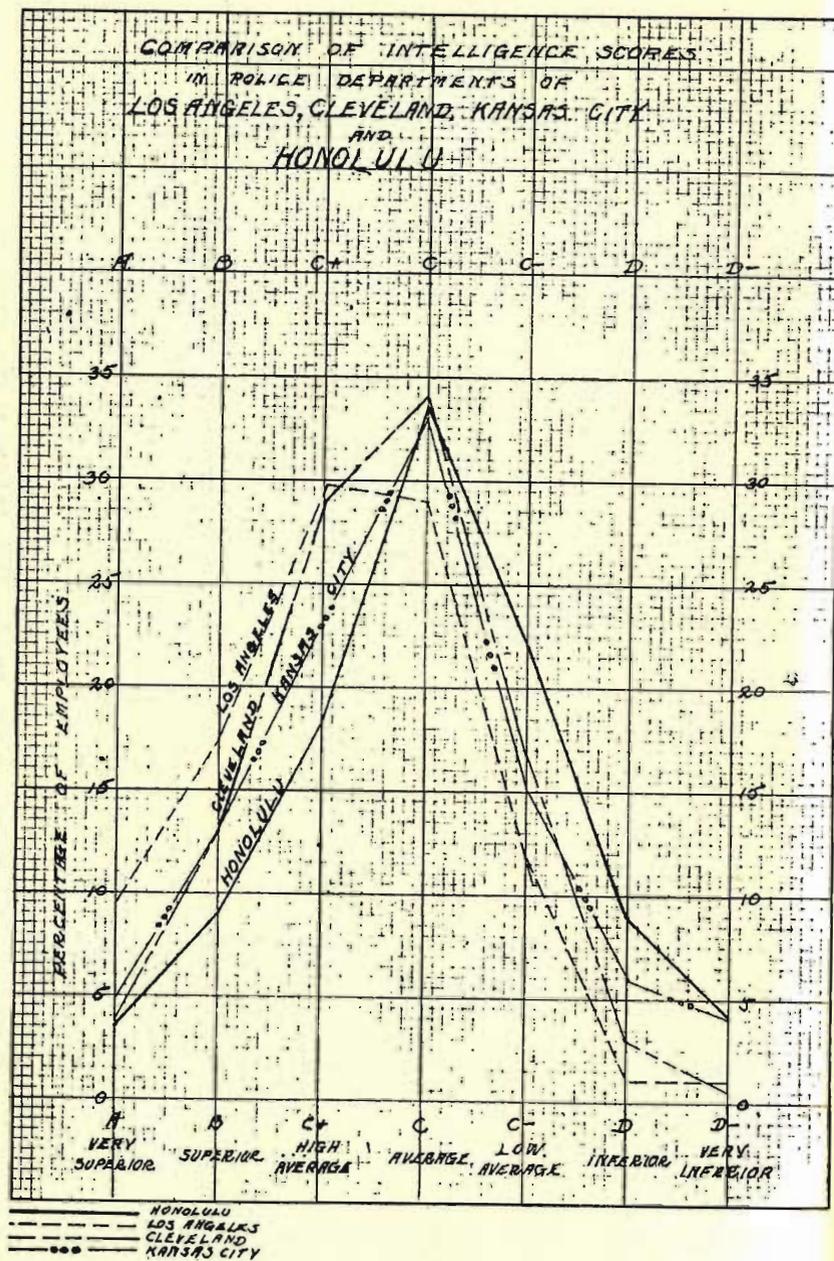


EXHIBIT NO. 56

Classification by age groups and grades—Army alpha test grades, Honolulu Police Department—regardless of rank, rating, or duties

Age group	A	B	C+	C	C-	D	D-	Total	Percentage
21 to 23	1		1	2				4	1.709
24 to 29	5	9	17	18	3	2	1	55	23.504
30 to 34		2	11	17	13	2		45	19.231
35 to 39	2	5	6	18	13	5	1	50	21.368
40 to 44		3	5	10	10	4	2	34	14.530
45 to 49		1	1	8	8	6	5	29	12.394
50 to 54		1		4	2	1	1	9	3.846
55 to 59			2	2	2	1		7	2.991
60 to 71					1			1	.427
Total	8	21	43	79	52	21	10	234	100.000

EXHIBIT NO. 57

Army alpha test grades, Honolulu Police Department—Grades by rank or rating regardless of age

Rank or rating	A	B	C+	C	C-	D	D-	Total
Captains ¹		2			2	2	1	7
Lieutenants ²	1	1		3	2			7
Sergeants ³			2	3	1			7
Constables, county police			1	2	2			5
Detectives, first class ⁴		2		4				6
Detectives, second class			4	4	3		1	12
Detectives, third class	3	3	12	6	1			24
Traffic officers ⁵		1	2	5	5	2		16
Motor-cycle police, city only	2	4	10	22	13	4	1	56
Motor-cycle police, country	1	1	4	6	8	5	2	27
Examiner of chauffeurs and inspector of vehicles		2			1		1	4
Foot patrolmen		4	19	7	4	5		41
Patrol drivers ⁶		1		3	2			7
Jailors, county jails			1	1	2	3		6
Matrons			1	1	1			3
Clerks		2	2	1	1			6
Total	8	21	43	79	52	21	10	234

¹ Includes 1 captain of detectives, 1 captain of traffic, 1 senior captain and 3 captains of foot police, and 1 vice-squad inspector in charge.

² Includes 3 investigators, detective division, 1 identification officer and 3 lieutenants of foot police.

³ Includes 3 sergeants of traffic, 1 sergeant examiner of chauffeurs, and 3 sergeants of foot police.

⁴ Includes 2 assigned to public prosecutor's office.

⁵ Includes 3 special traffic officers.

⁶ Includes 1 auto mechanic.

EXHIBIT NO. 58

Army Alpha test grades, Honolulu police department—Percentage of each rank or rating by grades

Rank or rating	A	B	C+	C	C-	D	D-	Total number
Captains ¹		28.57		28.57	28.57	14.29		7
Lieutenants ²	14.29	14.29		42.85	28.57			7
Sergeants ³	14.29		28.57	42.85	14.29			7
Constables, country police			20.00	40.00	40.00			5
Detectives, first class ⁴		33.33		66.67				6
Detectives, second class			33.33	33.33	25.00		8.34	12
Detectives, third class	12.50	12.50	50.00	20.83	4.17			24
Traffic officers ⁵		6.25	12.50	37.50	31.25	12.50		18
Motorcycle police, city	3.57	7.14	17.86	39.29	23.21	7.14	1.79	56
Motorcycle police, country	3.70	3.70	14.82	22.22	29.63	18.52	7.41	27
Examiner of chauffeurs and inspector of vehicles		50.00			25.00		25.00	4
Patrolmen ⁶		4.88	9.76	46.34	17.06	9.76	12.20	41
Patrol drivers		14.29			42.85	28.57		7
Jailors, country jails				16.67	33.33	50.00		6
Matrons			33.33	33.33	33.33			3
Clerks		33.33	33.33	16.67	16.67			6
Total	3.419	8.974	18.376	33.761	22.222	8.974	4.274	234

¹ Includes 1 captain of detectives, 1 captain of traffic, 1 senior captain and 3 captains of foot police, and vice squad inspector in charge.
² Includes 3 investigators, detective division, 1 identification officer, and 3 lieutenants of foot police.
³ Includes 3 sergeants of traffic, 1 sergeant examiner of chauffeurs, and 3 sergeants of foot police.
⁴ Includes 2 assigned to public prosecutor's office.
⁵ Includes 3 special traffic officers.
⁶ Includes 1 auto mechanic.

EXHIBIT NO. 59

Army Alpha test grades, Honolulu police department—Classification by race, regardless of age, rank, rating, or duties

Race	A	B	C+	C	C-	D	D-	Total	Percentage of total
Caucasian	2	4	6	4				16	6.83%
Japanese	2	2	1	2	2			9	3.84%
Chinese	1	2	4	2	3			12	5.12%
Part-Hawaiian	2	8	23	32	21	9	2	97	41.45%
Portuguese	1	1	5	13	10	5	1	36	15.38%
Hawaiian		3	4	20	14	7	7	55	23.50%
Others		1		6	2			9	3.84%
Total	8	21	43	79	52	21	10	234	100.00%

MEAN NUMERICAL GRADES BASED ON POSSIBLE SCORE OF 212

Race	Low score	High score	Mean grade
Caucasian	46	142	96.6
Japanese	28	158	86.0
Chinese	29	164	78.6
Part-Hawaiian	9	170	68.0
Portuguese	5	171	47.0
Hawaiian	7	113	44.6

NOTE.—No mean grade was calculated for races listed under "others" in the table above.

EXHIBIT NO. 60

Army alpha test grades, Honolulu police department—Grades attained by divisions regardless of age, rank, or rating

Division	A	B	C+	C	C-	D	D-	Total
Clerical		2	2	1	1			6
Detective ¹	4	7	16	15	5		1	48
Traffic ²	3	6	13	31	15	7	2	77
Foot patrol ³		5	8	23	19	5	5	65
Country police	1	1	4	9	12	9	2	38
Total	8	21	43	79	52	21	10	234

¹ Includes 14 men assigned to radio patrol; see below.
² Includes 10 men assigned to radio patrol; see below.
³ Includes 1 man assigned to radio patrol; see below.

RADIO PATROL SQUAD CONSISTING OF MEN ASSIGNED FROM DIVISIONS LISTED ABOVE

	A	B	C+	C	C-	D	D-	Total
Detective division			8	3	2		1	14
Traffic division		1	3	5			1	10
Foot-patrol division			1					1
Total		1	12	8	2		2	25

EXHIBIT NO. 61

SUMMARY OF CAPTAIN GREENING'S PRINCIPAL FINDINGS AS TO THE HONOLULU POLICE ADMINISTRATION

I. THE POLICE PROBLEM

1. Due to lack of records of present and past offenses it is impossible to state whether the volume of crime in Honolulu is too high or not or to state definitely how it compares with mainland cities. No one will be able to determine this until records are kept and tabulated according to the uniform crime reporting system.

2. The crime problem does not seem to be much more difficult than in many cities on the mainland where there are gathered together in congested areas many races and racial admixtures. Topographically it is difficult to police but it is also difficult for the criminal to escape. Dense growths of foliage that exist in certain areas lend themselves to the perpetration of certain crimes. Inadequate street lighting is also an aid to the criminal and is always recognized as a police hazard. Lack of wholesome supervised community centers where young persons may gather for wholesome fraternization is in a large measure responsible for the formation of groups of young hoodlums who have recently been termed as gangsters, which they are not. The most disturbing situation in police circles on the mainland, that of the migratory criminal, is almost entirely absent and therefore the crime situation may be termed entirely local.

3. Vice in all of its ramifications is present in a degree above the average for communities of its size but is fairly well centralized and as far as can be determined in a short survey does not seem to be syndicated.

4. Traffic seems to have had little study. Engineering seems to have been overlooked and very little attention paid to the education of the juvenile and adult public. There is an indication of overregulation rather than underregulation, although this can only be proven by a complete traffic survey, which should be conducted by an expert in the very near future.

II. ORGANIZATION AND DISTRIBUTION OF POLICE

1. Organization is loose.
2. There is conflict of authority and lack of understanding of scope of activity.
3. Supervision in the field is inadequate and in some instances entirely lacking.
4. The department lacks executives and specialists.

5. There has been a lack of coordination of efforts on mutual problems between police department divisions and between the police department and other governmental agencies.

6. Crime prevention has been neglected.

7. Cooperation of public has not been solicited with the result that confidence in the police department has reached a very low point.

8. No progressive program has been outlined or followed.

9. The force is unintelligently distributed and probably overmanned.

10. Country police stations were established in the horse-and-buggy days, 1892, and have not been changed to adapt to new conditions.

11. Beat system has not been changed for more than 20 years.

12. Too much reliance is placed on motorcycle patrols whose beats are not definitely established.

13. There is no adequate signal system to convey information to officers in the field or recall them when they have left the station.

14. Radio patrols are being used to investigate trivial matters properly in the scope of the foot and motorcycle patrol.

15. Foot patrol has not been used in recent years for anything more than a "scarecrow" division.

16. Traffic officers should be replaced with traffic lights at points where a survey shows they are really necessary.

17. Vice squad is inadequate and without funds with which to operate; neither do they keep any filing system of violators and/or other pertinent information. The head of the squad is not changed often enough.

18. No detailed budget has been prepared in the past.

19. There is no standardization of records, forms, and personal or official equipment.

20. Police station should maintain an information desk 24 hours per day with competent person in charge.

21. Too many men assigned to perform other duties than those of their own division.

22. Rules and regulations were inadequate and very few sections are applicable now.

23. General orders files are incomplete and scattered and are not indexed as to subject matter for ready reference.

24. Many men working in pairs unnecessarily.

25. Very few records kept in country districts and what are kept are not kept in the same way.

26. Too much latitude given trustees outside the jail.

III. PERSONNEL

1. Appointments have been greatly influenced by politics.

2. Many employees are not possessed with sufficient intelligence for their positions.

3. Many employees lack the education necessary to carry on their work.

4. No definite standard has been developed or adhered to in recruiting police personnel.

5. Intelligence ability of employees has not been recognized and used to best advantage.

6. Examinations in the past have been very simple and ill adapted to selection of police personnel.

7. There is no training school for rank and file or for commanding officers.

8. Education has not been encouraged but actually discouraged in some instances.

9. Many employees seem temperamentally unfitted for their work.

10. The salary schedule is unbalanced.

11. Many men and officers are unfamiliar with their duties and responsibilities.

12. Many cliques are apparent due to many former political alliances and changes in command in commanding and supervisory officers.

13. Morale has been greatly impaired by seemingly unfair and certainly political promotions.

14. No attempt has been made to record or reward efficiency.

15. Pension systems vary, one too liberal.

16. Too much time is allowed for vacation and insufficient time is allowed for days off during the year.

17. Sick-leave provision is inadequate under certain conditions and/or length of service.

18. Personnel records have not been kept up to date and in some cases of employees, who have been disciplined, they are missing entirely;

19. Conduct in public view in office and field does not inspire confidence and/or respect.

IV. BUILDINGS AND EQUIPMENT

1. Gamewell red-light signal system not in operation on account of objection to horns. Only installed in business area despite fact operation board will permit of extension of system far in excess of a community the size of Honolulu and rural area.

2. There is no means of rapid communication between different divisions or country stations nor is it possible to transfer calls of citizens to another division without again calling the operator.

3. Motor equipment is inadequate. There are too many motor cycles and too few automobiles.

4. There is no gas or riot equipment available.

5. Only part of the personnel have been furnished with handcuffs, which probably explains why some of them have been charged with assault and battery.

6. Some divisions have not been supplied with complete and up-to-date copies of laws and ordinances; many men have never been furnished an ordinance book. There is only one city directory in the whole department.

7. Filing cabinets are of bastard sizes and many will not accommodate standard forms.

8. There is no police reference library.

9. Many typewriters need replacement, others need service.

10. Country stations are not supplied with files in which to keep records.

11. From an æsthetic viewpoint the headquarters building is all that could be desired, but from a practical police standpoint it is inadaptable.

12. Ambulance garage is wide open permitting any one who desires to enter booking and receiving desk.

13. Many country stations need repair. In two instances jails are not secure.

14. City detention jail too large.

V. RECORD SYSTEM

1. Except in the accounting department there is no record system worthy of the name.

2. Each division keeping what meager records they care to, in their own way and without regard for any other division.

3. Reports are not made on all cases reported.

4. Information available has rarely ever been tabulated and/or used for administrative purposes.

5. No standard police forms are used for making reports except in the traffic division.

6. The uniform crime records manual has never been acquired, studied, or adopted.

7. Few monthly or annual reports are rendered, and those are full of errors and inaccuracies.

8. There are no police statistics developed that are comparable with those on the mainland.

VI. FINANCES

1. The finances of the department are inadequate to finance the needed improvements.

2. Intelligence is not used in buying material, supplies, and equipment.

3. There is not and has not been any financial program covering a period of years.

4. The department accounts have not been audited since the change in administration.

SUMMARY OF CAPTAIN GREENING'S PRINCIPAL RECOMMENDATIONS TO THE HONOLULU POLICE COMMISSION

The following summary gives in the order of importance, principal recommendations under general headings. Suggestions under each should be in process of installation at the same time as each is dependent upon the other or very closely related in the whole scheme.

I. BUILDING AND EQUIPMENT

1. Remedy accoustical defects in headquarters.
2. Immediate installation of P. B. X. exchange telephone system.
3. Immediate extension of police red-light signal system.
4. Purchase and install radio-receiving equipment in country stations and in field sergeants' autos.
5. Make provision for replacement of motor cycles in patrol work by auto and arrange for satisfactory allowances.
6. Installation of additional police communication boxes.
7. Purchase and install standard police reporting forms.
8. Install Hollerith tabulating machine and statistical cards.
9. Supply all police divisions and country stations with the necessary standard police filing equipment and forms.
10. Purchase necessary gas and riot equipment.
11. Furnish officers with handcuffs, city ordinance books.
12. Furnish each division with up-to-date set of codes and statutes.
13. Supply department with police reference library.
14. Replace worn-out typewriters.
15. Have necessary repairs made to country police stations.
16. Abandon country jails and three country police stations.
17. Rearrange some of the offices so that there can be a natural intercourse of business.
18. Close up ambulance and garage and receiving station to admittance of bail-bond brokers and loafers.
19. Extend patrol divisions locker space.
20. Purchase additional autos for use in the department.
21. Replace traffic intersection officers with traffic signals.

II. ORGANIZATION

1. Establish information counter at headquarters that functions 24 hours daily.
2. Establish central record division.
3. Complete revision of rules and regulations.
4. Provide necessary funds for vice division.
5. Reorganize vice division, increase personnel, put into effect new organization scheme, and establish comprehensive report and filing system.
6. Put into effect proposed organization scheme as soon as red light signal system can be installed.
7. Discontinue assigning of police personnel to special assignments outside of scope of recognized police activity.
8. Discontinue motor-cycle and radio patrolmen working in pairs except on dangerous missions.
9. Establish crime-prevention division.
10. Reorganize and put into effect proposed organization plan and record system and equipment in country stations.
11. Establish traffic-violation bureau.
12. Bring about better coordination between engineering department, social-service bureaus, educational system, health centers, recreation department, and other agencies whose problems are closely allied with police activities.
13. Endeavor to restore public confidence in the department.
14. Arrange for indexing of department orders according to subject matter so that they may be readily referred to.
15. Return to the court their responsibility for bail accounting and making up of criminal complaints.
16. All members of departments to be given to understand that they are held responsible for all crimes regardless of their classification or place of occurrence.
17. Make further study of beat assignments as soon as sufficient data is available for purposes of determining if they are scientifically constructed.
18. Have police act amended so that a trained police executive's services may be utilized.
19. Further amendment be made to make tenure of office of chief of police more secure.
20. Have 1-year residence clause stricken so that it will be possible at an early date to obtain competent and trained assistant chief of police.
21. Establish new salary schedule on sliding-scale basis.
22. Arrange for one day off per week for all ranks and grades.
23. Revise sick-leave ordinance.

III. PERSONNEL

1. Eliminate political influence in appointments.
2. Adopt higher standards for entrance into department.
3. Adopt new examination technique and examinations with view of obtaining men fitted for police service.
4. Establish training school for all employees.
5. Establish personnel files for all employees.
6. Establish rating and merit system for all employees.
7. Provide for study of present pension system.
8. Provide for annual physical examination of all employees.
9. Provide for annual examinations in police subjects for all members of the department.

EXHIBIT NO. 62

ACT 13—SENATE BILL NO. 2

AN ACT To provide for a public prosecutor for the city and county of Honolulu by amending chapter 118 of the Revised Laws of Hawaii, 1925, by adding thereto eight new sections and by amending sections 1751, 1815, 2560, 2562, and 4012 of said Revised Laws and all other laws relating to the city and county attorney to conform thereto

Be it enacted by the Legislature of the Territory of Hawaii—

SECTION 1. Chapter 118 of the Revised Laws of Hawaii, 1925, is hereby amended by adding thereto the following sections:

"SEC. 1822-A. Office of public prosecutor established. There is hereby created the office of public prosecutor of the city and county of Honolulu. The public prosecutor shall be appointed by the mayor of said city and county, with the approval of the board of supervisors, for a term of two years: *Provided, however,* That the term of the first appointee shall be the period expiring January 1, 1935, and that he shall only be removable as immediately hereinafter provided: *Provided, however,* That he may be removed by the attorney general with the approval of the governor at any time for reasons which appear to be sufficient in their discretion, and no person so removed by the attorney general shall be reappointed without the approval of the attorney general.

"SEC. 1822-B. Deputy of attorney general. The public prosecutor shall be a deputy of the attorney general of the Territory, and shall report to the attorney general from time to time as may be required by him.

"SEC. 1822-C. Assistant public prosecutor, clerks, etc. The public prosecutor of the city and county may appoint and remove at pleasure such assistant public prosecutors, clerks, stenographers, interpreters, and other assistants with such qualifications and at such salaries as may be allowed by the board of supervisors.

At the request of the public prosecutor one or more officers of the police department shall be permanently detailed by the chief of police of the city and county for the purpose of doing detective work necessary in preparing and presenting the litigation of the office, who shall continue to serve on such detail during the pleasure of the public prosecutor.

"SEC. 1822-D. Salary. The salary of the public prosecutor shall be \$7,500 per annum payable monthly out of the city and county treasury.

"SEC. 1822-E. Private practice forbidden. Neither the public prosecutor of the city and county nor his assistants shall receive any fee or reward from or on behalf of any person for services rendered or to be rendered in any prosecution or business to which it shall be their official duty to attend, nor shall the public prosecutor or his assistants engage in the private practice of law.

"SEC. 1822-F. Accounts to board of supervisors. The public prosecutor shall make an annual report to the board of supervisors of the city and county of the transactions and business of his department, showing the revenues and expenditures of his office and a summary of all the business transacted by his office for the preceding year.

"SEC. 1822-G. Duties. The public prosecutor, either in person or by an assistant, shall:

1. Attend all courts in the city and county and under the control and direction of the attorney general conduct on behalf of the people all prosecutions therein for offenses against the laws of the Territory and the ordinances of the board of supervisors of the city and county.

"2. Appear in every criminal case where there shall be a change of venue from the courts in the city and county and prosecute the same in any county in which the same shall be changed or removed. The expense of such proceedings shall be paid by the city and county.

"3. Institute proceedings or direct the chief of police to do so before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the district magistrates, either in person or by an assistant, or by the chief of police or any of his assistants, or by such other prosecuting officer as he shall appoint; draw all indictments and attend before and give advice to the grand jury whenever cases are presented to them for their consideration: *Provided, however*, That nothing herein contained shall prevent the institution or conduct of proceedings by private counsel before magistrates or courts of record under the direction of the public prosecutor.

"4. Deliver receipts for money or property received in his official capacity and file duplicates thereof with the city and county treasurer.

"5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month and upon receipt of the auditor's certificate therefor pay such moneys over to the city and county treasurer.

"Sec. 1822-H. Sections 2560, 2562, and 4012 of the Revised Laws of Hawaii, 1925, are hereby amended by substituting the words 'public prosecutor' for the words 'city and county attorney' wherever the latter words appear in said sections.

"In all other provisions of law dealing with criminal law and criminal procedure and other matters which by sections 1822-A to 1822-H, both inclusive, are placed under the jurisdiction of the public prosecutor, the words 'city and county attorney,' or equivalent expressions wherever used therein, shall be taken to mean and refer exclusively to the public prosecutor in so far as they so deal with criminal law and criminal procedure."

SEC. 2. Transfer of records—duty to furnish quarters. All the files and records of criminal cases now in the possession of the city and county attorney are hereby transferred to the public prosecutor. The board of supervisors shall make available to the public prosecutor and his staff sufficient and proper accommodations and equipment for their use.

SEC. 3. Section 1751 of the Revised Laws of Hawaii, 1925, is hereby amended to read as follows:

"SEC. 1751. Officers. The officers of the city and county shall be a mayor, a board of supervisors, a sheriff, who shall be ex-officio coroner, a city and county clerk, who shall be ex-officio clerk of the board of supervisors, an auditor, a treasurer; and a city and county attorney; all of whom, except the city and county attorney, shall be elected at large by the duly qualified electors of the city and county: *Provided, however*, That commencing January 1, 1933, the mayor, with the approval of the board of supervisors, shall appoint the city and county attorney for a term of two years: *Provided, however*, That he may be removed by the attorney general, with the approval of the governor, at any time for reasons which appear to be sufficient in their discretion, and no person so removed by the attorney general shall be reappointed without the approval of the attorney general: *And provided further*, That the public prosecutor may be appointed city and county attorney, in which event he shall only be entitled to receive the salary for one office."

SEC. 4. Section 1815 of the Revised Laws of Hawaii 1925, as amended by act 65 of the session laws of 1925, is hereby amended to read as follows:

"SEC. 1815. *General duties*.—The city and county attorney, or his deputy or deputies, shall:

"1. Attend all courts in and for the city and county and conduct on behalf of the people all civil cases in which the city and county is interested.

"2. Appear in every civil case in which the city and county is interested where there shall be a change of venue and prosecute or defend the same in any court to which the same shall be changed or removed; the expenses of such proceedings shall be paid by the city and county.

"3. Defend all suits brought against the city and county wherever brought, prosecute all recognizances forfeited in the courts of record, assist the tax assessor of his taxation division in the collection of delinquent taxes, and prosecute all actions for the recovery of debts, fines, penalties, forfeitures, and other claims accruing to the Territory or the city and county.

"4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the city and county treasurer.

"5. On the first Monday of each month file with the auditor an account verified by his oath of all moneys received by him in his official capacity during the preceding month and, upon receipt of the auditor's certificate therefor, pay such moneys over to the city and county treasurer.

"SEC. 5. *Constitutionality*.—If any section, subsection, sentence, clause or phrase of this act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have approved this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

"SEC. 6. *Repeal of conflicting provisions*.—All provisions of law in conflict with this act are superseded by the provisions hereof to the extent of such conflict.

"SEC. 7. This act shall take effect upon its approval.

"Approved this 9th day of February, A. D. 1932."

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

EXHIBIT NO. 63

Disposition of criminal cases, city and county of Honolulu

	1927	1928	1929	1930	1931	Total
Convictions.....	304	280	300	290	232	1,406
Acquittals.....	20	6	8	14	11	59
Nolle prosequi.....	198	64	104	57	33	456
Mistrials ¹	5	3	21	5	3	-----

¹ Final disposition as follows:

² Nolle prosequi.

³ 3 Nolle prosequi; 2 convictions.

⁴ 2 Nolle prosequi; 1 pending.

EXHIBIT NO. 64

Disposition of criminal cases

	1927	1928	1929	1930	1931	1932
Cases pending on January 1.....	159	51	119	71	39	-----
Cases added during year.....	461	424	382	356	343	69
Total.....	620	475	501	427	382	-----
Disposition:						
Convictions.....	304	268	300	288	230	-----
Acquittals.....	20	6	8	14	11	-----
Nolle prosequi.....	198	68	104	56	33	-----
Dismissals and/or stricken.....	15	12	18	30	39	-----
Other dispositions.....	132	2	-----	-----	-----	-----
Total.....	569	356	430	388	313	-----

¹ "Other dispositions" comprise cases in which demurrers are sustained; autrefois; prohibition cases transferred to Federal authorities.

NOTE.—5 mistrials in 1927; 3 mistrials in 1928; 1 mistrial in 1929; 5 mistrials in 1930; 3 mistrials in 1931.

EXHIBIT NO. 65

JULY 3, 1931.

Hon. HARRY R. HEWITT,
Attorney General, Honolulu, Hawaii.

DEAR SIR: I herewith submit the following report of criminal cases handled by this office and their disposition during the period from June 30, 1930, to June 30, 1931:

Cases pending June 30, 1930.....	29	
Cases filed during year ending June 30, 1931.....	326	
		355
Convictions.....	209	
Acquittals.....	12	
Nolle prossed.....	50	
Dismissed or stricken.....	34	
Appeals withdrawn.....	8	
Mistrials ¹		313
		42

Respectfully submitted.

JAMES F. GILLILAND,
City and County Attorney.

JUNE 30, 1930.

Hon. HARRY R. HEWITT,
Attorney General, Honolulu, Hawaii.

DEAR SIR: I herewith submit the following report of criminal cases handled by this office and their disposition during the period from June 30, 1929, to June 30, 1930:

Cases pending June 30, 1929.....	85	
Cases filed during year ending June 30, 1930.....	401	
		486
Convictions.....	303	
Acquittals.....	20	
Nol-prossed.....	93	
Dismissed or stricken.....	32	
Appeals withdrawn.....	8	
Mistrials ²		457
Other cases disposed of ³	1	

Cases pending June 30, 1930..... 30

Respectfully submitted.

JAMES F. GILLILAND,
City and County Attorney.

JULY 1, 1929.

Hon. HARRY R. HEWITT,
Attorney General, Honolulu, Hawaii.

DEAR SIR: I herewith submit the following report of criminal cases handled by this office and their disposition during the period from June 15, 1928, to June 30, 1929:

Cases pending June 15, 1928.....	96	
Cases pending June 15, 1928, wherein sentence has been passed until moved on.....	2	
Cases filed during year ending June 30, 1929.....	390	
		488
Convictions.....	250	
Acquittals.....	4	
Nol-prossed.....	116	
Dismissed or stricken.....	10	

¹ Mistrial. Defendant later pleaded guilty.² 2 mistrials, 1 case is still pending, and in the other case the defendant pleaded guilty and was fined.³ 1 case, demurrer sustained.

Appeals withdrawn.....	20	
Mistrials (1, but case is still pending) ¹		
Cases transferred to Federal Court.....	1	
Other cases disposed of ²	2	
		403

Cases pending June 30, 1929..... 85

Respectfully submitted.

JAMES F. GILLILAND,
City and County Attorney.

JUNE 15, 1928.

Hon. Wm. B. LYMER,
Attorney General of the Territory of Hawaii,
Honolulu, Hawaii.

DEAR SIR: I herewith submit the following report of criminal cases handled by this office and their disposition, during the period from July 1, 1927, to June 15, 1928:

Cases pending July 1, 1927.....	133	
Cases filed during year ending June 15, 1928.....	452	
		585
Convictions.....	274	
Acquittals.....	16	
Nolle prosequi.....	127	
Dismissed or stricken.....	13	
Appeals withdrawn.....	18	
Mitigation denied.....	12	
Mistrials.....	4	
Cases transferred to Federal court.....	14	
Cases disposed of. (See Remarks).....	11	

Cases pending June 15, 1928..... 96

Remarks.—1 case, 51 defendants: 1 conviction and 50 nolle prossed. 1 case, 15 defendants: 10 convictions and 5 nolle prossed. 1 case, 6 defendants: 1 conviction and 5 nolle prossed. 1 case, 12 defendants: 11 convictions and 1 nolle prossed. 1 case, 12 defendants: 5 convictions and 7 nolle prossed. 1 case, 3 defendants: 2 convictions and 1 acquittal. 1 case, 4 defendants: 2 appeals withdrawn and 2 nolle prossed. 1 case, 1 defendant: demurrer sustained. 1 case, 21 defendants: 19 convictions and 2 nolle prossed. 1 case, 3 defendants: 1 conviction and 2 stricken. 1 case, 2 defendants: 1 conviction and 1 mistrial. Eleven cases disposed of.

Respectfully submitted.

CHARLES S. DAVIS,
City and County Attorney.

JULY 8, 1927.

Hon. Wm. B. LYMER,
Attorney General, Honolulu, Hawaii.

DEAR SIR: I hereby submit the following report of criminal cases handled by this office and their disposition during the period of 12 months ending June 30, 1927:

First circuit court

Cases pending July 1, 1926.....	130	
Cases filed during year ending June 30, 1927.....	416	
		546
Convictions.....	220	
Acquittals.....	18	
Nolle prosequi.....	111	
Dismissed or stricken.....	31	
Appeals withdrawn.....	6	
Mitigation.....	3	

¹ 1 case, 8 defendants wherein there were 1 conviction, 1 acquittal, and 6 nol-prossed.² 1 case, 3 defendants, wherein there were 2 convictions, and 1 nol-prossed.

Mistrials.....	5
Cases transferred to Federal authorities.....	19
	413
Cases pending July 1, 1927.....	133

Respectfully submitted.

CHARLES S. DAVIS,
City and County Attorney.

JULY 8, 1926.

Hon. Wm. B. LYMER,
Attorney General of Hawaii, Honolulu, Hawaii.

SIR: I hereby submit the following report of criminal cases handled by this office and their disposition during the period of 12 months ending June 30, 1926:

Supreme court

Cases pending July 1, 1926.....	6
Cases filed during year.....	2
	8
Cases disposed of.....	7
	1

First circuit court

Cases filed during year.....	304
Cases pending July 1, 1926.....	63
	367
Cases disposed of.....	236
	131

Number of defendants dealt with circuit court

Convictions.....	173
Acquittals.....	10
Nolle prosequis.....	65
Dismissals.....	5
Mitigations.....	3
Appeals withdrawn.....	5
	261

This office would have disposed of more cases if the courts had been functioning daily. For a period of about three months there were no judges to hear criminal cases and at other times there were no judges available for such purpose. This being the case, this office is obliged to go into the next fiscal year with 131 criminal cases on its hands. However, this number is much smaller than it has been several times at the end of a fiscal year.

Respectfully,

HOWARD HATHAWAY,
City and County Attorney.

JULY 7, 1925.

Hon. W. B. LYMER,
Attorney General of Hawaii, Honolulu, Hawaii.

SIR: I hereby submit the following report of criminal cases handled by this office and their disposition during the period of 12 months ending June 30, 1925:

Supreme court

Cases filed.....	15
Disposed.....	9
	0
Pending.....	0

First circuit court

Cases filed.....	243
Cases pending July 1, 1924.....	52
	295
Total.....	295
Cases disposed.....	235
	60
Cases pending July 1, 1925.....	170
Convictions (number of defendants).....	30
Acquittals.....	99
Nolle prosequis.....	3
Stricken.....	7
Appeals withdrawn.....	5
Dismissed.....	1
Mistrial.....	15
Mitigations.....	330
	330

Respectfully submitted.

WM. H. HEEN,
City and County Attorney.

AUGUST 22, 1924.

Hon. JOHN ALBERT MATTHEWMAN,
Attorney General Territory of Hawaii,
Honolulu, Hawaii.

SIR: I hereby submit the following report of criminal cases handled by this office, and their disposition, during the period of 12 months ending June 30, 1924:

First circuit court

Cases pending July 1, 1923.....	153
Cases filed during year ending June 30, 1924.....	290
	443
Convictions.....	223
Acquittals.....	29
Nolle prosequis.....	108
Stricken.....	4
Appeals withdrawn.....	20
Mistrials.....	3
Dismissed.....	4
	391
Pending July 1, 1924.....	52

Respectfully submitted,

WM. H. HEEN,
City and County Attorney.

SEPTEMBER 14, 1923.

Hon. J. A. MATTHEWMAN,
Attorney General Territory of Hawaii,
Honolulu, Hawaii.

SIR: I hereby submit the following report of criminal cases handled by this office and their disposition during the period of 12 months ending June 30, 1923:

	First circuit court	District court
Total number of cases handled.....	406	4,202
Number of convictions.....	206	
Number of nolle prosequis.....	158	
Number of acquittals.....	11	
Number of convictions, including demands for jury trial, committals to the grand jury and bails forfeited.....		3,013
Number of discharges, nolle prosequis, and stricken.....		1,204
Number pending.....	153	91

Respectfully submitted.

WM. H. HEEN,
City and County Attorney.

Registered voters by race and sex, 1920-1930—Continued

		1924								1926									
		H		M	O		K	Males	Fe- males	Total	H		M	O		K	Males	Fe- males	Total
Hawaiian	Male	880	863	1,751	1,197	1,925	549	7,165		873	819	1,720	1,257	2,117	552	7,338			
	Female	614	623	1,366	995	1,734	448	5,780	12,945	632	623	1,302	1,090	1,990	458	6,095	13,433		
Part Hawaiian	Male	259	199		700	778	103	2,039		258	186		881	887	110	2,322			
	Female	216	167		679	559	80	1,701	3,740	219	161		882	673	73	2,008	4,330		
Portuguese	Male	735	126	616	1,092	682	371	3,622		832	152		1,330	841	387	4,158			
	Female	277	52	295	529	267	161	1,581	5,203	383	69		655	378	216	1,957	6,115		
Chinese	Male	74	82	117	543	803	65	1,684		94	73		813	1,142	71	2,317			
	Female	18	32	27	144	78	33	332	2,016	29	27		277	180	37	357	2,749		
Japanese	Male	439	187	210	203	229	238	1,506		718	307		316	439	612	357	4,761		
	Female	56	33	23	20	24	49	205	1,711	53	27		67	64	88	343	3,092		
American	Male	304	99	259	2,410	768	207	4,047		300	117		2,915	930	212	4,761			
	Female	240	105	195	2,048	442	200	3,230	7,277	257	99		2,506	555	229	3,861	8,622		
British	Male	27	16		353	91	30	517		18	14		369	90	21	512			
	Female	14	6		97	19	7	143	690	14	4		110	22	8	111	158	670	
German	Male	42	12		119	59	64	296		33	13				7	22		133	
	Female	8	6		16	7	4	41	337	9	6				68	1,073			
Others	Male	186	43	114	162	139	55	699		234	56		330	262	23	1,073			
	Female	46	10	24	42	12	17	161	850	53	22		61	25	23	195	1,268		
Total, male		2,946	1,627	3,067	6,779	5,474	1,682	21,575		3,360	1,737	3,177	8,334	6,890	1,843	25,351			
Total, female		1,489	1,034	1,930	4,570	3,142	999	13,164		1,649	1,027	1,878	5,648	3,887	1,139	15,228			
Grand total		4,435	2,661	4,997	11,349	8,616	2,681		34,739	5,009	2,764	5,055	13,982	10,777	2,982			40,569	

		1928								1930									
		H		M	O		K	Males	Fe- males	Total	H		M	O		K	Males	Fe- males	Total
Hawaiian	Male	818	746	1,791	2,066	2,680	504	8,605		839	804	1,393	1,967	2,862	462	8,317			
	Female	692	611	1,367	1,876	2,403	425	7,374	15,979	705	666	1,110	1,911	2,549	423	7,364	15,681		
Part Hawaiian	Male	264	184		568	447	127	1,590		289	203	425	686	542	130	2,275			
	Female	224	155		563	336	105	1,383	2,973	277	168	215	712	430	100	1,902	4,177		
Portuguese	Male	883	139	731	1,478	915	424	4,570		987	175	820	1,699	1,064	457	5,202			
	Female	464	76	332	913	485	217	2,487	7,057	566	112	385	1,001	591	254	2,900	8,111		
Chinese	Male	105	67	191	1,162	1,331	74	2,930		125	75	234	1,283	1,379	78	3,174			
	Female	59	37	89	497	304	34	1,020	3,950	83	43	144	576	340	42	1,228	4,402		
Japanese	Male	778	324	541	784	939	487	3,823		1,088	429	738	1,084	1,371	632	5,342			
	Female	219	103	148	171	221	154	1,016	4,839	404	191	171	298	344	267	1,675	7,017		
American	Male	321	105	328	2,977	964	216	4,911		354	129	424	3,421	1,022	229	5,579			
	Female	272	102	306	2,566	590	217	4,053	8,964	292	117	352	3,025	670	209	4,665	10,244		
British	Male	20	15		328	95	34	492		20	11		364	102	11	508			
	Female	13	5		141	25	11	195	687	11	4		182	33	3	233	741		
German	Male	34	11				66	111		34	11				56	101			
	Female	9	5				10		135	12	3				13	28		129	
Others	Male	232	32	152	349	370	69	1,204		260	40	161	405	417	74	1,347			
	Female	58	11	11	79	91	20	270	1,474	69	16	9	98	93	15	300	1,647		
Total, male		3,455	1,623	3,734	9,682	7,741	2,001	28,236		3,986	1,877	4,195	10,909	8,749	2,129	31,845			
Total, female		2,010	1,105	2,253	6,806	4,455	1,193	17,822		2,419	1,320	2,386	7,803	5,050	1,326	20,304			
Grand total		5,465	2,728	5,987	16,488	12,196	3,194		46,058	6,405	3,197	6,581	18,712	13,799	3,455			52,149	

NOTE.—H=county of Hawaii; M=county of Maui; O=city and county of Honolulu; K=county of Kauai.

County of Hawaii has 2 representative districts—first and second.

County of Maui has 1 representative district—third.

City and county of Honolulu has two representative districts—fourth and fifth.

County of Kauai has 1 representative district—sixth.

County of Maui returns show part Hawaiians with Hawaiians; British and Germans with others.

EXHIBIT NO. 67

REVISED LAWS OF HAWAII, 1925

CHAPTER 142, JURIES AND TRIAL BY JURY

SEC. 2395. *Qualified, when*—A person is qualified to act as a juror:

1. If he is a male citizen of the United States, and of the Territory, of the age of 21 years, and possesses the qualifications for registration as a voter, and is a resident of the circuit from which he is selected; and
2. If he is in possession of his natural faculties, and of ordinary intelligence, and not decrepit; and
3. If he can understandingly speak, read, and write the English language; and
4. If he is selected, summoned, returned, and sworn, without reference to race or place of nativity.

SEC. 2396. *Disqualified, when*—A person is not competent to act as a juror:

1. Who does not possess the qualifications prescribed by the preceding section;
2. Who has been convicted of any felony or of a misdemeanor involving moral turpitude.

SEC. 2397. *Exempt, when*—A person is exempt from liability to act as a juror if he is:

1. Over 60 years of age;
2. An attorney at law;
3. A salaried judicial, civil, or military officer of the United States or of the Territory;
4. A person holding a salaried county, city, town, municipal, township, district, or precinct office;
5. A minister of the gospel, or a priest of any denomination, following his profession;
6. A teacher in a university, college, academy, school, or other place or institution of learning;
7. A practicing physician, surgeon, or dentist, or a druggist actually engaged in the business of dispensing medicines;
8. An officer, keeper, or attendant of an almshouse, hospital, or asylum;
9. A person engaged as an officer or attendant of the territorial penitentiary or prison, or a county, city, or municipal jail;
10. A person employed on board of a vessel navigating the waters of or between the islands of the Territory, or on board of a vessel engaged in the coasting trade, or plying between any port of the United States and a port in a foreign country;
11. An express agent or mail carrier, or a superintendent, employee, or operator of public telegraph or telephone lines or apparatus for radio-communication;
12. A member of the militia when on active service, or an active member of a fire department of any village, town, city, or other place in the Territory;
13. A superintendent, engineer, conductor, or motorman, on any public railroad or street railway;
14. A superintendent, special machine operator, or principal foreman working on any public works contract for the United States Government, the Territory, or any political subdivision thereof, which may carry a time limit penalty.

SEC. 2398. *Excused, when*—A juror shall not be excused by a court for slight or trivial cause, but only for serious and unusual hardship or inconvenience to his business, or when material injury or destruction of his property, or of property entrusted to him, is threatened, or when his own health, or the sickness or death of a member of his family, requires his absence.

EXHIBIT NO. 68

ACT 11
(H. B. No. 5)

An Act to amend section 2418 of the Revised Laws of Hawaii 1925 as amended by act 39 of the Session Laws of 1927, and section 2419 of said Revised Laws, relating to peremptory challenges of jurors

Be it enacted by the Legislature of the Territory of Hawaii:
SECTION 1. Section 2418 of the Revised Laws of Hawaii, 1925, as amended by Act 39 of the Session Laws of 1927, is hereby amended to read as follows:

“Sec. 2418. Challenging peremptorily. In addition to the challenges of jurors allowed in the preceding section, the Territory and defendant in criminal cases except as provided in the next following section, and the plaintiff and defendant in civil cases, shall each be allowed to challenge peremptorily three jurors, without assigning any reason therefor, provided that in criminal cases, where there are two or more defendants jointly put on trial, each of the defendants shall be allowed only two peremptory challenges and the Territory shall be allowed as many as are allowed to all the defendants, and in civil cases, where there are two or more parties on either side, each of them shall be allowed only two peremptory challenges except that if the parties on the respective sides are unequal in number those on the side having the lesser number shall each be allowed such number of such challenges that their aggregate shall equal as nearly as may be the aggregate allowed to all the parties on the other side, but without exceeding the same.”

SEC. 2. Section 2419 of said Revised Laws is hereby amended to read as follows:

“Sec. 2419. Where offense punished by death or for life. Any person who is put on trial for an offense for which, if convicted thereof, such person may be punished with death or imprisonment for life, such person and the Territory shall each be allowed to challenge peremptorily 12 of the persons called as jurors, and no more: *Provided, however,* That where there are two or more defendants jointly put on trial for such an offense each of the defendants shall be allowed six challenges only, and the Territory shall be allowed as many as are allowed to all of the defendants.”

SEC. 3. This act shall take effect upon its approval.

Approval this 29th day of January, A. D. 1932.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

EXHIBIT NO. 69

Qualification and fitness of 1932 Territorial jury venire for city and county of Honolulu

(Compiled after personal interview with 300 jurors of the 1,000 names on the 1932 venire)

Race:	Per cent	Occupation—Continued.	Per cent
White.....	34½	Executives (including corporation officers, managers, superintendents, foremen, etc.).....	18
Chinese.....	21½	Business men (private business, realtors, merchants, commission merchants, etc.).....	11½
Part Hawaiian.....	19	Laborers.....	10
Japanese.....	8½	Professional (engineers, chemists, accountants, etc.).....	9
Portuguese.....	8	Without occupation.....	5½
Hawaiian (pure).....	3½	Willing to serve on jury.....	81
Porto Rican.....	(2)	Unwilling (because of pressure of business).....	19
Tahitian.....	(1)	Members of civic associations..	21
Schooling:		Members of fraternal organizations.....	23
4th-grade grammar.....	8	(Masons, 8 per cent; Elks, 6 per cent; Foresters, 5 per cent; Portuguese societies, 4 per cent.)	
8th-grade grammar.....	30	Favor strict enforcement of all laws.....	77
High school.....	42	All except prohibition law.....	23
College.....	19	Acquainted with underworld persons.....	25
None.....	1	Acquainted with attorneys practicing criminal law.....	55
Strength of character:		Knowledge of, or endeavored to have name placed on jury list..	None.
Strong.....	44½		
Fair.....	42½		
Weak.....	13		
Married.....	77		
Single.....	23		
Owners of realty.....	70		
No real estate.....	30		
Republicans.....	50		
Democrats.....	15		
Independents.....	35		
Previous criminal record.....	None.		
Occupation:			
Employees (including office workers, clerks, agents, salesmen, etc.).....	46		

EXHIBIT NO. 70

Federal petit jury lists for 1928, 1929, 1930, 1931

(Total jurors, 307)

Race:	Occupation:
66 per cent Haole (white).	46 per cent employees.
20 per cent part Hawaiian.	36 per cent executives.
6½ per cent Portuguese.	9½ per cent business men.
5 per cent Chinese.	5½ per cent professional men.
1 per cent pure Hawaiian.	(2 laborers; 8 without occupation.)
(2 Japanese; 1 Indian).	

EXHIBIT NO. 71

OCTOBER, 1928, TERM, ADDITIONAL PETIT JURORS, DRAWN FEBRUARY 4, 1929

	Race	Occupation
George T. Armitage	American	Executive secretary Tourist Bureau.
John H. Amoy	Hawaiian-Chinese	Luna.
Thomas U. Angell	American	Manager.
Charles H. Armour	do	Realtor.
Robert W. Atkinson	do	Vice president-manager.
Cecil G. Benny	do	Treasurer.
Henry F. Bertelmann	Part Hawaiian	Bookkeeper.
Thurman E. Black	Indian	Detective.
George H. Bush	Part Hawaiian	Compositor.
Richard Cheatham	American	Superintendent.
Robert F. Clarke	Part Hawaiian	Inspector.
Fred R. Chapman	American	Mechanic.
Barton H. Eveleth	German	Engineer.
Manuel DeMello	Portuguese	
Frank F. Fernandes	do	Manager.
Leo G. Fehlman	German	Salesman.
Harry P. Field	American	Electrical engineer.
Charles L. C. Galt	do	Vice president.
Hans M. Gittel	German	Do.
Wm. P. Johnson	American	Secretary V. H. Y. Co.
Arthur B. Johnson	do	Electrician.
Alfred K. Magoon	Part Hawaiian	Vice president.
Reynolds B. McGrew	American	President-manager.
Robert L. Lukens	do	Department manager.
Frederick G. Schattauer	German	Manager.
Albert H. Tarleton	American	Collector of internal revenue.
Carl Henry Bredhoff	German	Manager.
Robert W. Covell	American	Manager Frye & Co.
K. C. Lum	Chinese	Clerk.
Gaylor P. Wilcox	American	Vice president.
Osborne White	do	None.
Christian Evensen	do	Carpenter.
Alexis J. Gignoux	French-American	President.
Vernon McQueen	American	Reporter.
Alfred K. Smythe	Part Hawaiian	Salesman.

APRIL, 1929, TERM, PETIT JURORS, DRAWN APRIL 1, 1929

Charles Akana	Chinese-Hawaiian	Assistant cost accountant.
Charles H. Bellina	American	Commission merchant.
Frank A. Bechert	German	Insurance.
Frank Q. Cannon	American	Manager.
John C. Cluney	Part Hawaiian	Salesman.
Theodore A. Cooke	American	Vice president.
John D. Deter	Greek	Merchant.
Richard H. Gantley	American	Banker.
Robert L. K. Fuller	Part Hawaiian	Engineer.
Walter N. Haglund	English-Swedish	Bank teller.
Robert Hair	Scotch	Insurance agent.
Llewellyn H. L. Hart	Part Hawaiian	Superintendent.
Earle G. Hedemark	American	General passenger agent.
David Kupa		
Wm. W. Lee	Part Chinese	Salesman.
W. C. Liko	Part Hawaiian	Iron Molder.
Robert E. Mist	British	Secretary, A. & B.
Waldemar Muller	Part Hawaiian	Clerk.
Robert A. Robbins	British	Salesman.
R. R. Rohlfing	American	Do.
Rolla K. Thomas	do	Stock broker.
Frank S. Tyau	Chinese	Clerk.

APRIL, 1929, TERM, PETIT JURORS, DRAWN APRIL 1, 1929—Continued

	Race	Occupation
Elmer T. Winnant	American	Office manager.
Wm. S. Wise	Part Hawaiian	Athletic director.
John Galt	American	Statistician.
M. E. Menezes	Portuguese	Salesman.
Chas. D. Rosecrans	American	Service-station owner.
Walter J. Snyder	do	Manager.
Earl J. Sanderson	do	Stock broker.
Benjamin Ah Foo	Chinese-Hawaiian	Salesman.
Wm. Bell	Scotch	Secretary-treasurer.
John K. Butler	American	Executive.
Chester Irwin	do	Timekeeper.
Samuel W. King	Part Hawaiian	Realtor.
Wm. C. McGonagle	American	Druggist.
John D. McVeigh, jr.	Part Hawaiian	Planner and estimator.
John C. Anderson	American	None.
Robert S. Chase	do	Contractor.
Albert E. Coxhead	do	Do.
Wm. H. D. King	Part Hawaiian	Clerk.
Herman Luis	Portuguese	Insurance agent.

OCTOBER, 1929, TERM, PETIT JURORS, DRAWN OCTOBER 4, 1929

Clarence E. Barter	American	Superintendent.
D. V. Bordner	do	Field superintendent.
Wm. Beerman	do	Assistant superintendent.
Harry L. Book	Chinese	Clerk.
C. Archibald Boyd	Part Hawaiian	Welder.
James E. Boyle	Irish	Printer.
Abung Dung	Chinese	Bookkeeper.
John B. DePonte	Portuguese	Clerk.
James Truman Farr	Part Hawaiian	Auto repair man.
Hans Fassoth	American	Division overseer.
Chas. F. Finkboner	do	Realtor.
Harry A. Franson	Swedish	Cashier.
Norman R. Gilliland	Part Hawaiian	Accountant.
Frithjof E. Jensen	Danish	Plantation overseer.
James M. Laird	Scotch	Stockbroker.
George N. Lindley	American	Bank teller.
Cecil A. Mackintosh	English	Secretary.
James B. Mann	American	Civil engineer.
Taijiro Miyahara	Japanese	Timekeeper.
James A. Moncrief	Canadian	Cashier.
Frederick A. Potter	American	Superintendent aquarium.
Theodore C. Searle	do	Assistant athletic coach.
Wm. P. St. Clair	do	Department manager.
Lewis H. Underwood	do	Manager.
Wm. James Warner	do	Do.
Robert E. White	do	Assistant manager.
Albert A. Wilson	do	Manager.
Abel D. Abreu	Portuguese	Bookkeeper.
Rudolph W. Duncan	Part Hawaiian	Cashier.
Theodore E. Martin	German-Irish	Department manager.
David M. Moncrief	Irish-Scotch	Vice president.
Edmund Swan	American	Clerk.
Charles A. Drew	do	Manager.
Max B. Goldman	Hebrew	Jobber.
Edw. E. Hartman	American	Salesman.
Henry T. Hausten	do	Newspaper man.
John K. McCandless	Part Hawaiian	Engineer.
H. P. Widemann	do	Shovel operator.

APRIL, 1930, TERM, PETIT JURORS, DRAWN APRIL 10, 1930

Albert Afong	Chinese-American	Realtor.
Arthur E. Arledge	American	Civil engineer.
Carl Bayer	German-American	Department manager.
Edw. C. S. Crabbe	Part Hawaiian	Freight checker.
Robert H. Ely	American	Sales engineer.
Frederick P. Johnson	do	Farmer.
Montague W. Mitchell	English	General passenger agent.
Wm. Peet	American	Newspaper man.
Geoffrey Podmore	do	Engineer.
Heinrich M. P. Rose	Part Hawaiian	Accountant.
Phillip NG Sing	Chinese	Advertising man.
Joseph B. Stickney	American	Manager.
Earl M. Thucker	do	Department manager.
Walter M. Velleusen	Norwegian-American	Service station operator.
Charles S. Weight	British	Manager.
Wm. M. Bush	Part Hawaiian	Assistant superintendent engineer.

APRIL, 1930, TERM, PETIT JURORS, DRAWN APRIL 10, 1930—Continued

	Race	Occupation
Chas. S. Crane	American	Business manager.
Wm. H. Crozier, jr.	do.	Contractor.
Marmion M. Magoon	Part Hawaiian	Realtor.
Simpson A. McNicoll	American	Clerk.
Carl G. Norrie	Part Hawaiian	Deputy tax assessor.
Gordon C. Ross	do.	Purchasing agent.
Charles Sey	Scotch	Department manager.
Albert E. Stanley	American	Foreman.
Dayton A. Turner	do.	Salesman.
Earl K. Vida	Part Hawaiian	Bookkeeper.
Herbert W. Auerbach	American	Junior accountant.
Andrew L. Bushnell	do.	Superintendent.
Raymond S. Coll	Irish	Editor.
Earl V. Gall	American	Banking.
Henry K. Y. Ho	Chinese	Mechanic.
Bian Sinn Ling	do.	Banking.
Samuel W. Robbley	American	Boy Scout executive.
Fred E. Trotter, jr.	do.	Plantation overseer.
Clifton S. Goodknight	do.	Vice president.
K. C. Zane	Chinese	Salesman.
Grant Bailey	American	Farm manager.
Elmer Roy Davis	do.	Broker.
Wm. G. Matthias	Welsh	Realtor.
Benjamin Seelig	Hebrew	Commission merchant.
Wm. C. Kamakawiwoole	Hawaiian	Clerk.
Wm. Baron McKee	Scotch	None.
Wm. Gladstone Neild	English	Clerk.

OCTOBER, 1930, TERM, PETIT JURORS, DRAWN OCTOBER 9, 1930—CRIMINAL CASES BEFORE JUDGE MASSEE

Peter F. Akin	Chinese-Hawaiian	Machinist.
E. Brecht	German	Plantation manager.
Manuel M. Calhau	Portuguese	Theater manager and owner.
Harry L. Denison	American	Business manager.
Joseph R. Farrington	do.	Newspaperman.
Vern Hinkley	Danish	City editor, Star Bulletin.
Harold P. Hustace	American	Salesman.
Hugo Ludders	German	Manager merchandise department.
Wm. B. McLean	American	Publicity work.
Wm. E. Miles	Part Hawaiian	Superintendent city hall.
Allen M. Nowell	American	Secretary-manager Sugar Factors (Ltd.).
G. W. Schuman	German-Irish	Manager Schuman Carriage Co.
George B. Scott	American	Salesman.
Chas. G. Street, jr.	do.	Bookkeeper.
G. S. Waterhouse	do.	Banking, assistant executive vice president.
Henry T. Zerbe	Part Hawaiian	Wire chief, telephone company.
Howard D. S. Case	American	Newspaper reporter.
Eugene K. Allen	Part Hawaiian	Unemployed.
Harold A. Wong	Chinese	Bookkeeper.
Thomas S. Abel	Scotch	Vice president Bishop First National.
Donald MacIntyre	do.	Horticulturist.
George A. Gool	American	Salesman, Star Bulletin.
Henry T. Hughes	Part Hawaiian	Garage manager.
Chas. E. Nolan	American	Sales supervisor, Hawaiian Electric Co.
Wm. H. Soper	do.	Department manager, Hon. Paper.
Wm. E. Kerr	do.	Traveling salesman.
Albert E. Lloyd	do.	Stockbroker.
John Silva	Portuguese	Foreman Hawaiian Pineapple Company.
Wm. Larsen, jr.	American	Mechanic.
Robert D. King	do.	Territory surveyor.
Herbert delancey Perry	do.	Manager Home of Linens.
Thomas Sharp	do.	Sign painter.
Sylvester K. Akana, jr.	Part Hawaiian	Brakeman O. R. & L. Co.
George H. Gertz	American	Real estate agent.
Edw. J. Dougherty	do.	Sales manager, Honolulu Motors.
Jama A. Dwight	Part Hawaiian	Chief clerk, Lewers & Cooke.
Wm. K. Jordan	do.	Linotype operator, Star Bulletin.
Francis B. Joy	do.	Machinist.
Richard K. Kalama	do.	Electrician, Hawaiian Electric Co.
Lawrence A. Kerr	British	Commission merchant.
Benjamin F. Lee	American	Manager, Coyne Mattress Factory.
Chas. A. McWayne	do.	Marine business.
Fred Swan	Part Hawaiian	Clerk, Mutual Telephone Co.
Percy A. Swift	American	Manager, American Factors Co.

OCTOBER, 1930, TERM PETIT JURORS, DRAWN NOVEMBER 24, 1930—CONDEMNATION CASES BEFORE JUDGE LYMER

	Race	Occupation
Milton D. Beamer	American-Hawaiian	Department manager.
Frank C. Benevedes	Portuguese	Clerk.
Fredrico O. Bevin	American	Assistant secretary.
Ernest B. Enos	Hawaiian-Portuguese	Clerk.
Arthur G. Fase	English	Cashier and accountant.
Adolph F. Gertz	American	Purchasing agent.
Arbald S. Guild	Scotch	Assistant secretary.
Mark N. Huckastein	American	Salesman.
Asa N. Jacobsen	do.	Shoe clerk.
Christian F. Jenkins	do.	Cashier.
Eugene A. LeClair	do.	Salesman.
Melvin A. Nicoll	do.	Owner M.J. Nicoll and Co.
Hart S. Nott	do.	Engineering salesman.
John J. Pavao	American-Portuguese	Hotel keeper.
Edw. F. Rowold	American	Clerk.
Edw. J. Russell	do.	Do.
Frank T. Tyau	Chinese	Do.
Francis Xavier	Portuguese-Chinese	Property clerk.
Thomas C. B. Gibson	British	Superintendent.
George H. Vicars, jr.	American	Sales manager.
Walter Doyle	do.	None.
Frederick D. Nott	do.	Newspaper executive.
Wilhelm H. Smith	do.	Land agent.
Wille H. Tompkins	do.	Manager.
William M. Abia	Hawaiian	Inventory officer C. & C.
Joshua K. Jly Brown	American	Passenger agent.
Walter W. Crook	do.	Clerk.
Walter F. Goodman	do.	Department manager.
Lewis E. Haehnlen	do.	Curio dealer.
Edw. B. Hallberg	do.	General superintendent.
George K. Maile	American-Hawaiian	Storekeeper.
Samuel D. McMillan	Scotch-Irish	Realtor.
Patrick J. O'Sullivan	Irish-Spanish	Assistant manager.
Erwin Spalding	American	Banker.
Cornelius W. Williams	Part Hawaiian	Clerk.

PETIT JURORS, APRIL, 1931, TERM, DRAWN APRIL 8, 1931

John A. Carroll	Irish	Department manager.
Frank D. Creedon	do.	Insurance agent.
Stephen M. Cronin	do.	Salesman.
Albert A. Durant	Canadian-American	President and manager.
Henry Freitas	Portuguese	Vice-president executive.
Vincent Fernandes	do.	Contractor.
James Lindsay Grimshaw	British	Manager insurance department.
George R. Humphrey	American	Treasurer and manager.
Clark R. Houghtailing	Hawaiian-American	Watchman.
Thomas V. King	American	Treasurer.
Phillip H. Levey	Hawaiian-American	Tax accountant.
Wm. R. McBride	American	Manager.
George D. McIntyre	Hawaiian-American	Clerk Matson Navigation Co.
Marcel S. McWayne	American	Teller (bank).
Wm. Woods Paty	do.	Clerk, Castle & Cooke.
Wm. P. Rego	Portuguese	Salesman.
Arthur R. Vierra	Portuguese-American	Clerk, American Factors.
Richard T. Waity	American	Salesman.
James T. Woolaway	do.	Insurance.
Orval B. Young	do.	Manager.
Robert McCarriston	do.	Banker.
Clifford F. White	do.	Department manager.
Edw. R. Wadsworth	do.	Proprietor.
Wm. W. Burgess	English	Manager.
Henry A. Giles	do.	Salesman.
Stephen W. Wiechert	German-American	Linotype machinist.
Antonio S. Capellas	Portuguese	Real estate salesman.
Michael K. Iantia	Chinese-Hawaiian	Clerk.
Frederick C. Braithwaite	English	Contractor.
Wm. K. Kaubane	Spanish-Hawaiian	Draftsman.
Wm. E. Noble	American	Auditor.
James F. Yeaman	Scotch	Cashier.
James M. Macconel	do.	Manager insurance department.
Wm. H. Bjaisdell	Part Hawaiian	High-school instructor.
Wm. F. Callisto, jr.	Portuguese	Bookkeeper.
Stephen A. Campbell	American	Sales manager.
Wm. J. Cohn	do.	Realtor.
Wm. Dyson	English	Salesman.
Wm. Evans	Part Hawaiian	Do.
Wm. Yat Jay	Chinese	Bookkeeper.
Wm. Benjamin N. Kahalepuna	Hawaiian	Real estate.

PETIT JURORS, APRIL, 1931, TERM, DRAWN APRIL 8, 1931—Continued

	Race	Occupation
Richard S. Kelly.....	American-Canadian.....	Meter reader.
Paul G. Lemke.....	German.....	Engineer.
Louis R. Medeiros.....	Portuguese.....	Department manager.
Pung En Sue.....	Chinese.....	Do.
Chas. A. Reynolds.....	American.....	None.
John B. Williams.....	Part Hawaiian.....	Salesman.

TRIAL JURORS, OCTOBER, 1931, TERM, DRAWN DECEMBER 28, 1931

	Race	Occupation
Pat S. L. Akana.....	Hawaiian-Chinese.....	Mechanic.
Albert A. Auyong.....	Chinese.....	Accountant and treasurer.
Otto A. Berndt.....	German.....	Vice president, Dimond Hall.
Joseph A. K. Bishaw.....	Hawaiian.....	Musician.
George F. Campbell.....	American-Scotch.....	Superintendent machine shop.
David W. Carter.....	Part Hawaiian.....	Auto operator.
Wm. D. Cleveland.....	American.....	Signal supervisor.
Ralph E. Clark.....	American-English.....	Insurance.
Charles Cowan.....	American.....	Engineer.
Ezra J. Crane.....	do.....	Newspaperman.
Roy A. Draw.....	do.....	Lubrication Engineer.
Lawrence Cunha.....	American-Portuguese.....	Buyer, American Factors.
Frederic C. Denison.....	American.....	Assistant agriculturist.
Christopher Holt.....	Part-Hawaiian.....	Assistant cashier (bank).
Maltbie L. Holt.....	do.....	Horticulturist.
Valentine S. Holt.....	do.....	Rodman (H estate).
Wm. Kaleikau.....	do.....	Foreman (Cal-Pack-Co.)
Kan Yen Chun.....	Chinese.....	Clerk, chief.
Edmund I. Kellett.....	American-Hawaiian.....	Insurance agent.
Harry F. Lucas.....	American.....	Salesman and storekeeper.
Jas. T. B. MacKenzie.....	do.....	do.....
Edw. K. Matsumoto.....	Hawaiian-Japanese.....	Architect.
Guyler R. Miller.....	English.....	Treasurer & Manager.
Harry S. Ozaki.....	Japanese.....	Assistant secretary (H. S. P. A.)
James T. Phillips.....	American.....	Salesman.
Ray B. Rietow.....	do.....	do.....

EXHIBIT NO. 72

HOUSE BILL No. 10

An act to amend sections 1536D and 1536F, of chapter 110A of the Revised Laws of Hawaii, 1925, and to add to said chapter a new section to be known as section 1536DD, and to amend sections 1501, 1508, 1514, 1516, 1519, 1520, 1523, 1526, 1527, 1528, 1539, and 1561, relating to prisons and prisoners

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1536D of chapter 110A of the Revised Laws of Hawaii, 1925, as enacted by act 129 of the Session Laws of 1931, is hereby amended to read as follows:

"SEC. 1536D. POWERS OF THE BOARD.—The board of prison directors shall have the entire government, control, and supervision of all Territorial prisons and prison camps and of the administration thereof. The board shall have power to make, establish, enforce, and from time to time alter or amend rules, regulations, and orders relating to the conduct and management of said institutions and the care, control, treatment, and discipline of prisoners, which rules, regulations, and orders shall not require publication in order to be valid and binding upon all inmates, officers, and employees of said prisons; to prescribe the punishments to be imposed upon prisoners for any breach of prison rules or other misconduct; to decide what prisoners shall be entitled to the commutations of sentence authorized by law for good behavior and who shall forfeit or be deprived of such commutation in whole or in part, and to restore to any prisoner all or any commutation which such prisoner may have lost; to classify and grade the prisoners, designating the privileges which they shall have and the garb which they shall wear. The board may employ a secretary and such clerical and other office employees as in its judgment the work of the board may require, and fix their compensation within the limits of the funds available by law therefor."

SEC. 2. A new section is hereby added to said chapter 110A, to be known as section 1536DD, which shall read as follows:

"SEC. 1536DD. WARDEN, DEPUTY, DUTIES, POWERS.—The board of prison directors shall appoint and may at pleasure remove a warden who, under the control and supervision of the board and subject to its rules, regulations, and orders, shall have the immediate charge and direction of all Territorial prisons and prison camps and the administration thereof. The warden shall be responsible for the safekeeping of all prisoners and persons who may be committed to said prisons and for the enforcement of proper order and discipline among and concerning prisoners and prison officers and employees.

"The warden, with the approval of the board, shall appoint and fix the compensation of one or more deputy wardens and such other officers and employees as may be necessary for the efficient performance of all duties required of him, all of whom shall serve at his pleasure.

"The warden shall—

"(1) See to it that the duties of all officers and employees are efficiently and faithfully performed;

"(2) Keep himself fully informed at all times concerning the health, care, and treatment of prisoners, the sanitary and other conditions affecting the prisons and camps, and all other matters within his jurisdiction;

"(3) Inquire into and deal justly with all complaints made by prisoners relating to their food, clothing, accommodations, or treatment;

"(4) Attend to the purchasing of all supplies, materials, and equipment necessary for the proper maintenance and operation of the institution and its adjuncts, and for the care and maintenance of prisoners, and see to the proper care, use and disposition thereof, conformably with law;

"(5) Keep all books, accounts, and records and make such reports as may be required of him by law and by the orders of the board.

"The warden may impose such punishments of prisoners for breaches of prison rules or other misconduct as may be authorized by the board.

"The warden shall execute a bond to the Territory, with sufficient surety or sureties, to be approved by the treasurer of the Territory, in the penal sum of _____ thousand dollars (\$_____), conditioned for the faithful performance of his duties and for the proper handling and accounting for and disposition of all moneys, supplies, and other property which shall be received by him as such warden, conformably with law, which bond shall be filed in the office of the treasurer of the Territory. Said treasurer may at any time require the warden to execute a new bond whenever for any reason satisfactory to the treasurer any prior bond shall be or become unsatisfactory."

SEC. 3. Section 1536F of chapter 110A of the Revised Laws of Hawaii, 1925, as enacted by Act 1929 of the Session Laws of 1929, is hereby amended by amending the last sentence in the last paragraph thereof to read as follows:

"The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid by the Territory out of any appropriation or funds available for the expenses of the Territorial prisons."

SEC. 4. Section 1501 of said Revised Laws is hereby amended to read as follows:

"SEC. 1501. DUTIES.—It shall be the duty of the high sheriff to preserve the public peace, to execute all lawful precepts and mandates directed to him by any judge, court, head of department, or other person thereunto authorized; to arrest fugitives from justice, as well as all criminals and violators of the laws; and generally to perform all such other duties as may be imposed upon him by law, for any of which purposes he may command all necessary assistance."

SEC. 5. Section 1508 of said Revised Laws is hereby amended to read as follows:

"SEC. 1508. RECORDS, ETC., DELIVERED TO SUCCESSOR.—The warden of the Oahu Prison shall file all warrants, mittimus, processes, and other official papers, or the attested copies of them, by which any prisoner shall have been committed, paroled, liberated, or retaken, and they shall be safely kept in a suitable box or safe; and upon the death, resignation, or removal from office of such warden, shall be delivered, together with all other official records, papers, and journals, to his successor, or to any other officer or person duly appointed to receive them; and in default of such delivery, the warden, if living may be held liable for embezzlement, as provided by section 4193, and shall also be civilly liable in damages to any person or persons who shall be injured by such non-delivery. If the warden shall be dead, such civil liability shall attach to his personal representatives and the sureties upon his official bond, jointly and severally. In addition to such civil liability as aforesaid, the warden or his personal representatives and sureties on his official bond shall forfeit and pay for each such default in delivery the sum of two hundred dollars, to be recovered for the use of the treasury."

SEC. 6. Section 1514 of said Revised Laws, as amended by Act 125 of the Session Laws of 1931, is hereby amended to read as follows:

"SEC. 1514. JAILORS, APPOINTMENT; SHERIFF'S RESPONSIBILITIES.—Except as may be otherwise provided by law, the sheriffs of the respective counties, including the city and county of Honolulu, shall appoint all jailors in their respective counties. The sheriff of each county or city and county shall be responsible for the safe-keeping of all prisoners and persons who may be confined in or committed to any county or city and county jail within his county or city and county."

SEC. 7. Sections 1516, 1519, 1520, 1523, 1526, 1527, and 1528 of said Revised Laws, as amended, are hereby severally amended by striking therefrom the words "high sheriff" wherever and as often as the same appear therein, and substituting therefor the word "warden."

SEC. 8. Section 1561 of said Revised Laws, as amended by Act 126 of the Session Laws of 1931, is hereby amended by striking therefrom the words "high sheriff of the territory and his deputies," and substituting therefor the words "warden of Oahu Prison."

SEC. 9. Section 1539 of said Revised Laws, as amended by Act 129 of the Session Laws of 1931, is hereby amended by repealing the last paragraph thereof, and by amending the first paragraph thereof to read as follows:

"The board of prison directors is hereby authorized and directed to organize and maintain a bureau to be known as the bureau of crime statistics, which shall be operated under the direction and control of the board. The board, through said bureau, shall select and enforce systems of identification of prisoners and persons suspected of crime or of criminal intent and for the recording and compilation of statistics relating to crime. The board shall establish said system of identification and provide for the collection of data and statistics relating to crime in manner as nearly as practicable according to the methods generally used in prisons and places of detention throughout the United States. The board shall appoint an executive officer who shall act as chief of said bureau, receiving such salary for his services as shall be authorized by law, and who, under the direction and control of the board, shall instruct such employees of the prisons and places of detention, sheriffs, and others charged with the preservation of the peace and well being of society as the board may deem necessary or proper, in such systems of identification and collection and compilation of crime statistics as the board may direct. Such executive officer shall be a citizen of the United States of America and shall have resided in the Territory of Hawaii for at least three years prior to his appointment."

SEC. 10. This act shall take effect upon its approval.

EXHIBIT NO. 73

PAROLE RULES AND REGULATIONS ADOPTED BY THE BOARD OF PRISON DIRECTORS OF THE TERRITORY OF HAWAII

1. Every parole granted shall be subject to the express condition, provided by law, to be set forth in the official written notification of parole to the prisoner (but to be binding upon him in any event), that in the event that such prisoner shall break his parole or violate any law of the Territory or rule or regulation of the board or any of the terms or conditions of his parole, such parole may be revoked and all or any portion of his commutation credits, earned or to be earned, may be forfeited by order of the board.

2. The following terms and conditions shall attach to every parole, viz:

(a) The parolee shall behave in an orderly and lawabiding manner, observing all laws of the United States, the Territory, and all ordinances of any county or city and county;

(b) The parolee shall conduct himself at all times as becomes an industrious and respectable member of society, avoiding the use of intoxicants and drugs, evil associations, and visits to questionable resorts;

(c) Each parolee shall report in person within the first week of each month to the parole officer during the continuance of the parole, unless excused in writing by the parole officer. He shall keep the parole officer advised at all times of his place of residence and occupation, or where he may at any time be found. If the parolee is permitted to be in a circuit other than the first circuit he shall report to the assistant parole officer of such other circuit, if any; otherwise by letter to the parole officer in Honolulu.

(d) No parolee, upon pain of being deemed an escaped prisoner, shall leave the Territory without the written consent of the board.

(e) It shall be the general rule that every prisoner who is able to work shall, before being paroled, have suitable employment guaranteed him by some responsible and reputable person at a fixed wage, of which the board is informed, or shall have such private means of subsistence as will avoid the necessity of labor upon the part of such prisoner. Exceptions may be made by the board of individual cases when it appears to the board that neither the public interest nor the welfare of the individual prisoner will be imperiled by permitting the parole before such guaranty of employment.

3. Whenever it shall be reported to or otherwise ascertained by the board that there has been an alleged violation by any prisoner of the terms of his parole, a written order or warrant shall be issued for the arrest and temporary return to custody of such parolee for the purpose of ascertaining whether or not there is sufficient cause to warrant his reimprisonment or the revoking of his parole or other action authorized by law; which order of arrest may be signed and issued by the chairman in the name and behalf of the board or by any three members of the board. Upon the return of a prisoner under such order he shall be received and held in custody by the warden pending a hearing by the board for such purpose, of which hearing notice shall be given to such prisoner, with a statement of his alleged offense, and an opportunity shall be given him to be heard. Pending such hearing and a decision thereon the accused parolee shall be permitted to wear his own clothing and shall not be subjected to any treatment other than may be proper in the case of a person detained as a witness.

4. When the board shall revoke the parole of any parolee, with or without forfeiture of any of his commutation credits, he shall be notified thereof by delivery to him of a copy of the order of the board, and shall then be reimprisoned and confined according to his sentence for the unexpired portion of his term, and the time during which he shall have been out on parole shall not be counted as any such unexpired portion of his term. The board may by its order effect his demotion and specify his service in any one or more of the classes provided in title 3 of these Rules and Regulations before he shall be deemed eligible for further parole.

5. A parole violator may by order of the board be visited with such further punishment as the board in its discretion may lawfully impose.

EXHIBIT NO. 74

Comparative figures of parole violators together with average prison population (Territorial prisoners only) in 6-month periods for the last five years, from January 1, 1927, to December 31, 1931, inclusive

	1927	1928	1929	1930	1931
Parole violators:					
First 6 months of year.....	7	17	23	8	11
Second 6 months of year.....	13	18	16	19	11
	20	35	39	27	22
Average prison population:					
First 6 months of year.....	362	364	347	420	454
Second 6 months of year.....	364	375	369	423	447
Total violations.....	20	35	39	27	22
Average population.....	363	370	358	422	452

EXHIBIT NO. 75

Monthly comparative report of parole officer's monthly reports for the period ending June 30, 1931, to and including January 31, 1932

NEW RULES SINCE AUGUST 1, 1927

	Within territory				Outside territory			Grand total	Violators returned	Paroles discharged	Discharged, maximum less commutation
	Reporting	Non-reporting	Other institutions	Total	Reporting	Non-reporting	Total				
1931											
June 30.....	294	30	2	326	8	54	62	388	1	8	7
July 31.....	123	200	3	326	4	58	62	388	1	4	9
Aug. 31.....	130	216	3	339	5	58	63	402	3	19	7
Sept. 30.....	132	213	3	348	3	58	61	409	2	17	15
Oct. 31.....	152	198	4	354	4	58	62	416	-----	13	14
Nov. 30.....	164	186	5	355	2	60	62	417	7	10	7
Dec. 31.....	158	193	3	354	3	58	61	415	1	5	6
1932											
Jan. 31.....	170	170	3	343	3	59	62	405	7	1	8

(OLD RULES PRIOR TO AUGUST 1, 1927)

	Reporting	Non-reporting	Other institutions	Total	Reporting	Non-reporting	Total	Grand total, old rule and new rule
1931								
June 30.....	58	132	-----	190	1	44	45	235
July 31.....	9	176	-----	185	-----	44	44	229
Aug. 31.....	11	170	-----	181	-----	43	43	224
Sept. 30.....	7	167	-----	174	-----	43	43	217
Oct. 31.....	6	163	-----	169	-----	40	40	209
Nov. 30.....	6	158	-----	164	-----	40	40	204
Dec. 31.....	4	160	-----	164	-----	40	40	204
1932								
Jan. 31.....	3	158	-----	161	-----	39	39	200

EXHIBIT NO. 76

Record of paroled prisoners as of January 31, 1932, under old rules (prior to August, 1927)

WITHIN TERRITORY

Nationality	Reporting	Non-reporting	Other institutions	Total	Old total	Old new total
Hawaiian.....	1	43	-----	44	46	116
Caucasian-Hawaiian.....	-----	-----	-----	-----	-----	25
Asiatic Hawaiian.....	-----	-----	-----	-----	-----	8
Portuguese.....	1	17	-----	18	22	40
Porto Rican.....	-----	5	-----	5	7	54
American.....	-----	8	-----	8	13	43
Spanish.....	-----	1	-----	1	1	7
British.....	-----	-----	-----	-----	-----	7
Danish.....	-----	-----	-----	-----	1	1
German.....	-----	-----	-----	-----	1	1
Russian.....	-----	-----	-----	-----	-----	1
Swedish.....	-----	-----	-----	-----	1	1
Chinese.....	-----	4	-----	4	6	35
Japanese.....	1	17	-----	18	24	55
Korean.....	-----	11	-----	11	12	21
Filipino.....	-----	52	-----	52	66	184
All others.....	-----	-----	-----	-----	-----	1
	3	158	-----	161	200	605

Record of paroled prisoners as of January 31, 1932, under old rules (prior to August, 1927)—Continued

OUTSIDE TERRITORY

Nationality	Reporting	Non-reporting	Other institutions	Total	Old total	Old new total
Hawaiian.....	-----	2	-----	2	-----	-----
Caucasian-Hawaiian.....	-----	-----	-----	-----	-----	-----
Asiatic Hawaiian.....	-----	4	-----	4	-----	-----
Portuguese.....	-----	2	-----	2	-----	-----
Porto Rican.....	-----	-----	-----	-----	-----	-----
Spanish.....	-----	5	-----	5	-----	-----
American.....	-----	-----	-----	-----	-----	-----
British.....	-----	1	-----	1	-----	-----
Danish.....	-----	-----	-----	-----	-----	-----
Russian.....	-----	1	-----	1	-----	-----
Swedish.....	-----	-----	-----	-----	2	-----
Chinese.....	-----	2	-----	2	-----	-----
Japanese.....	-----	6	-----	6	-----	-----
Korean.....	-----	1	-----	1	-----	-----
Filipino.....	-----	14	-----	14	-----	-----
German.....	-----	1	-----	1	-----	-----
	-----	39	-----	39	-----	-----

Record of paroled prisoners as of January 31, 1932, under new rules (since August 1, 1927)

WITHIN TERRITORY

Nationality	Reporting	Non-reporting	Other institutions	Total	New grand total
Hawaiian.....	34	33	2	69	-----
Caucasian-Hawaiian.....	18	2	1	21	-----
Asiatic Hawaiian.....	7	-----	-----	7	-----
Portuguese.....	20	4	-----	24	-----
Porto Rican.....	14	29	-----	43	-----
Spanish.....	5	1	-----	6	-----
American.....	4	11	-----	15	-----
British.....	-----	-----	-----	-----	-----
Russian.....	-----	-----	-----	-----	-----
Chinese.....	14	14	-----	28	-----
Japanese.....	13	15	-----	28	-----
Korean.....	8	1	-----	9	-----
Filipino.....	33	59	-----	92	-----
All others.....	-----	1	-----	1	-----
	170	170	3	343	-----

OUTSIDE TERRITORY

Nationality	Reporting	Non-reporting	Other institutions	Total	Old new total
Hawaiian.....	-----	1	-----	1	70
Caucasian-Hawaiian.....	-----	4	-----	4	25
Asiatic Hawaiian.....	-----	1	-----	1	8
Portuguese.....	-----	3	-----	3	27
Porto Rican.....	-----	4	-----	4	47
Spanish.....	-----	-----	-----	-----	6
American.....	1	14	-----	15	30
British.....	-----	3	-----	3	3
Russian.....	-----	1	-----	1	1
Chinese.....	-----	1	-----	1	29
Japanese.....	-----	3	-----	3	31
Korean.....	-----	-----	-----	-----	9
Filipino.....	2	24	-----	26	118
All others.....	-----	-----	-----	-----	1
	3	59	-----	62	405

EXHIBIT NO. 77

FEBRUARY 1, 1932.

His Excellency LAWRENCE M. JUDD,
Governor of the Territory of Hawaii, Honolulu, Hawaii.

YOUR EXCELLENCY: The board of prison directors, after a thorough study of conditions in connection with the Oahu Prison, is firmly convinced that urgent need exists for the immediate appropriation of money by the legislature in order that substantial improvements may be made at the prison and that prison administration may be brought to such a state of efficiency that the public may have the right to expect the degree of protection which should be provided.

The various subjects dealt with are collated in a resolution which the board has adopted this day, of which a certified copy is inclosed. It will be found to be fairly comprehensive and we trust sufficiently self-explanatory.

Many of these subjects are already familiar to you, but should you desire to discuss any of them with the board or with any of its members, you have but to so signify.

It is the hope of the board that the recommendations made will receive your full approval and official furtherance.

Respectfully,

(Signed) L. J. WARREN,
Chairman, Board of Prison Directors.

LJW:AVB

Be it resolved by the Board of Prison Directors of the Territory of Hawaii, That the following summary of prison affairs, conditions, requirements, and recommendations, based upon a thorough study of the subjects, be formally approved and presented by the board to his excellency, Lawrence M. Judd, Governor of Hawaii, with the earnest request of the board that legislative aid be sought to permit the putting into effect as far as practicable the recommendations of this board therein contained.

I. THE PUBLIC SAFETY

As always, this should rank first. Much study has been given to this subject. Much has been done, since the change in wardenship, to bring the present limited staff of the warden to a state of real efficiency and promote the public safety. The new warden, Maj. Gordon C. Ross, and the board are in full accord and are working accordingly. But there can be no escape from the fact that unless the prison staff shall be enlarged it will be unreasonable to expect the degree of safety to which the public is entitled. Major Ross, in consultation with the board members, has prepared and submitted to the board the attached letter embodying their common plan and reasons for the needed reorganization of the system of guarding of prisoners, and incidental matters. Embracing, as it does, so much of what the board deems essential in order to carry out much needed reforms and improvements, it is made part hereof by reference. It will be seen that it contemplates the increase of the Oahu Prison staff by additional guards and lunas and provision for physical betterments; besides which are the needs of the Territorial prison camps on other islands, where conditions also require radical betterment, especially at the Waiakea airport camp, additional guards, lunas, and physical improvements (in buildings and fences, etc.) being also necessary for these camps. Further, the Oregon boots and handcuffs now available for prison purposes are so obsolete that they are little more than a joke, as their attempted use at Waiakea airport has recently demonstrated. The legislature could make no mistake in allowing an additional amount, say \$1,500, for general purposes, to include matters of this sort and others that are daily being found necessary.

Until some such general plan shall be put into effect, there will be a continual danger of escapes and the possibility of prison riots. The board can not too strongly support this plan, designed as it is to meet emergencies as well as lessen their possibility.

II. THE FEEDING OF PRISONERS

This department must be put upon a reorganized basis. The present accommodations and facilities for cooking and serving of meals are obsolete and deplorably inadequate. The kitchen equipment, installed 16 years ago, is in a state of hopeless disrepair and results in unpalatable food, gross waste, and unnecessary cost. The dining room is so inadequate as to require three separate servings of each meal. The lack of refrigeration results frequently in great waste and the necessity

of serving meat, the most expensive of foods, three meals in succession, against all the principles of sound dietetics. The lack of a competent steward to plan, supervise, and control the selection, preparation, and serving of the proper dietary again results in great waste, improper meals, and favoritism.

After several months of study of this situation and with the invaluable assistance of Mrs. Caroline W. Edwards, supervisor, home economics education, and of Miss Bess Exton, supervisor of nutrition, of the department of public instruction, the board members are unanimously of the opinion that the situation is of a critical nature and requires immediate attention. Specifically, the kitchen and dining room should be enlarged to double the present size. In connection with enlargement of this building, the board is in full accord with Warden Ross's opinion that it should also be made to include a storeroom for the reception, handling, and dispensation of the food supplies of the institution, since for efficient and economical service these should be immediately adjacent to the kitchen, and should not be kept in the quite distant mauka end of the main administration building. The change in this respect would release the present space in the administration building for much needed uses in other respects. This construction should be done by prison labor (with proper authorization by the legislature) under the direction of the department of public works.

The ground floor of such a building should be constructed in such a way that at a subsequent date one or two stories might be superimposed for the accommodation of prisoners, on dormitory lines, at the minimum expense. The prison is overcrowded at the present time (all cells and dormitories being filled and 16 prisoners being compelled to sleep in the guard room of the second floor of the cell block), and with the policy of the board for longer minimum sentences and a greater reserve in the granting of paroles and more active retake of parolees, the certainty of enlargement of the prison in the near future is inescapable.

The following expenditures are deemed to be essential by the board of prison directors. The cost of construction has been estimated by the department of public works. The estimates for equipment have been made by Mrs. Edwards after securing estimates from a number of firms.

The construction of dining room and kitchen (ground floor only) (3,700 square feet), by prison labor under the direction of the department of public works	\$8,000.00
A cold refrigeration room	1,285.00
A wood burning range	450.00
One 60-gallon steam jacketed coffee urn	467.50
One 60-gallon tea urn	467.50
Two 60-gallon steam jacketed kettles	650.00
1 hood over entire battery of range and kettles	125.00
1 pot sink	95.00
2 dishwashing sinks	200.00
One 20-horsepower wood-fire steam boiler	550.00
1 chimney for same	50.00
1 hood for chimney	50.00
21 tables and benches	500.00
Installation of kitchen equipment by outside labor	1,045.00
Incidentals	30.00
Total	14,000.00

This represents the cash outlay, most of which is for capital equipment. Placed out on contract this job would cost more than \$20,000. A competent steward to run this department, who will serve over one-half million meals a year, can not well be obtained for less than \$2,100 a year.

As stated, the prison is already overcrowded. Prisoners are now sleeping in corridors and spaces outside of cells and wards. The present chapel will have to be used, very soon, as a prison ward, unless other space is provided. While building a ground floor for enlarged kitchen and dining room, economy for the future would suggest present construction of a second story which now would entail only the additional cost (over the above figures) of the floor and walls for such second story.

The inclosed report of a survey of the feeding of prisoners at the Territorial prison by the above-mentioned experts of the department of public instruction, dated January 13, 1932, states the reasons with fair detail for all the foregoing. This report has the full and unqualified support and commendation of the prison board.

These officials have done a splendid piece of work and stand ready to assist in the installation of a dietary at the prison which would represent a very appreciable economy and at the same time it would represent a marked improvement in the healthfulness of the diet.

Without the foregoing improvements no substantial advancement can be made to remedy the present highly unsatisfactory and needlessly expensive operation of the kitchen and dining room. The board is confident that these expenditures will pay for themselves in a very short time through the economies which they will make possible. What is thus contemplated is limited to the simplest possible type consistent with permanence. The equipment when completed can in no way be compared with the far superior equipment in the kitchen and dining room of the Territorial hospital for the insane and the industrial school for girls.

III. PAROLE WORK

While the board is already authorized by law to appoint one or more parole officers, the available appropriation precludes the employment of more than one.

The theory of the parole law is sound, and, with administration of the sort that such theory contemplates, it should be a real success. Reference to section 8 of Act 126, Session Laws of 1931 (enacting new sec. 1566A, R. L. 1925), is alone sufficient to show that, with some 600 prisoners out on paroles granted through many years, it is impossible that any adequate performance of parole work be done with but one parole officer. Our new officer has been and is applying himself earnestly and unceasingly in his task, and is making good; but elsewhere it is the rule to have at least one parole officer for not over 75 persons, which would call for eight parole officers for the Territory.

The benefit to the community from efficient supervision and following up of parolees, in actual cost in saving of prison maintenance, will far offset the salaries of several more parole officers.

The prison board, since taking office on July 1, 1931, has labored hard to make the parole law function as it should. But if parolees are to be left to themselves, with no effectual follow up when they are given a chance to prove themselves, the question becomes one of whether to have more prisons to hold these people without parole, or have more parole officers. It would be grievously unfair to judge the parole system as something to be done away with, when, in point of fact, its administration in Hawaii, on nationally established lines, is precluded by lack of staff to do the work.

The prison board asks an additional appropriation of \$12,000 per annum to allow for salaries which will average \$225 per month for at least four additional parole officers, to make five in all.

IV. STATISTICAL AND IDENTIFICATION WORK

Act 129, Session Laws of 1931, provides for the establishment of a bureau of crime statistics and identification systems. No provision has been made to permit this being put into effect, though much preliminary gathering of material has been done. The prison board's appropriations for all purposes are so small that it can have but three members on its staff, a secretary, a clerk and stenographer, and one parole officer. It has had to borrow office furniture from other governmental departments; its funds have been sadly depleted by costs not contemplated—for example, the cost of publication of the rules and regulations in English and Hawaiian, and printing booklets of same for staff and inmates' reference.

The board can not afford to subpoena a witness from another island, say on a parole retake, without risk of a deficiency in its funds through cost of fees and traveling expenses.

The appropriations recommended by the crime commission in connection with the laws, which the last legislature enacted for the operation of these laws, were so cut down that the intended benefits have not materialized, and they can not be anticipated unless adequate funds shall be provided.

V. FINANCIAL REQUIREMENTS

A summary of the need for funds under the foregoing is as follows:

1. Equipment:	
(a) For dining room, kitchen, storeroom.....	\$8, 000
(b) For equipment and installation.....	6, 000
(c) For photographic equipment.....	500
(d) For yard lighting.....	550

1. Equipment—Continued.	
(e) For guns, tear bombs, etc.....	\$1, 000
(f) For outside camp protection, say.....	2, 500
(g) For Oregon boots, handcuffs, and miscellaneous articles, say.....	1, 500
Total.....	20, 050

2. Annual expense, salaries for:	
15 new guards.....	19, 800
11 new lunas.....	15, 800
1 head luna.....	2, 100
1 steward.....	2, 100
4 additional parole officers.....	10, 800
Total.....	50, 600

Pertinent to the general subject is the matter of comparison of the cost to the Territory under the conditions heretofore existing, with the cost to the Territory under the conditions which the prison board believes should be established.

The cost to the Territory in the past is indicated, with substantial correctness, as to salaries, use of supplies, various "perquisites," etc., as follows:

Salary of high sheriff and warden, \$350 per month, or annually.....	\$4, 200
Salary of deputy high sheriff, \$325 per month, or annually.....	3, 900
Salary of deputy warden, \$300 per month, or annually.....	3, 600
Total in salaries.....	11, 700

In addition, under a practice of some years standing, without any authority of law, but apparently with the knowledge and acquiescence of certain high officials of the Territory, the three officials above mentioned, and various underofficials have been withdrawing and using food and other supplies from prison stores, amounting to virtually complete maintenance for themselves and their households, as to which the records are incomplete, but which may fairly be said to amount in value to at least \$7,500 per annum and, it is believed, substantially more. The supplies have not been limited to those purchased for prison inmates but have included goods never allowed to inmates and purchased expressly for the officials, all charged to prison account. To this should be added the use of the farm produce (pork and vegetables) which have been so disposed of that, in the words of witnesses, "the officials are first taken care of." The value of farm produce to the officials can not fairly be estimated, there being no records reflecting the quantities.

This practice has also extended to minor officials, the turnkeys, guards, and others, including (to some extent) guards at outside island camps.

The "perquisites," other than quarters and food supplies, have included use of prison inmates for household and yard servants, prison laundry service, and chauffeurs (official and private use). The cost of quarters, servants, and laundry service to the Territory is of course limited to the actual cost of maintenance of the prisoners so employed and their compensation paid out by the Territory, on which basis a very rough approximation would reflect an annual cost somewhat as follows:

7 inmate servants of the high sheriff, maintenance cost, say.....	\$650
Prisoner's compensation, say.....	235
Chauffeur, add, say.....	140
	1, 025
3 servants of the deputy high sheriff, maintenance cost, say.....	280
Prisoner's compensation, say.....	115
Chauffeur, add, say.....	140
	535
4 servants of the deputy warden, maintenance cost, say.....	385
Prisoner's compensation, say.....	145
	530
Cost.....	2, 090

But, to the recipients, these services, if viewed from the standpoint of what they as private citizens would have to pay for them, may reasonably be rated as worth say \$8 a week, average per servant, which would reflect annual values about as follows:

Servants, high sheriff.....	\$3, 280
Servants, deputy high sheriff.....	1, 230
Servants, deputy warden.....	1, 640
Total service value of.....	6, 150

All inmates being maintained at prison expense.

Laundry service, roughly estimated at cost of commercial laundry service outside, based on quantities indicated by meager records reflects an annual value of about \$1,800.

Any inaccuracies in the foregoing approximations are more than offset by a good many other "costs" at public expense, enjoyed by minor officials, not here commented upon.

It should also be mentioned that fees collected by the high sheriff and his deputy, retained by and between them as private realizations (under sec. 1504 R. L. 1925), during the fiscal year ended June 30, 1931, amounted to at least \$2,729.43, besides which there were collections for mileage which apparently were also treated as private realizations (the amount of which is unknown), although the cost of transportation for which such mileage was collected was paid by the Territory—cars, gasoline, etc., and inmate chauffeurs. Furthermore, the deputy high sheriff, whose functions are limited to the service of process, hires a man to do the work, at a cost of \$125 per month paid by the Territory. Summarizing, value to officials have been approximately:

Salaries.....	\$11, 700. 00
Supplies.....	7, 500. 00
Inmate servants.....	6, 150. 00
Laundry.....	1, 800. 00
Legal process, fees (omitting mileage).....	2, 729. 43
Deputy high sheriff's process serving clerk.....	1, 500. 00
Total.....	31, 379. 43

These representations are directed to the point that (a) if adequate salaries (and living quarters and official cars) are provided for the warden and deputy warden, and for the high sheriff as such; (b) if the office of high sheriff be abolished as an unnecessary territorial luxury; (c) if process service fees be made a government realization; and (d) if all other "perquisites" be cut off, from the highest officials to the lowest, the Territory can well afford to pay salaries to the necessary officials, commensurate with value of service and the responsibilities involved.

The office of warden should command a salary of \$600 a month, and that of deputy warden \$350 a month—a total of \$11,400 a year. The office of high sheriff, as such, could be separately provided for.

Compared with the present cost to the Territory under the conditions mentioned, it does seem that every dollar wanted by the prison board, for the rehabilitation of prison conditions, operation, and government, with the vastly better public protection the whole plan would insure, may well be provided.

It should be stated, also, that with new construction of an enlarged dining room and kitchen in contemplation, it would be wise to carry it to the further extent of a third floor over the whole, since this could be done at a large saving over cost of later reconstruction. An estimate as to the cost of such an addition, with summary of cost of construction as regards the whole building, will be very shortly submitted.

It is further stated, in connection with the general subject, that the reorganization of Oahu prison conditions which has already been set up by Colonel Anderson, Major Ross, and Captain Merrill, in their endeavors to do everything possible under the prescribed rules and regulations (not heretofore observed in many respects) and within the limits of the available staff of turnkeys, guards, and lunas, has already done much to safeguard the public against escapes of prisoners. From now on, and even though the prison should be left to operate with the present very inadequate staff, the public will at least be able to count upon it that Prison gangs will be actually and strictly checked as the work gangs go out on their assigned labor, and checked and counted when they are picked up for the return, and counted and individually checked and searched on arrival at the prison; contraband of every kind will be found and taken away, and the offenders

punished; hobnobbing between officials and inmates will be at an end; respect for orders and discipline will become a reality; rules will be enforced; breaches of discipline will be punished; complaints of prisoners will be heard and fairly dealt with; there will be no more access to female prisoners by male guards or others; guards and others will have to hold their jobs by efficiency and strict attention to duty rather than by political selection or favor; and the whole general effect will be salutary and for the general good.

But, in view of the shortage of staff, in and about the prison itself, even aside from the shortage of guards and lunas over prisoners on work outside, it is firmly represented that escapes will continue to be possible unless a sufficient additional number of guards and lunas shall be provided for by legislative appropriation. Without such provision it will be humanly impossible to give the protection to which the public is entitled.

I hereby certify the foregoing to be a full and true copy of a resolution adopted by the board of prison directors of the Territory of Hawaii, this 1st day of February, 1932.

Attest:

Chairman Board of Prison Directors.

Secretary.

HONOLULU, HAWAII, January 28, 1932.

The BOARD OF PRISON DIRECTORS,
Territory of Hawaii, Honolulu, Hawaii.

DEAR SIR: A careful study of the system heretofore in vogue for safeguarding inmates of this institution, both while within and without the walls, has been made with a view to correcting the conditions which have permitted escapes of prisoners, averaging several in every year in the past.

At the present moment a hunt is under way which has been in progress over a period of almost one month without results. It is estimated that the present hunt, for one month, will have cost the Government and citizens of Hawaii in excess of \$20,000, and a dangerous criminal is still at large. While in this particular instance the escape of this man may be attributed to laxity on the part of certain individual employees within the institution, it is desired to bring to your attention the fact that the present guard system, both within and without the prison, is wholly inadequate for the number of prisoners now confined and serving sentences on Oahu. The additional guard personnel recommended herein is deemed sufficient to provide fairly certain protection against the escape of any inmate under all likely conditions. Your earnest and sincere consideration of the changes outlined below is respectfully requested.

Since the majority of escapes which have occurred in the past have been cases of one or two men acting alone or together, and have not involved any general outbreak, it follows that the interior guard system should be maintained as strong and rigid for a small number of inmates as though the institution were filled to capacity, as it now is. It is essential that every possible avenue of escape be adequately guarded, with means constantly at hand to readily cope with any situation that may arise at any time, whether it be a minor or major attempted jail break.

At present the interior guard system is composed of 2 turnkeys, 3 captains, and 16 guards. The turnkeys alternate, each doing 24 hours' duty, and are held for the faithful performance of the same at all times. Under normal conditions every 24 hours is divided into 3 watches of 8 hours each. The captains and guards are therefore divided into 3 watches, each watch consists of 1 captain and 5 guards, an absolutely inadequate number to guard such an institution as this.

The cell house proper, being the most important point, the captain of the watch is stationed there.

Guard No. 1 is stationed at the main gate of the administrative building and controls the entry and exit of trustees and prison officials. Guard No. 2 is stationed in the condemned-cells corridor. This corridor contains five cells and is the only place where a prisoner may be placed in solitary confinement, other than the dark cells in the basement of the cell house. As there will ordinarily be one or more men in solitary confinement, this may be classed as a permanent post. Guard No. 3 is on duty on the first floor of the guard room in the cell house. All traffic through the prison must pass through this point, and it is quite necessary that one man be available here at all times. Guard No. 4 is stationed in the back yard. This yard contains the "bull pen," where there are often as many as 350

men congregated at one time for several hours each day. This yard borders on three outside walls; much of the back wall proper is concealed by the toilet, shower, laundry, shoe shop, and store buildings. This is the weakest point in the entire system at the present time. Due to the fact that all guard personnel must work on Saturdays and Sundays, each man is entitled to one month per year vacation. Guard No. 5, who would ordinarily assist in the back yard, is never available, since the detail is always short on account of vacations and emergencies.

Each time a prisoner is sent to an outside hospital, a 24-hour watch must be established over him, which requires the services of three guards. At the present moment there are as many as seven men who should be sent to the hospital for operations, but are being held until the present emergency is over and some means can be devised whereby such special guard duty may be supplied without weakening the system to a point where another escape may occur.

It is believed that no less than three guards should be on duty in the back yard at all times. This would provide a sufficient number to assign one to each wall and hold him responsible for what takes place within a reasonable and definite area. It would require a total of six guards in each watch besides the captain.

Due to the fact that the institution is at present taxed beyond its capacity, sleeping accommodations are even now improvised outside of cells and dormitories. There are at the present time 24 trustees sleeping in the guardroom of the second floor of the cell house due to this congested condition. This room is accessible to the guardroom of the first floor of the cell house by two large concrete stairways with no doors. In other words, these 24 men can get up at night from their beds and walk down on the first floor of the cell-house guardroom where the captain and guard are on duty. Were they of a mind to do so they might easily overpower the captain and the one guard, secure the keys to the dormitory doors, and release all men sleeping in dormitories.

While they might also open corridor doors, they would be unable to open any cells as the keys to the electric switches which control the cell doors in all corridors are retained in the possession of the turnkey at all times. They might, however, stage such an affair when the turnkey, on his inspective tour, should also be in the cell house, and so secure his keys and release all inmates of the entire institution, with the exception of a few quartered in the administrative building.

It must be borne in mind that with the public demanding longer minimum sentences of prisoners who are admitted to Oahu prison and with the prison board fixing such minimum sentences for longer periods this situation will be greatly increased as the years go on. Five or ten years hence it will be absolutely impossible for this institution to handle the situation and we must take the present opportunity to guard against allowing such a condition to arise.

My recommendation is that a new dormitory be erected immediately, in order that the public may be assured of the fact that all prisoners are safely and securely cared for at night. This dormitory would cost approximately \$—— with the use of prison labor and should be erected over the Makai diamond head wing. Such an addition would not only insure safety but would also give us a clear view of the Makai wall which is, at the present time, hidden by the washhouse and other buildings.

There should at least be one guard on duty on the second floor of the cell house at all times. It is believed that this watch could be successfully combined with the guard who makes one round every 30 minutes to the stable and garage; in fact, it is being operated in this manner at present.

To preclude the possibility of an occurrence as mentioned above, it is deemed desirable to establish three guards on top of the cell house proper, to walk the roof of this building in such a manner that the entire wall surrounding the prison would be visible from their posts. These three men should be armed with rifles, so that any attempt to scale the wall by a man or any number of men could be frustrated by three fair riflemen. This would require a total of 10 guards in each watch, exclusive of the captain of the watch. The present detail would have to be augmented with 15 additional men at a salary of say \$110 per month, representing a total outlay of \$19,800 per annum.

Since the escape of Kaikapu and Lyman the inside guard detail has been pooled and two emergency watches established. By this means 7 guards and 1 captain are assigned to each watch, and the posts from 1 to 7 as outlined herein are maintained. This requires each watch to remain on duty 12 hours out of each 24.

Due to the fact that the work of every guard requires that he be on his feet the entire period of his tour of duty, it follows that the hours are too long and the physical requirements too strenuous to continue this practice for an indefinite length of time. With existing conditions on the outside, and the failure of apprehension of Lyman, the men in the institution who would attempt to escape

if the opportunity presented itself (there are some 15 or 20 of them) are encouraged to watch their every chance to endeavor to get away. Men of this class are all worked within the walls and are never permitted outside in the work lines.

Due to the hardship on the guard detail involved in 24-hour watches, it is recommended that action be taken at once to secure this additional personnel, in order to return the watches to their normal tour of duty before their efficiency becomes seriously impaired from overwork.

The foregoing outlines the inside guard requirements. But, it would be of little avail to secure only the inside situation, if, on the outside lines conditions should be so weak as to encourage runaways. At the present time and under the present budget the institution is allowed only eight lunas paid by the Territory to work approximately 400 prisoners. This number is augmented by the paid lunas from the city and county, making a total of 10. A number of the work lines are, however, entirely too large to be handled by one man; many lines work through the city every day without any guard supervision. The following outline presents a graphic explanation of this point:

Rodgers Airport line has 31 men with 1 luna. (Should be 2.)

Board of health line, with 8 men, has no luna.

Lunalilo Home line, with 5 men, has no luna.

Washington Place line, with 7 men, has no luna.

Trade school line, with 4 men, has no luna.

University grounds, with 4 men, has no luna.

Kapahulu line, with 24 men, has 1 luna. (Should have 2.)

Capitol grounds line, with 15 men, has no luna.

Wood pile in prison yard where men are worked for punishment has no luna.

Due to the fact that prisoners work in almost every portion of the city of Honolulu they soon become familiar with many places and details that the average citizen knows nothing about; such information stands them in good stead when they escape, and makes it very difficult to locate them. It is recommended that 11 additional lunas be authorized to supervise the lines named above. This would entail an outlay of \$7,400 per annum; but it would reasonably insure against escapes of prisoners and protect the public. The fact that complaints are received relative to negligence on the part of lunas, the annoyance of residents and pedestrians, and the treatment accorded prisoners working in certain lines, it is deemed advisable to recommend a head luna to inspect and supervise these various lines throughout each day. A reliable, trustworthy, and efficient man could be obtained at a salary of \$175 per month.

Personal investigation of the present methods of preparing, cooking, and serving of the food for prisoners has convinced me, at once, that radical changes are necessary in this department. Much food is wasted at the present time, due to methods and manner of preparing and cooking. The kitchen is in charge of an inmate who, although he performs his duties to the best of his ability, is sadly lacking in experience and knowledge of cooking in its crudest and most primitive form. It is believed that the Territory could easily save the salary of a steward at \$175 per month in wasted foods and at the same time safeguard the health of the men which may become seriously impaired at any time under the present conditions in the kitchen. I have studied the plan which the prison board now has under consideration for the reorganization of this department and the provision of necessities for this purpose, and I believe that the program there outlined is the very least that should be done.

Much of the present photographic equipment in the institution is privately owned, and in any event it is and for some time has been obsolete and unsuitable for good work. Without outside sunlight it is unusable. As good photographic records are vitally necessary to complete the identification records of each man, and it should be usable at all times, it is recommended that \$500 be obtained and allotted for the purchase of photographic equipment for the institution.

The outside lighting system in use at the present time is a big handicap to guards in the performance of their duties in the yards. Portions of the walls are so shaded and dark that it would be practically impossible to observe a man in dark garb of any nature attempting to scale the wall at these particular points. In order to correct this feature it is recommended that \$650 be provided for the installation of suitable flood lights that will make all portions of the entire wall clearly visible at all times and under all conditions.

All arms on hand at the present time at the prison, except a few revolvers recently purchased, are not only antiquated but in unserviceable condition through lack of care and proper handling. Funds should be provided for the purchase of more modern weapons and also for the purchase of a small supply of tear-gas grenades and candles which are very essential in any type of riot or public dis-

order. It is estimated that \$1,000, would be sufficient to secure these arms and gas supplies, and it is recommended that this amount be obtained for this purpose.

So far I have only considered matters pertaining to the guarding of prisoners and the prison. There is another phase which should be mentioned at this time and that is the recreation and exercise of the inmates. Since the escape of Lyman all privileges, including the use of the baseball field, have been denied the prisoners. This was done due to the fact that this field is boarded by a low picket fence and with the present weakness of guard personnel it is not advisable to allow them outside the prison walls. In this connection I recommend that the athletic field be inclosed by a fence of rough 1-by-12-inch lumber, 16 feet high. This fence would cost in the neighborhood of \$_____.

The building of such a fence would give the prisoners an opportunity to occupy their minds and would tend to lessen the possibility of escape. As it is now, they remain idle on Saturday afternoons and Sundays.

Further protective measures for the Territorial prison camps on Maui and Hawaii, not covered by the foregoing, should also be considered. The situation at Waiakea airport camp is especially bad. At least two more guards should be provided; this would entail an expenditure of \$2,640 per annum. To this amount should be added the sum of \$5,000 for improvements.

Keanae camp requires two more guards at \$110 per month, or \$2,640 per annum.

To sum up the expense requirements, there will be needed:

For 15 new guards, at \$110 per month (\$1,320 per annum).....	\$19, 800
For 11 new lunas, at \$120 per month (\$1,440 per annum).....	15, 840
For one head luna, at \$175 per month (\$2,100 per annum).....	2, 100
For one culinary steward, at \$175 per month (\$2,100 per annum)...	2, 100
New guards, Hilo.....	2, 640
New guards, Keanae.....	2, 640
Expenses, Hilo.....	5, 000
New dormitory.....	_____
New fence.....	_____

Total additional requirement.....

For photographic equipment.....	500
For lights for yard.....	550
For guns, tear bombs, etc.....	1, 000

2, 050

Money to the extent of approximately half of the above amounts has already been spent in one month for a fruitless search for a single escaped prisoner still at large.

Respectfully submitted.

(Signed) **GORDON C. ROSS,**
Warden of Oahu Prison.

EXHIBIT NO. 78

His Excellency **LAWRENCE M. JUDD,**
Governor of Hawaii, Honolulu, T. H.

YOUR EXCELLENCY: The following report is submitted by the board of prison directors in connection with its investigation of prison conditions and affairs.

By way of introduction, for a statement of the charges preferred by the board against former high sheriff and warden John C. Lane, and the reasons therefor, in general terms, reference is made to the first four exhibits hereto attached, as follows:

Exhibit 1: Copy of resolution of board of prison directors passed January 5, 1932, recommending the suspension of Mr. Lane and others, with transmitting letter marked "Exhibit 1a";

Exhibit 2: Copy of resolution of board of prison directors passed January 6, 1932, with transmitting letter marked "Exhibit 2a";

Exhibit 3: Copy of resolution of board of prison directors passed January 8, 1932, recommending summary change of prison control;

Exhibit 4: Minutes of afternoon board meeting held January 8, 1932, relating to plan for change of control of Oahu prison.

It may be stated, preliminarily (as was previously mentioned to the governor), that some of the subjects were under inquiry by the board, commencing very shortly after the board took office in July, the earliest of these being more particularly the matters of private benefits being derived by prison officials at public expense in addition to their salaries and living quarters.

Shortly after the creation of the new board of prison directors by Act 129, session laws of 1931, its appointed members, having set up their organization and launched the work of formulating new rules and regulations, began their inquiries into prison matters, first seeking a general knowledge of the general lines and system of administration of prison affairs, as necessarily incidental to any revision of the former rules.

To outward appearances, as regards the methods of handling the prisoners, staff functions, and general discipline, so far as seemed ascertainable by preliminary inquiries, there was nothing at first to attract special attention or invite criticism or suggest the existence of any laxity of discipline in or about the prison. But, during the first several months of the board's existence, various rumors and reports began coming in to its members as to alleged occurrences, some within but mostly outside of the prison itself, especially regarding laxity in the care of prisoners out on the work lines, of which the following are illustrative: Annoyances of residents by visits of prisoners (in work gangs) calling at private homes for matches, sugar, bread, salt, etc. (with the incidental danger of house pilfering if no one were found at home); the accosting of citizens by prisoners loitering in parks or on roadsides, both while presumably engaged in "hard labor" and while awaiting return transportation to the prison; the leaving of prisoners behind in their gathering up from work lines, showing lack of counting or checking both at the time of taking the men on the trucks and upon their arrival at the prison; the sending of prisoners by camp jailers, guards, and higher officials into the forests to gather maile and ilima and the making therewith by them of leis to be sent by hundreds at a time to Honolulu for the warden to generously bedeck officialdom on chosen days; the permitting of favored prisoners to be out after hours or for week ends or otherwise outside of prison; and various other things indicative of disciplinary desuetude.

In some instances the informants had "heard" one thing or another said, and sought to pass the tales on to the board, while refusing to give sources of their information (not wishing to involve themselves or the others); or the rumors were traced to obscurity. Other rumors, passed on in obvious good faith, were too impossible to require investigation—such as that a certain bootlegger (name given) possessed a key to one of the prison gates with consequent entree for his wares—though no gates can be unlocked except from the inside.

Mention to the officials of the more substantial of these rumors usually evoked apparent amusement and a wafting of them aside as ridiculous or impossible.

When official assurances of "all's well" began to pall, and individual board members and its secretary began to "poke around" inside, and when it became known in the "yard" that the board was trying to find out things and prisoners began to seek access to the board's secretary or watch their opportunities to impart information progress became difficult. An order was issued by the warden that the board's secretary could see no prisoner unless on the secretary's written request first approved by the warden or his deputy. It was singular how often these officials were out. The blocking took on a real significance. The board had to require the rescission of that order. (See Exhibit 5.) In some instances, according to the prisoners who say that they sought to have an audience before the board, they were met by the guard who would inform them that they could have access to the office of the board or see its secretary only by permission of the warden, and promises to speak to the warden were apparently not kept. Complaints in this respect have been bitterly made by prisoners who say they were so denied.

Also, it was found that prisoners and under officials, when questioned, were reluctant, evasive or untruthful, seemingly in fear of possible unpleasant consequences for talking, or in order to protect their chiefs upon whose favor their jobs depended.

The escape of Lyman and Kaikapu did not occasion the investigation that ensued. That event and the ensuing crime of Kaikapu did impel the first and immediate attention of the board to a phase of inside prison conditions not theretofore even suspected—the demoralized inside conditions that made guarding virtually nonexistent. In four days of unbroken application, and despite the difficulty of getting dependable information from guards and prisoners who naturally feared possible official retaliation, the board was convinced of the neces-

sity of its request, which it promptly made, for the suspension of the warden, his deputy, and Captain Cano, and the removal of Turnkey Bray. (See Exhibit 1a.)

Mr. Lane, perceiving the course of events, began a backfire investigation of his own. He "found"—of course with surprise and virtuous indignation because of what his subordinates had "put over" on him—the things for which the board had already recommended the removal of Bray and the suspension of Cano pending further inquiry (not to mention his classification with them by the board) and he proceeded, with a fine show of punishment, to discharge them, and also to discharge others, for "offenses" which the offenders claim had been current for years with his own actual or imputable knowledge—all in a vain effort to turn the tide. Called upon by the governor for a report upon the escape of Lyman and Kaikapu (this having been before he had discharged Bray), Mr. Lane's resultant report was directed mainly to a controversion of Kaikapu's story that he and Lyman had escaped on New Year's Eve and to show that apparently they had escaped at some other time and in some other manner, both unknown, on New Year's Day. The irony of all that, as respects Mr. Lane and his lieutenant, Bray, lies in the fact that the escapes occurred as related by Kaikapu, as to which there will be full discussion in connection with Bray. If we indulge in the assumption that Bray so pulled the wool over the eyes of the warden and his aides that they believed and in good faith accepted and reported what Bray had diligently set up for the purpose in an effort to save his own skin, we have a direct illustration of lack of knowledge and of inability on the part of the governing chief to find out the truth regarding so important a thing as was then under inquiry. It is here commented that the time or manner of the escape of the two prisoners, whether in the dark on New Year's Eve or in broad daylight, reflected in any case a grave degree of laxity in prison guarding, and it became important only in its bearing upon the point of the individual responsibility of underofficers. This aspect of the matter and the disproof of the report made by Mr. Lane will be later particularly dealt with.

The investigation proceeded without abatement but with increasing difficulty owing to the overshadowing influence of the officials still in power. Enough more was developed, however, not merely to warrant but to compel the board to pass its third resolution, on the morning of January 8 (see Exhibit 3 with resolution and covering letter marked as "Exhibits A and B" therewith) because of the conviction of its members that an acutely dangerous situation existed. Nothing might have happened as was feared. That nothing did happen was due to no preventive conditions except those effected immediately by the change of régime. There had existed, on the night of the escape, such a startling special as well as general laxity and neglect of duty, all in an established atmosphere of disrespect of authority, absence of discipline, arrogance of certain inmates, and an apparent inmate oligarchy, that there seemed no adequate protection of the public against further escapes, virtually at will, and at a time when, in the agitated community, no chances could be risked of another such escape and crime as had just occurred.

Wholly apart from the chance incident of the escape of Lyman and Kaikapu, the responsibility of Mr. Lane for the conditions that made it possible, and his negligent administration in other respects, required, forthwith, a new administration.

When Mr. Lane passed out of prison affairs an immediate safeguard was put over the place, and the new government, initiated by Colonel Andersen and Captain Merrill, as acting deputy wardens, has since been brought to a state of high efficiency by the new warden, Maj. Gordon C. Ross, with Captain Merrill as his deputy, and this with no greater staff than theretofore available, whereby a state of imminent danger became one of comparative safety. While in all things the new officials have had the benefit of such counsel as was in the power of the board members to extend, the credit for the new conditions belongs to these men. It is due them that the members of the prison board, as the closest observers of comparative conditions, should give them full public commendation. At risk of repetition of some matters stated in the board's resolution of February 1, 1932, it is said, particularly, that even with no more guards or lunas than now and heretofore available many dangerous conditions have been either completely eliminated or so minimized that they do not offer the threat heretofore impending. Of these are mentioned, again, the following: Prison gangs on labor lines are now carefully and actually counted on going out to work, on leaving places of work, and on reentry at the gates; prisoners are really searched every time they come in, for "booze" and contraband of every kind; with a reorganized staff, ever since undergoing changes and improvement, respect for orders and discipline

has become a reality; rules are enforced; breaches of discipline by inmates are no longer overlooked or unreported by fearsome guards; disrespect by inmates is not now tolerated by guards because of fear of what a prisoner may be able to charge against him in the way of offenses of his own; inmate yard bullies have lost their prestige and their sway is over; favoritism toward and vindictiveness against individual prisoners by guards and turnkeys are now high offenses; and a new morale prevails among the staff and the large majority of the inmates, born of a realization that treatment, although strict, will be fair and square all around. Prisoners may become "numbers" in such an institution, but they are as human as any of us and hold their own convictions of what is just and unjust as to their treatment.

Let it be said, nevertheless, that with the present limited prison staff, there can be no real assurance to the public that escapes may not occur in the future. There are a number of very hard characters among the inmates who are glowering with resentment that their hands are now tied. Some of them are capable of attempting desperate action if allowed the opportunity. Concerted action, on their part, may well overcome a single stationed guard unprotected by another safely within call. In many States there are separate prisons or at least separate units within them in order that the harder characters may be separately confined and guarded and more rigidly dealt with. Such a system is very much needed in Hawaii. Even considered apart from the aspect of public protection against escapes of men of this type, the mingling of all grades of offenders in one institution is neither sound in principle nor fair to the young or the first offenders.

Under former conditions it is unlikely that double the number of guards and lunas would have made much difference. There was an under-government of which Mr. Lane perhaps knew little or nothing. Laxity was rampant and control was little more than a word. Recognition of this condition by the inmates generally, with many of them under a sense of injustice because of it, added to the difficulty. Here it is appropriate to indicate, by references to the transcript of testimony, the viewpoints of a number of them of a type better than the average inmate. Several of them, because of their ability, were assigned to work in the prison, which brought them face to face with what they talked about. We quote:

Lawson, storekeeper:

- Q. Mr. Lawson, we are trying to find out what is wrong with Oahu Prison.
A. I wish you would, Mr. Warren, it certainly needs it. (300.)

* * * * *

Q. How do you know?

- A. I am an inmate. (317.) * * * If verbal orders came in (for supplies) I had to take them. I was only a prisoner. If I got mad, all right. If I took it good naturedly, all right. (325.)

Riess, bookkeeper:

- Q. Mr. Riess, I want to ask you whether or not—frankly, tell us whether you know or believe that there are practices in the prison that are not proper.

A. That is a hard thing to say. I don't know where to start.

Q. Why?

A. Because there is so much of it.

Q. Shut your eyes and put your hand in the grab bag. As I say, you need not have any fear whatever.

A. It isn't that; I don't fear anyone. I don't know where to begin. I have only been here a short time, but I have heard a lot.

Q. What is the last thing you heard?

A. Well, I can start from my boss, Mr. Rose * * * (344-345.)

Wolf, dispensary assistant:

Q. In your two years on the floor here, can you relate anything of interest to the board from some of your observations?

A. I could. I will start with the deputy high sheriff, Mr. Widemann. (175.)

* * * * *

Q. What else can you tell us that would be of interest? Choose your own subject.

A. Well, I can start with Mr. Rose, the bookkeeper.

Q. Go ahead. * * * (177.)

Papke, prisoner:

This place is run by prisoners. I told Herman Kuakahi the day he went out in November—he had had an interview with Ordenstein—I told Herman to tell Mr. Ordenstein to call me up if he wants to know about things here, that I am not afraid to talk * * * There is no way of getting a hearing around here

the way things are * * * The men down there [in the yard] have nothing against the board because they know that we ourselves put us in jail and the board is trying to help us make good * * * I put myself in jail, I realize my mistake * * * Other men have gone to the sheriff for permission to go to Mr. Ordenstein. He would tell them to run along back to the yard, that he will attend to it. And Mr. Bray, scared that someone would tell the truth, would say "no use you fellows going to the board, you are paahaos, they don't take your word"; that is the speech he always made until one day he ask us to talk. (244-245.)

Papke further said: "Gentlemen, we white men do not expect better treatment than the others, but the least we expect is equal treatment. I understand prisoners were called in here who were unwilling to testify. There is only one conclusion, gentlemen, you must have asked those from the office, they all stand in with the officials, that is the inner ring * * * Lawson told me about the doings there in the storeroom, how that was handled, and I told him to see the chairman of the board, Mr. Warren, because he is not a politician, and if he (Lawson) did not want to do that, and if he thought it was a matter for the attorney general he could tell his wife to ask the attorney general to come down and investigate, but I don't know if Lawson done anything or not, I am sure. Some of the people who have charge of this prison should wear the same suit I wear. (246.) * * * I am glad I can come here and make this statement because I was determined to let the people know what goes on in this jail."

Mr. WARREN. We are taking that up, good and plenty.

PAPKE. I am glad of it. I did not like the idea when the papers came out and said that we in here were blocking the investigation. (246.)

Also: "You'll be looking for a new sheriff, no doubt; if you have a new sheriff, don't let this place be in the hands of the paahaos." (249.)

Panaewa, former guard:

Prisoners ran the Maui camp under Keola. (545.)

Hoopale, parolee:

Q. Were you ever storekeeper?

A. No, but that is another rotten place.

Q. What do you mean?

A. Plenty of things are missing there and down in the kitchen. They can't make an accounting of the missing foods. (256.)

Alu, prisoner:

Complained of conflicting orders from different officials. One would give him orders which he had to obey, and another would call him down for it. "So I don't know where I am standing—whose orders to take. I don't know what to do half the time in here, really." (535.) (He objected also (535) to being forced to go out to search for escaped prisoners.)

Lawson:

Said he was afraid to go from the storeroom to his cell, because of enmity of Bray (and he later orally added for fear of harm from "Bray's bouncers"), due, he said, to the fact that he tried to run the storeroom as it should be run—"not letting any and everybody in there and pack stuff off and charge it off to officials and others." He would be "run over to the other room while Turnkey Bray or Cockett or whoever would come in would have their talks," and he "would see them leave with packages. Turnkey Bray would come in and help himself to anything along the shelves." (300-301.)

In a query as to why there were not storeroom records for the month of March, 1931 (omitted from Mr. Lane's report), he said he was sick, unable to get off his cot in the storeroom, but was denied the hospital, because, being "bad friends" with Wolf, the latter's influence kept him out. He said Wolf was a "bouncer" for Bray (312-313). Also, when he had a fight with the cook for giving him "slops" for food, Bray gave the two boxing gloves, and let them fight it out in his presence (313). Also, that he had to bribe the cook with tobacco to get decent food (313).

Kaikapu, prisoner:

Said Bray told him that Mr. Mann (of the board) had instructed him (Bray) "to give me the worst punishment" (1). Bray lied. Again, he said, "Bray all the time tells us that he gets orders direct from the prison board. I stay here too long to believe that." (28.) Bray lied.

In view of the charges which the board preferred against Mr. Lane, his deputy, and others, summed in the resolutions presented, it is due that supporting evidence be cited. Grant that many of the witnesses were prisoners, some having prejudices, and all open to the charge that their credibility might not rank with that of men unsmirched by crime. At least none of them were serving

time for perjury or subornation of perjury. The testimony of these men, with every allowance made, coupled with that of nonprisoners and corroborating circumstances, the whole making a record of consistency and impelling credibility in the main, was sufficiently convincing to the board. One can not escape the resultant belief that a truthful picture stands as painted by the board.

The charges made fall broadly into two classes—those relating to the prison and prisoners which contributed to lax and dangerous conditions generally, in prison administration, and those concerning office and business matters. Of these the first class will now be dealt with, merely topically, with references to the pages of the transcript supporting them. The conditions relating especially to the escape of Lyman and Kaikapu will be separately covered.

Keys were habitually intrusted to prisoners, not merely for inside doors, to cell blocks and elsewhere, but also to the wall gates. (See record, pp. 112, 128, 129, 138-139, 140, 141, 142, 143, 186, 204-205, 213, 284, 420-421, 422, 490, 513-514, 517-518, 530.)

Lyman, after capture, said that the first plan for escape, by going through a gate, was given up because Peter's expectation of getting the gate key from Captain Elama was spoiled when Elama left for his vacation that very day (496-497); also that Peters did have the key to the switch box and turned off the lights to cover the escape (499), having gotten the key from the captain (515).

Prisoners going out at night and for week-ends. (See record, pp. 29, 90, 91, 92, 93, 143, 173-174, 175, 234-235, 237, 254, 256, 286, 399, 400, 401, 536.)

Wong said Mr. Lane knew of it, and "spoke to Mr. Keliinof about it, about not taking me out, but just the same we would go out" (93). Wolf would be along (92), and Wolf testified that he was positive Mr. Lane knew of it because their times of going and return were entered in the record, the captain's journal, which Mr. Lane always examined (?) and put on his O. K. (400-401.)

On New Year's morning a bunch of some 10 or 12 inmates went out at 6 a. m. going about serenading the homes of prison officials. (538-539.)

Peters, whom the board found guilty of helping Lyman and Kaikapu to escape, was outside early on New Year's morning to watch the Laulau gang (491-492, 494, 530), and the outside gardener, Ben Clark, said he saw Peters on the opposite side (town side) at 5 a. m. (485-486, 487-489), though Peters denied this (530-531)—as he denied every other material thing.

Liquor was frequently brought into the prison. (See record, pp. 256, 286-287, 517), including the women's quarters (280, 281, 283, 289).

There was booze on the lines. (540-541.) Lyman says he and Kaikapu went out for it. (507-525.)

There was an inside gang of hard characters who had things about as they pleased. This gang was headed by Herbert Peters and included Lyman and Kaikapu. (159.) Bray liked them. (513, 531.) Peters made up the work gang lists inside. (104, 130, 133-134, 136, 170, 509.) He was an "ex-moon" (i. e., just back in class A from class B whose members wear a round disk as insignia of class). (118.) Peters "can do anything he wants." (15.) Peters (Bray's good friend) says Bray was "framed." (53.) The board adds: Pictured as well.

Guards and turnkeys were frequently absent in duty hours. (See record, pp. 105, 106, 115, 255.) Bray admitted it as to himself—regularly about once a week for over a year. (105, 115.)

Uncensored letters were smuggled by guards to and from prisoners. (See record, pp. 269, 281, 288, 289.)

Laxity of guards on lines. (See record pages 540, 543.) Prisoners sent to fish and get ophis (95) (for the tables of those in charge of an outside camp).

Add to the foregoing an illustration in a matter traced almost to its absolute source. Here names can not be given, but the dependability as to the fact is accepted by the board's chairman who sought to get the facts:

Mrs. A told the chairman of a story that had been told at a social gathering. Having the name of the hostess, Mrs. B, he called upon her. She verified it and knew who had told it, and volunteered to ask the relator, Mrs. C, as to its source and did so. Mrs. C declined to divulge the name of the original relator of the tale, but agreed to go to her, Mrs. D, and ask if she would be willing to relate to the chairman her actual experience or permit the disclosure at least of her name. Mrs. D declined, but, believing that the tale was true, the chairman relates it as follows: A prisoner belonging to a certain work line came to Mrs. D's home: "Plees, missus, I like telephone for Papa Lane send wagon, take me home. Me, I go 'sleep under bush, wagon come, take all home, only me. Plees, I like for wagon come take me home."

Escape is a matter of setting one's mind to it. (See record, pp. 113-114, 225-226, 204.) Anyone who has witnessed the occasional exhibitions by Army men and

Boy Scouts in wall scaling will appreciate the simplicity of how prisoners with a little pyramid work, under cover of the outside buildings near the walls in this prison yard, might leave like a lot of rats on a runway.

LAXITY AS TO INSIDE GUARDING

Fairness to all concerned requires that this subject be prefaced by the fact that there are not sufficient guards at the prison. The need of more has been accentuated in reports of the warden to the governors, and in the messages of the governors to the legislature.

The present number of turnkeys and available within the limits of the legislative appropriations is, regularly, according to Mr. Lane's own statement here quoted from his annual report of July 18, 1931, to the governor: "Two turnkeys, three captains, and five guards to each watch, control all the activities of guarding the institution." A more correct statement would be that for each watch there is one turnkey, one captain, and five guards, the watches being divided between the turnkeys and captains. In these circumstances it has been the practice of the warden in the past to supplement the "guard" system by the help of prisoners deemed trustworthy—called "O. P's". These have often been put in charge of line work gangs where guards were not available, and on occasions when the recreation field is open (this field having a "neat little fence fully 3 feet high"), the O. P's are posted at fence line points to "guard" against escapes. It was never supposed that any of these men would handle gate keys.

But, notwithstanding the need of more guards, the available supply was not in use on many occasions, and guards and turnkeys would absent themselves in duty hours, depending, sometimes, upon mutual arrangement.

LAXITY—AND WORSE—AS REGARDS WOMEN PRISONERS

Until July 1, 1931, there was but one matron. She had hours and times off duty, and the off-duty hours were stretched at times, all in keeping with the spirit of the place, but, we believe in confidence on the part of the matron that in her absences the officials would neither do nor permit anything wrong. But the picture of what transpired is sordid. Access to women prisoners was had by underofficials and others; a child was born and no word of it became public. For all of this the reader is referred to transcript pages 263-272, 258-262, 273-275, 276, 277-282, 290, 547-556, 557-564, and 565-569. Also, as to other behavior on the part of a certain deputy, pages 175-177, 287, 289, 263, 273, 287-289.

These things are mentioned because of their bearing upon the general lack of adequate supervision and lack of knowledge of what was going on in the place under investigation, though, as is believed, without the knowledge of its governing chief.

LACK OF TRAINING SYSTEM

Apparently the guards and turnkeys were left to their own intuition as to how to perform their duties. There were printed rules given them, but beyond this they were apparently expected to use their own judgment, and ask for any desired advice or instructions. With things going along all right, everything was all right. If things were to go badly wrong it would be "just too bad." The board's general inquiry into conditions, discipline, organization, and system, included the interrogation of guards as to what instructions, if any, had been given to them concerning what to do in case a riot should break out among prisoners in the yard or if guards should be attacked. From all the answers were that they had no instructions. Pressed for a statement of what each would do in such an emergency, the answers were illuminating. The guards are "armed" with whistles. One said he would "blow his whistle." Another said he would throw his gate key over the wall (if he could) so that the prisoners could not get it. Two of them said as to a riot, "Well, that would be just too bad."

There are no present adequate means to combat such a thing as a jail riot or a concerted attempt at a prison break.

See, both generally and specially as to these topics, transcript pages 98-100, 207, 285-286.

The particular laxity at the time of the escape of Lyman and Kaikapu was merely a sort of climax which led to the uncovering of the general conditions. The escape might have occurred anyway. Its possibility would have been much lessened had a better system been in vogue:

As a matter incidental to this subject, because of its importance concerning action recommended to be taken as against Bray for responsibility for the escapes, and as against Bray and others for perjury, there is separately submitted herewith a special report of the board as to how and when the escapes actually occurred.

PRISON SUPPLIES

Shortly after the prison board took office on July 1, 1931, rumors and intimations began coming to individual members of the board to the effect that food and other Government supplies, including pigs and farm produce, were being withdrawn by prison officials for their private use and also given to friends. A preliminary inquiry into the matter at the prison developed at once the fact that there was a practice of withdrawals of Government supplies by the prison officials for the use, at least, of themselves and their families.

In view of the lack of any apparent legal authority for such a practice a committee of the prison board was appointed to wait upon Governor Judd and acquaint him with the fact that such a practice existed, at which time the governor was informed that there was no knowledge, as yet, as to the extent to which the practice was being carried. The committee reported that the governor had stated that he was aware of the practice as regards subsistence for the families of the warden and deputy warden but not as to the deputy high sheriff; and that the governor had further stated that he understood this practice was a generally accepted one here and elsewhere and it was his opinion that at present nothing need be done about it.

It does not appear to have been known to Governor Farrington since, in his message of February 20, 1929, to the legislature, in referring to the compensation of the prison officials he stated what each received, specifically, in salary "and living quarters." (See House Journal, 1929, p. 39.)

It was felt by the board, however, that the new rules and regulations then in course of preparation should cover this subject, and, that the practice was then still unknown but was stated by Mr. Lane to be reasonable.

A tentative draft of the proposed rules and regulations having been prepared, a copy was submitted to Mr. Lane with the request that he study it over and offer whatever suggestions or criticisms he might desire. Mr. Lane prepared a memorandum of a number of points, and upon discussion some of these suggestions were considered acceptable and were incorporated (sometimes with modifications or rearrangement of language) in the board's draft. There were several points, however, to which Mr. Lane took strong exception, and, in the light of after events, it is felt by the board that these objections were prompted by a fear of discovery of the extent to which withdrawals and special purchases for officials' use were really being made. Of these the following are mentioned:

First. Section 4, in Article XIII, title 2 in the original draft, relating to withdrawals of supplies, read as follows:

"4. No food, clothing, supplies, farm produce, or articles produced by prison labor, or other prison property of any kind, shall be used, sold, given away, destroyed, or otherwise disposed of, except for approved prison purposes, without the written approval of the Board."

Mr. Lane objected strenuously to the words "without the written approval of the board." He proposed the substitution of the words "or as provided by law." He assented to change the word "provided" to "authorized." The point of whether the practice of withdrawal of subsistence in vogue was or was not "authorized by law" was left for decision later—the chairman's contention having been that if it were not so authorized it would not come under this language, and Mr. Lane did not question that. Later still, in conference with the governor, the new words, "or by the board," were added, as will shortly be explained.

Second. In the section relating to the prison bookkeeper (Art. II in title 2) the board's draft had the further words "or by the board"—in order that the board as well as the warden might require him to keep any specified records—to which Mr. Lane strongly objected, saying that he was responsible for the keeping of the records and that the board should leave that entirely to him. It was stated to him that the board would want records of various matters in desirable form, and should be able to require them to be kept. Mr. Lane insisted that any request of the board should be made to him and he would have the bookkeeper attend to it and the board should not go to the bookkeeper. The reason for Mr. Lane's desire to close access to the bookkeeper later became clear—the records were in no shape to be brought to light; the subsistence withdrawals and special purchases were in fact beyond all propriety, even assuming some propriety.

Mr. Lane being dissatisfied, stated his points to the governor, who later reviewed them with the chairman. The governor agreed that the board had the right by law to ask for any desired information from the bookkeeper or anyone else, and so suggested that, since Mr. Lane felt so strongly about it, and since the board could stand upon its legal right if necessary, the words "or of the board" could without harm be dropped from Article II, title 2. This was done.

As regards section 4, Article XII, the governor agreed to the proposal of the board to cut off subsistence withdrawals, but desired to know if the board would be willing to make an exception to the general prohibition so that he might ask for and obtain a pig or supplies from the prison farm in cases where, otherwise, public funds would have to be used to purchase the same elsewhere. To meet this the chairman proposed the addition of the further words "or by the board," saying that under it the board could by resolution authorize in general or special terms any exceptions to the general rule, and this met his approval. A resolution making that exception was later passed by the board (November 23, 1931). No other exception was ever made. On October 8, 1931, the rules and regulations were finally adopted by the board and approved by the governor.

The following day, October 9, the chairman (Mr. Warren) called upon Mr. Lane and had a frank talk with him with regard to the many rumors being frequently heard by the board members, such as of prisoners having nights out and week-end visits outside; of favoritism of and prejudices against prisoners, of booze getting inside the prison, of laxity of guards on the work lines, of prisoners going or being sent fishing from outside camps, of gross abuses in the matter of withdrawals of supplies from the prison stores, of pigs from the farm used for luaus for him and his friends, of the deputy's family being so large as to require two houses and two table settings, of the use of great quantities of meat, the excessive numbers of inmate servants for the officials, and the like. He was told that in view of these persistent rumors it was obviously necessary for the board to really know what was in fact going on.

Matters of minor friction having several times previously occurred, he was also told, in effect, that the board wanted very much to have him and the board pull together in prison affairs; that the board had its duties and responsibilities and had to meet them. As to supplies he was told the board simply could not remain in ignorance, but, if advised of actual conditions, would know how to answer the continual rumors. Also—and here are given the words used by the chairman, virtually verbatim—"Mr. Lane, if there are any practices going on in this prison which you would not care to have publicly brought out, fix them up yourself, so that the board will not have to see to it." To this Mr. Lane replied that there was nothing back of the rumors mentioned; that everything was regular and in order; that he did not believe that the withdrawals of supplies were excessive, but that he would proceed at once to have a record of them made up to cover the whole of the year 1931, and should it then seem that too much subsistence was being withdrawn it would be cut down. He expressed himself as appreciative of the attitude of the board and promised full cooperation. The meeting was cordial in every way, and results were awaited. As weeks passed and nothing was reported, and intimations began to come in of great difficulties the bookkeeper was having in his efforts to make up a record concerning supplies used by officials, and to "balance" the supplies accounts, verbal inquiries were made several times. After allowing for all seemingly excusable delays the chairman, with the approval of the board, on December 10, 1931, wrote Mr. Lane a letter (copy attached as Exhibit 6) reviewing the subject and requesting that the data be promptly furnished. At the same time, in line with the governmental plan of bulk purchases of supplies usable by many Territorial institutions, he was asked in a separate letter (copy attached as Exhibit 7) for information regarding productivity of the prison farm, including pigs. Mr. Lane, though responding to the main matter of a requested estimate of supplies needed for the first calendar quarter of 1932, wholly ignored the subject of pigs and farm products.

On December 19 Mr. Lane's letter of reply, dated December 18, 1931, was received regarding withdrawals of subsistence by officials from prison supplies (copy attached as Exhibit 8). It required but a glance to see that this did not correctly represent the facts in several respects.

Accepting as true the statement of the prisoner Riess, who virtually had charge of the bookkeeping work in the prison, that Mr. Lane handed to him the chairman's above-mentioned letter of December 10 with the instructions to "go ahead and work on it" (see record, p. 336), it is deemed almost inconceivable that Mr. Lane, when he received the statement prepared by Riess, could have believed it was a true statement, being so obviously low in the showing it presented. That it did not cover the case was frankly admitted by Riess in his subsequent testimony

given to the board. Riess testified that he drafted the letter of reply, using some features given him by Mr. Lane. Also, that in making up the statement he confined his figures to the signed requisitions in the requisition books, ignoring those in the book not signed, ignoring all the loose "requisitions" not in the "regularly bound books," all deliveries made on verbal orders, all deliveries to officials through and charged to the kitchen, and all other information. (Record, pp. 304, 324, 325, 336-340, 343-344.) They were "left off because there was no record of them." Neither did Riess include anything with regard to laundry, auto parts, accessories and supplies, bedding, dispensary withdrawals, towels, or the like (pp. 342, 343). In his own words: "I wasn't going to put down something that somebody told me and then later on have them say they never said anything like that." Also, "if it was not on the requisition book then it was not entered on the report." (Record, pp. 336-337, 344.) Further, he admitted that he did not believe the letter was a full and fair reply. To quote:

"Q. My question is, Do you not really believe that I did not get the information I requested?"

"A. I do not think you have. Not all of it. You have it as it is shown by the records." (Record, p. 344.)

And he said: "When I finished the rough draft I explained to him (Lane) how it was made up." (Record, pp. 339, 340.)

Riess was guarding against any possible comeback on himself. He was going to be safe on what he charged up as used by officials. He was a prisoner and they were his jailers. He said: "I was the man they passed the buck to. I have seen too much of this stuff around here." (Record, p. 344.)

When a vacancy occurred in the office of bookkeeper, occasioned by Mr. Keliinoi's death, at a time when the bookkeeper's job required very special work to make up the supplies accounts that had been called for in October, and there was need for an efficient and trustworthy public servant, Mr. Lane was insistent upon appointing to the position Mr. Norman K. Lyman, of fame set forth in the Supreme Court's disbarment decision reported in 30 Hawaiian Reports, pages 405-429. This had to be met and defeated in the manner shown in the letter from the chairman to Mr. Lane dated November 10, 1931, of which a copy is attached as Exhibit 9. Mr. Lane had to fall back upon prisoner Riess to compile the reply to the board's call for information regarding supplies.

The apparent inability of Mr. Lane to choose employees capable of rendering efficient and faithful service is further indicated by the reflections in the record upon the conduct of his last bookkeeper, H. M. P. Rose. It is sufficient here merely to refer to the pages in the testimony which have this import (pp. 177, 178, 333, 334, 345, 350-355, 376-380).

Mr. Lane's report on subsistence withdrawals, based on Riess's work, does not correctly present the facts. The record taken by the board, while inconclusive as to the extent to which the withdrawals really were in excess of what Mr. Lane reported nevertheless show not only a very substantial excess but also that much of the excess withdrawals were made by officials under cover of charges against the kitchen (as though used by inmates) and also by mere taking without pretense of records at all, and, seemingly, with intent that there should be no record.

How far back the system of withdrawals of supplies by officials began does not appear. It must have been more or less surreptitious during Governor Farrington's administration, as is reflected by his 1929 message to the legislature. That there was no requisition system prior to the advent of the boards of prison inspectors is also apparent. (Record, pp. 305, 464, 466, 468.) A former prisoner, Sherry, said the requisition system had just been started when he took over the store in April of 1930 (p. 263). It is even said that there has never been a complete inventory of the prison stores (p. 326).

The requisition system, as reflected by signed requisitions (on which alone Mr. Lane's report was based), was again a cover for what really went on. Sherry's description of the system (pp. 252-253) is apparently how it was supposed to work and perhaps how it was worked for the first several months after its set-up, which he described, before it was partially discarded and prostituted. But even in his time in the store—eight months to the end of 1930 (p. 251)—there were "verbal orders" (p. 252) besides the written orders, and he knew there were withdrawals by officials gotten "not from me" but from supplies charged to the kitchen (p. 253), and as to these he made some notations "on the sheet" (p. 253). The kitchen requisition books actually show such notations. (See pp. 253, 303, 319-321.) Sherry said "that was the way the other storekeeper did and I kept on" (p. 253). See also as to verbal orders, no requisitions, charges to kitchen—pages 229, 301, 304, 311, 312, 314, 317, 323, 331, 461-462, 464, 466, 467, 468, 479. The requisition books show also entries of amounts of supplies, first written and

then crossed off, but which witnesses say nevertheless went to the officials (or to the kitchen and there issued to officials) (p. 324).

As to "slips of paper" (of which a sheaf of samples is in the hands of the board) see pages 301, 305, 314.

There were "standing orders" (254, 302, 314, 464-466, 467).

For somethings—"extras" when the officials "ran short" after using the amounts regularly sent on "standing orders"—there was often no pretense of requisitions (253, 302, 314, 316). And they did "run short" quite often, even on sugar after having had the regular 100 pounds, per month (229, 314, 461, 464, 467).

Many sorts of supplies were bought that did not go to the inmates at all—bought expressly for the tables of the higher officials, as will be seen both by the testimony and the character of the supplies (253, 301, 306, 307, 317, 339, 464-466).

The former bookkeeper was said to have been crooked about supplies, the witness telling of it (374, 375).

Incoming goods were sometimes not weighed (331).

Prices for first-grade rice were charged for low grades deliveries (332, 333). And there were known underweight deliveries of salt (330, 331).

According to some witnesses the deputy warden did not "put out written orders" for the supplies he would draw (304). He had a standing order, and got all the extras he asked for if he ran short—mostly from the kitchen (of course charged to the kitchen on the store records); and there came a time when the deputy stopped putting in orders at the storeroom and drew supplies directly from the kitchen (304, 331). When the deputy's cook found there were orders not to give him something from the storeroom he said "so I have to go to the kitchen" (468).

Mr. Lane's supplies were usually furnished on lists first made out by Mrs. Lane, sent to Mr. Lane and O. K'd by him, then (but not always) written up on requisition forms by the storekeeper and in that form O. K'd by the deputy warden (305, 461, 479).

Supply consumption at Mr. Lane's house was broadened to include requirements for many luaus (476-477); much social entertaining (473-476); seven inmate servants who usually (if unexpected guests did not come in) had what was "left over" from the family's table, always purposely enough for these servants (460-461, 477, 479).

How the deputy warden's family of eight (six children) required all that went in that direction is explained, according to the testimony, by the following:

A bunch of outsiders to drop in and eat, quite often, besides relatives and "in-laws" (462, 463, 469-470, 482-483).

Relatives came for supplies, and got them, in varying quantities, taking them surreptitiously according to the cook (463, 469-470). Things just disappeared (470).

The "kids" wanting peewee sticks, would saw new brooms and mop sticks, so the cook had to go for more (470-471).

Once, lack of available money under the appropriations kept the cook from having new kitchen pots (471).

Nothing short of such a well-indulged system of use of supplies at these officials' houses could explain even the amounts reported by Mr. Lane as representing the quantities.

That the quantities of various specific supplies exceeded what is reflected by Mr. Lane's report, is evident from the following: Meat, pages 160, 228-229, 465, 466; potatoes, 229, 465; onions, 465; bacon (over 12-pound sides), 465; butter, 465; bread, 229, 469; maple sirup, 469; eggs, 465; sugar, 314, 464, 467; flour, 469. Not reported: Ice, 465, 480; silt salmon, 229; kitchen utensils, 471, 474; towels, 330; table linen, 471.

Vegetables: Call for special mention:

No records of quantities were kept prior to October 1, 1931 (307-308, 406), nor of where they went prior to December 1, 1931 (307, 308).

Vegetables came in from the farm, in buckets, labeled for the officials and the kitchen, with the officials' buckets taken care of first—the inmates getting only what was left over, if anything, of the better kinds (307-310, 406, 407, 428, 466). Vegetables were not covered by Lane's report (328, 341).

Pigs: The testimony about pigs does not jibe with Mr. Lane's report. The "inventories" of pigs, kept by farm luna Norman K. Lyman, are "elusive" (416, 426-427, 436, 440, 448). Pigs die, some naturally. The litters from the sheriff's brood sows more often died naturally (156, 417, 431-432.) Killed for June 11, seven (430). For Christmas, 1931, eight (437-439) of which three went

for luaus for inmates and officials, and five went to officials (439)—though the prison board failed to get the share this witness thought they did.

Dinner pigs went to officials (156, 415-416, 417, 425-426, 429-430, 432, 437, 440, 441, 451).

A few new-born pigs died by the mothers lying on them (443, 444).

Pig deaths by sickness were partially attributable to spoiling the kitchen garbage by its inclusion of rubbish, rags, cigarette and cigar butts, soap, chili peppers, lye, oil, coffee grounds, etc. (432-433, 445-446, 453-455).

Pigs were delivered to Kailua (175)—though it does not appear that any went from the farm to Sheriff Gleason's famous luau of December 12 (431-441), though how they could be had from pig raisers at request of the sheriff was easily solved by Lyman—they would come through for the sheriff (431).

One witness was positive that prison guards on Maui raised pigs and that "John Lane got his share every holiday" (96).

The deputy high sheriff, with no connection with the prison, had, free, both office and living quarters, all his food supplies including vegetables, inmate servants, chauffeur, government car, gasoline, tires, etc.

"Other officials" drew heavily on the prison stores (Exhibit 8 and pp. 317, 339).

The prison laundry service was extended to include that of the officials (471-472). There is no record to show quantities except that by chance the original laundry lists for the deputy warden's family for the months of October and November were found. These show that washings went in on October 9, 12, 14, 16, 19, 21, 23, 26, 28, 30, November 2, 5, 6, 9, 11, 13, 16, 20, 25. A total of quantities of articles for the month of October for the deputy warden, with notation of what the laundering would have cost had the work been done at commercial prices, is appended as Exhibit 10.

Question: Did the deputy warden's "family" consist of eight persons? Or, whose laundry went in with his?

The prison tailor rendered tailoring service to the officials (465-7).

Here, stated a little out of sequence, we refer to the testimony of Hoopale, once an inmate. Its frankness and the "conditions of the times" lend it a right to credibility. In his opinion there was, inside the prison, a lack of discipline, too much partiality toward prisoners; subordinates were not honest; officials were often absent in hours of duty; prisoners were allowed and taken out without authority; there was no inspection by the chiefs; the warden could not know because he was at home; he trusted his subordinates too much, didn't check enough; there was too much familiarity with prisoners; there were cliques (among the inmates) that "told the turnkey what to do" (255-256).

Also, the whole testimony of Guard William Peters is along similar lines (203-208). The prisoners were independent (208).

The board might have pursued its investigation to a much greater length. Cumulation of mere evidence seemed unnecessary.

The audit by the auditor's office, as to subsistence withdrawals by officials, presented under data of January 18, 1932, which must itself be considered in conjunction with the further report of January 27, 1932, which shows the breakdown of the uniform system that we set up in the prison by the auditor in April, 1930 (discarded in a few months), is apparently as complete as the available records will permit. In the opinion of the board, however, it does not, and doubtless could not, show the real extent of the use of supplies by officials—the data not permitting it. It did not get much deeper into matters than was ventured by Riess who had adhered to "black and white" and who considered no side information or indecisive records.

The auditor's report of January 18, 1932, "relative to the audit of the books and accounts of Oahu Prison, particularly of the records with regard to the reception, distribution, and disposition of prison supplies and property," presents, really, a recital of why no audit was possible. In order that this may here appear, without necessity of reference to the separate report, the following is quoted therefrom:

The present storekeeper, who is a prisoner, checks all articles received at the storeroom, but not beef, poi, bread, salmon in barrels, delivered directly to the main kitchen as this is done by the chief cook. Internal requisitions on the storekeeper made by the high sheriff, deputy warden, deputy high sheriff, et al., are first approved by the warden or deputy warden before deliveries are made but there have been times when verbal orders were given by the warden and the deputy warden and no confirmation on the regular printed requisition.

In going over the storekeeper's file of requisitions received from the various units, and more particularly from the main kitchen of the penitentiary, I questioned the notations made of deliveries of rice, potatoes, onions, granulated sugar,

Carnation milk, etc., to the high sheriff, deputy warden, and deputy high sheriff, and was told that these were additional to what was requisitioned by them and therefore this is included in the cost of the main kitchen.

In an interview with the chief cook, I was informed that no record was kept as to the deliveries made of beef, poi, bread, salmon, potatoes, onions, granulated sugar, and rice prior to November 23, 1931. Subsequent thereto, his record shows for the period November 23, 1931, to December 31, 1931, excepting December 2 and 3, 1931, when no record was kept, that the following food supplies were issued to—

	High sheriff	Deputy warden	Deputy high
	Pounds	Pounds	Pounds
Beef.....	278	323	119
Pork.....	13	67	10
Poi.....	346	289	37
Bread (loaves).....	172	213	73
Salmon, salt (pieces).....	10		2
Potatoes.....	65	304	15
Onions.....	67	134	26
Granulated sugar.....	22		
Rice.....	10		17

The above figures are for the 37 days covered and pricing these articles at the present market values, an average of \$4.64 per day is charged to the main kitchen for supplies used elsewhere. A true accounting of the pigs raised on the farm and slaughtered can not be gathered for the reason that the office did not have the figures available.

Referring further to the auditor's separate report January 27, it is clear that because of the breakdown of the prescribed system "it was found necessary first to devote a greater portion of our time and efforts to bringing the records in shape, taking and reconciling inventories," etc., so as to give a new start. What was found in the way of demoralization of records is in this report summed up in language which shows what the prison board had met with, why the audit was asked for, and why a true showing is impossible. Again we quote:

"Since installation, as mentioned above, apparently very little effort was put forth to carry out instructions in the operation of the system. During the first few months an honest attempt was made to control all receipts and issues of expendable supplies. Purchases and receipts were recorded on stock cards and issues were made on authorized requisitions. From then on to the beginning of the last quarter, for a period of over a year, the procedures prescribed were in some instances wholly discarded and in others followed haphazardly. The ultimate results of this loose operation manifest themselves in the lack of control over supplies and the loose manner under which issues were made—a situation where it is almost impossible to determine from the records any accurate information for an analysis of these costs. However, as beginning October 1, 1931, an inventory of stores were taken and a new start was made by them to again put the system in operation.

"The above status of affairs with respect to the stores system is attributable to the general laxity that emanates from the institutional head throughout the personnel. This is added to more or less by assigning (to) responsible clerical duties without apparent close supervision, to several prisoners whose aptitude for efficient and cooperative work is naturally not of the best, not mentioning the frequency of their changes made due to discharge from the prison or other causes. The lack of a thorough and working knowledge of the requirements of the system and its coordination with the other clerical work of the institution is also evident among the personnel of the general office and among those that have to do with the operation of the system."

Having done such compiling of figures as seemed possible, the writer of the above report indicates a total of \$60,916.51 expended for groceries during the period from December, 1930, to November, 1931, of which amount \$5,965.90 is arrived at as for commodities "that went direct to the use of the prison officials"—the high sheriff, deputy high sheriff, deputy warden, and the four jailers in charge of the four prison camps. Note the word "direct." Adding the cost of food "drawn from the prisoners' mess," "conservatively calculated," according to the recent record (for the period from November 23 to December 31, 1931), the total figure of \$9,000 is arrived at. As stated, this is all inconclusive. Further work,

however, does not seem to be required. The pertinency of the whole thing is that it shows how badly the prison situation needed a clean-out and a new set-up. Further we quote two significant concluding paragraphs of this report:

"The per capita cost of the prisoners' mess seems normal at first glance, but when viewed by the above daily 'line' average, it is doubled, tripled, or quadrupled in many cases. According to the above calculations, it is found that the per capita cost per day of two meals, for poi is 4 pounds, for rice is over 2 pounds, and so on. Other items also show a high consumption, which indicates either a lot of waste, a lack of food regulation, or a leakage somewhere.

With reference to reported irregularities in distributing stores to purposes other than the use of the kitchen or the official mess, I wish to state that at this late date it is impossible to run down any short weights, short deliveries, or other tamperings with stores, since such practices can only be controlled and checked in the institution by the institutional authority. The prison board has investigated this end thoroughly, I understand, and any efforts on our part would not have yielded further information.

Unfortunately, the prison board's investigation merely established the fact of irregularities without being able to determine their effect as regards actual quantities involved.

Reverting to the point that there was unofficial recognition of and assent to the practice of subsistence withdrawals by officials, it was naturally upon the assumption that it would be within reasonable limits.

That Mr. Lane had knowledge, actual or implied, as to the real extent of the withdrawals, is indicated to some extent in the testimony. He knew the system was in vogue if not the quantities (313-315). Lawson says he protested to Mr. Lane against being called upon to charge things to the kitchen when quantities did not go to the kitchen but to the officials, and was directed by Mr. Lane to do what he was told by the deputy (315-316, 321-322).

In this report the endeavor has been to present only facts as they have been found. That the whole situation has reacted upon Mr. Lane is a matter of much personal regret to the members of the board. It is the belief of its members that Mr. Lane was not in fact cognizant of some of the conditions which existed; that he did not know, perhaps, the extent of the abuse by his subordinates of practices of which he did know; and that he was himself betrayed by some of those under him in whom he had reposed his confidence and upon whom he depended to attend to matters which he did not himself undertake to do or pretend to follow up. But, as was represented in the resolutions of the board, first mentioned in this report, his very failure to know, to govern, to see himself to the performance or superintendence of the duties of his office, for which he was responsible, denotes a degree of negligence and culpability equal to that of his reckless and directly offending subordinates. A new prison head was needed. The board would have failed, miserably, in its own duty, had it not pursued as it did its most unpleasant and difficult but necessary course.

As was stated in the chairman's letter to the governor of the 19th ultimo, the question of whether the excesses of subsistence withdrawals should be regarded as mere abuse of an unofficially tolerated practice, although apparently without authority of law, or as downright illegal at least in particular instances on the part of particular officials, is a matter for the consideration of the attorney general.

As a matter growing out of the board's general investigation, there must also be presented the showing of conduct on the part of former Turnkey David K. Bray which offends against certain criminal statutes. These are, first, his virtual responsibility for the escape of the prisoners Lyman and Kaikapu, violative of section 4319 of the Revised Laws of 1925; and, second, a clear use of perjury on his part in giving sworn testimony before the board. These are presented in appendix form submitted with this report.

Further, also in an appendix, is presented a showing of perjury on the part of certain other witnesses.

The Oahu Prison Store.—This is a subject still receiving attention by the prison board and the territorial auditor. For years, dating back apparently to Sheriff Gleason's time at the Oahu Prison, there has been an institution known as the Oahu Prison Store. Whether it is a private enterprise, as seemed to the board to be the case, or a prison feature belonging to the Territory, is still to be determined. As a private matter it received the disapproval of the board, and plans were in prospect to eliminate it as soon as some substitute means could be provided by which inmates might at fair cost be able to buy such small things as they may desire in the way of cigarettes and tobacco, toilet articles, and other small things not in any way objectionable. If, as suddenly declared by the former deputy warden, it is a prison affair altogether, then we have the fact that this "store"

has no records of costs, expenses or profits, nor of disposition of profits, as to which a rigid investigation will be in order, already asked for. As a "store" it has always been run by the deputy warden; it has never been reported to the attorney general or other governmental property; it has been kept out of all prison accounts and is a deep, dark secret. (Record pp. 358-364, 365-366, 372, 380-381, 385-388, 391-393.) Prices in some respects have been of a profiteering character (366-367-368, 474). Its supposed profits have been about \$200 a month according to one witness (372), and the use of its profits for entertainment of prisoners (which the deputy warden has said was the case) has not seemed to be at all in proportion (370-371). This matter is a side issue which will be worked out and suitably dealt with. Connected with it is the question of how belts made by prisoners have been sold and where the proceeds have gone. It seems clear that the prisoners who make them do not get what they expected (368-370, 475). A store coupon system worked in conjunction with the prisoners' compensation fund, but apparently not covered by any records, is also under inquiry.

The handling of moneys taken from prisoners upon admission, or coming to them from outside sources during servitude, has been very badly handled. (381-385, 388-390, 391-396.) This, also, is one more matter that will be put on a proper basis, with records, accounts, receipts, and necessary audits.

FUTURE BETTERMENT

Under this are several subjects:

1. Legislation for a logical basis of prison government and control, a clear lodgment of responsibility, and power of enforcement.
2. Furtherance of the public safety by the building of better walls and other adjuncts for the restraint and surveillance of prisoners at all times, by provision for more guards and lunas, and by providing especial prison quarters for prisoners of the hard and dangerous type.
3. Extension of present prison accommodations by provision for more guards and lunas, and provision for more cell units and dormitories, better kitchen and dining room facilities, cold room, steward service, and a scientific feeding system.
4. Provision of means for suitable employment of prison labor.

These subjects are now presented:

1. *Prison government.*—Space need scarcely be taken to compare the present law (Act 129, 1931) with the law which preceded it, except to mention that Act 129 failed to go to the extent recommended to the 1929 legislature by Governor Farrington, to place the prison warden under the government and control of a prison board. Had that been done it would have been within the power of the present prison board to do more than merely "inquire into" the prison system, or merely "supervise the discipline and government" of the prison, or merely "provide rules and regulations" on the subject, all without an ounce of enforcement power, without authority to compel the warden to conform to either rules, regulations, or orders, and with the warden officially independent, not answerable to the board, nor in any way under the board's control. In the recent debacle at the prison, when the board was impeded and opposed by the warden, when the board for obvious reasons was convinced that a change of wardenship was necessary, and when a public emergency existed, both the board and the governor were powerless to remove or to suspend the incumbent.

Further, as regards prison maintenance, the failure of the law to give the prison board any voice in or control over prison expenditures for supplies leaves the situation where the warden independently determines upon and attends to all purchases, but by some theory evolved outside of any clearly applicable law the chairman of the board is being called upon to approve and certify to the propriety of payment for all things purchased, a "function" that was more or less forced upon the attorney general before July 1, 1931. Not only is it ridiculous, it is unfair, to expect an official so to act. That this has been met, so far, by an attempt on the part of the chairman (and formerly the attorney general) to satisfy himself as to expenditures being in order, may be credited only to a personal disposition to cooperate with the effort to have the prison operable (as all other government units) as a government "department," and this logically means that, as head of a department, the chairman of the board should approve all bills before they will pass the budget bureau and auditor. But this situation is hollow and fundamentally unsound. If the board, not merely the chairman, has nothing to say about prison purchases, the chairman has neither function nor duty as regards approval for payment. Should a chairman see fit to decline to perform such a function, and resign rather than be a "rubber stamp," will matters be any better if an automat can be found who is willing to act blindly?

The general remedy will be the adoption by the legislature of the new prison government measure now before it as House bill No. 10. The changes which this bill will effect will be to take away from the office of high sheriff the charge of prisons and jails and the duty of safekeeping of prisoners committed to Oahu prison, and give to the prison board full jurisdiction over the Territorial prisons with power to appoint and remove a warden, and, further, make the warden and his staff the administrative arm of the prison system operating under and answerable to the board. It is only because the high sheriff has been ex officio warden of Oahu prison that he is not removable since the high sheriff, as such, can neither be removed nor suspended (see sec. 80 of the organic act and decision *In re Austin*, 15 Haw. 114) without the advice and consent of the senate. In an emergency it should not be necessary to convene the senate to act in a matter of the wardenship. Sections 1 and 2 of House bill 10 provide for the proposed new system. The remaining sections will make such amendments of various other sections of the revised laws as are necessary to make them coordinate with the transfer of prison administration from the high sheriff to a warden under the board, except that section 9 of the bill is intended to take out of section 1539, which relates to a crime statistics bureau, certain provisions as to office employees of the board which belong, preferably, under section 1536D. (See lines 20-23 of sec. 1 of the bill.)

2. *Furtherance of public safety by prison improvements.*—This has been largely covered by the prison board's resolution of February 1, 1932, of which a copy, with its appended reports therein mentioned, was on that date transmitted to the governor. However, some variations from its specific recommendations now seem advisable, as a matter of betterment, and some new features are under consideration. Warden Gordon C. Ross has been working indefatigably upon safety and improvement plans. The principal new features are those of (a) construction of prison-wall improvements and better guarding facilities at the prison itself, and (b) provision for a separate prison unit at some other suitable location where may be kept under a high degree of safety the hard and dangerous inmates of the prison, and where may also be sent, for safety and/or punishment by hard labor, the prisoners who seem amenable to no rules or persuasion for good conduct. In the first-mentioned class are a number of hard and desperately inclined men who would be highly dangerous should they escape, and in the second class are those of the type involved in the recent escapes from the Waiakea Airport camp. The latter hope, by escapes, to be sent to Honolulu, where they may dream of undergoing the "hard labor" we all notice in the public parks.

If these men, of both classes, have some real "hard labor" to perform, and if escapes will mean a transfer from pan to fire, there will be fewer escapes.

Let us not be misunderstood: The great majority of prisoners are disposed to obey the rules, earn their credits, and serve their time, more or less philosophically, recognizing that they have offended and are paying just penalty. Probably less than 20 per cent of the whole number might yield to the temptation of making an easy slip-away should opportunity offer out on work lines. Many prisoners can be trusted to go out, work, and return on time with no guard at all; others will not try to escape because they know that on an island the chance of eventual freedom is negligible. But there are the desperate few, say only 10 per cent, who need the most rigid restraint, continuously, and need it under conditions not now to be had except by continuous cell occupancy. They should be at work under safe conditions.

Reference is made to the board's resolution of February 1, 1932, for the recommendations, joined in by the warden and the board, for the employment of more guards and lunas, and provision for up-to-date prison accessories (such as leg boots, handcuffs, firearms, gas bombs, etc.), yard lighting, and general outside camp protection.

In addition to the recommendations of that resolution are the following which the warden urges and the board deems of great importance:

(a) Furnish, now, a second story over the enlarged dining room asked for, and a third story over the Waikiki wing, these being badly needed to house the present overpopulation of the prison and to contribute to the safety scheme.

(b) Authorize the construction of a suitable separate prison unit for the detention of dangerous prisoners. If some separate small island belonging to the Territory could be used for this purpose, say Kahoolawe or Rabbit Island, temporary shelter could be provided, with adequate guarding, while permanent buildings and walls are being built by prison labor. The details for such a plan will be worked out and be in form for submission to the governor and legislature within a few days.

Incidental to this matter of having a separate prison unit for the confinement of harder prison characters is the important one of removing their demoralizing influence from the general run of prisoners, especially the first offenders and the younger ones. Enforced association of the latter with the former has a criminalizing influence which may make for the return of first offenders as confirmed criminals.

3. *Betterment of prison accommodations.*—The board refers to its resolution of February 1, 1932, as presenting the urgent need for an extension of the kitchen and dining-room accommodations in Oahu Prison, there being little that may be added thereto. The appropriation of \$3,000, made at the present legislative session, has enabled the warden to proceed with the installation of a new stove and a cold unit, but the great needs are still to be provided for.

4. *Provision for prisoners' employment.*—Aside from the fact that there is very little "hard labor" being done anywhere, the work on outside-prison lines, as "hard labor" being almost a joking matter, there is the need, which has several times before been stressed, for furnishing some real employment within the prison of a kind which will produce useful articles, such as shoes, clothing, furniture, or almost any product of mechanical labor usable in many other institutions, and at the same time train inmates to become adept in some useful trade or work to which they may later resort to earn an honest living. This subject could be elaborated upon at great length. The present is not a time to ask for more money, to any appreciable extent; but if the legislature would specially appropriate as little as \$10,000, and turn it over for use in acquiring equipment and fitting of quarters for some such prison activities, at first in a small way, it is believed it can be demonstrated that the cost of prison operations can thereby be reduced.

While no definite line has been mapped out, as regards specific things which might so be undertaken, it would seem entirely feasible, by transferring to the prison precincts the present government shop for the repair of government cars, to make a very substantial saving to the Territory in the cost of car repairs; or a printing shop could be set up to take care of the large amount of government printing needed, especially as to forms for government records, tax blanks, and other forms, etc. If material were furnished, sugar bags could be made at a profit to the prison. Any such work, by reducing government outgo and bringing in some income, would justify the plan and, in the long run, more than justify the added costs for prison operations which are deemed necessary by the board.

In any case, though it may cost money, it is better to spend some money in teaching prisoners some useful trade, whereby the number of recidivists will be reduced, than to spend it, inevitably, in more building of prisons and for increased prison maintenance.

The transcript of testimony taken by the board in its investigation of the affairs of Oahu Prison, to which page references have been made in the foregoing report, is submitted herewith as Appendix A attached.

The subject of charges presented by the board against Turnkey David K. Bray, and others, hereinbefore alluded to, is also submitted, attached as Appendix B.

In conclusion, reverting to the presentation which has been made with regard to the deficiencies of the recent prison administration, and the conclusions of the board thereon, it may appropriately be stated that the board in its investigation sought earnestly only for the truth. As conclusions it adopted only what is regarded as clearly shown by the trend and composite effect of the whole. Credence has been given to oral testimony only to the extent that has seemed warranted in the light of all the circumstances, including, as respects individual witnesses, the fact of the witness being a prisoner (where that has been the case), his apparent character, his reputation where known, any apparent or possible prejudice or bias, any personal antipathy observed or suspected, his means or opportunity for knowledge respecting the subject matter, and his general demeanor and manner of testifying. Hearsay statements have been received only as leads to witnesses having direct knowledge of any subject under inquiry. Such minor inconsistencies and any color of petty personal aspects as were observable are overshadowed by the sweeping lines of the final picture.

Respectfully submitted.

(Signed)

BOARD OF PRISON DIRECTORS,
L. J. WARREN, *Chairman.*
JAMES B. MANN,
PHILIP S. PLATT,
BERNICE D. SPITZ.

HONOLULU, HAWAII, February 24, 1932.

Although unfamiliar with the matters centering about the general investigation of prison matters, covered by the foregoing report, I desire to subscribe to the portion which relates to the betterment of prison government and prison conditions generally.

(Signed) CLINTON G. OWEN.

NOTE.—There appears in the unincorporated record a complete transcript of the testimony referred to in the above report which is available if desired.

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NOTE.—Above page numbers refer to original transcript of prison-board report. Complete copies of the exhibits above enumerated may be found in the transcript, vol. 9, p. 2080.

EXHIBIT NO. 79

Statistical report, Oahu Prison, July 1, 1931, to January 31, 1932

PRISONERS RECEIVED—TERRITORIAL

Nationality	Male	Female	Total	Per cent
American.....	8	0	8	14
Chinese.....	5	0	5	8.8
Filipino.....	10	1	11	19.2
Hawaiian.....	9	0	9	15.8
Can-Hawaiian.....	5	0	5	8.8
Chinese-Hawaiian.....	0	0	0
Korean.....	2	0	2	3.5
Japanese.....	7	0	7	12.3
Portuguese.....	4	0	4	7
Porto-Rican.....	1	0	1	1.8
Spanish.....	2	0	2	3.5
German.....	1	0	1	1.8
Samoa.....	2	0	2	3.5
Total.....	56	1	57	100.0

112186—S. Doc. 78, 72-1—21

Statistical report, Oahu Prison, July 1, 1931, to January 31, 1933—Continued

PRISONERS RECEIVED—TERRITORIAL

Nationality	Male	Female	Total	Per Cent
American	3	0	3	11.1
Filipino	4	0	4	14.8
Hawaiian	0	0	0	
Korean	3	0	3	11.1
Japanese	4	0	4	14.8
Portuguese	0	0	0	
Chinese	9	0	9	33.4
Cau-Hawaiian	2	0	2	7.4
Samoaan	2	0	2	7.4
Total	27	0	27	100.0
Total prisoners received:				
Territorial			57	
Federal			27	
Grand total			84	

PRISONERS DISCHARGED—TERRITORIAL

Nationality	Male	Female	Total
American	4	0	4
Chinese	8	0	8
Filipino	22	0	22
Hawaiian	15	0	15
Japanese	3	0	3
Korean	3	0	3
Portuguese	5	0	5
Porto Rican	7	0	7
Chinese-Hawaiian	1	0	1
Samoaan	1	0	1
Cau-Hawaiian	2	0	2
Total	71	0	71

PRISONERS DISCHARGED—FEDERAL

Nationality	Male	Female	Total
Chinese	17	0	17
Filipino	5	0	5
Japanese	2	0	2
Korean	2	0	2
Cau-Hawaiian	0	1	1
Total	26	1	27

MANNER OF DISCHARGE—TERRITORIAL

Expiration of sentence	69
Death	2
Total	71

MANNER OF DISCHARGE—FEDERAL

Expiration of sentence	26
Poor oath	1
Total	27

Classification as to crime when admitted

TERRITORIAL

Crime	Number	Per cent
Murder	1	1.4
Manslaughter	3	4
Burglary	29	40
Assault with weapon	3	4
Indecent assault	3	4
Sexual intercourse	5	6.8
Malicious conversion	9	12.3
Forgery	6	8.2
Robbery	4	5.5
Embezzlement	1	1.4
Malicious burning	1	1.4
Larceny	2	2.7
Incest	1	1.4
Section 4391, R. L. H. 1925	1	1.4
Sodomy	2	2.7
Procuring	1	1.4
Rape	1	1.4
Total	73	100

FEDERAL

Violation drug laws	15	55.5
Violation N. P. A.	2	7.4
Violation postal laws	2	7.4
Making false claims	4	14.9
Violation section 398 T. 18	2	7.4
Counterfeiting	1	3.7
Section 100 T. 18	1	3.7
Total	27	100

Prisoners admitted during July 1, 1931, to January 31, 1932

Island	Territorial	Federal
Oahu	54	20
Hawaii	5	4
Maui	12	0
Kauai	2	1
Samoaan	73	2
Total	146	27
Territorial	73	
Federal	27	
Total	100	

Classification as to crime when admitted

TERRITORIAL

Age	Number	Per cent
Under 20 years	5	6.8
20 to 30 years	41	56.1
30 to 40 years	21	28.7
40 to 50 years	4	5.5
Over 50 years	2	2.9
Total	73	100.00

FEDERAL

Under 20 years	0	
20 to 30 years	4	14.9
30 to 40 years	12	44.4
40 to 50 years	1	3.7
Over 50 years	10	37.0
Total	27	100.00

Former record of men received—Territorial

Age	Number	Per cent
First conviction.....	52	72.6
Former convictions.....	4	5.5
Parole violators.....	17	21.9
	73	100.00

FEDERAL

First conviction.....	19	70.0
Former convictions.....	8	30.0
	27	100.0

Table showing number of Territorial prisoners paroled and retaken during the period July 1, 1931, to January 31, 1932

Period	Paroled	Retaken	Prisoners retaken who had been paroled during the incumbency of Governor Judd
July 1, 1931.....	3	1	1
August, 1931.....	19	2	2
September, 1931.....	16	1	1
October, 1931.....	12	0	0
November, 1931.....	10	7	7
December, 1931.....	5	1	1
January, 1932.....	1	5	5
Total.....	66	17	17

PRISONERS SERVING JANUARY 31, 1932

Nationality	Male	Female	Total	Per cent
American.....	23	0	23	4.3
Chinese.....	57	1	58	10.9
Filipino.....	156	3	159	30.0
Hawaiian.....	100	1	101	19.0
Cau-Hawaiian.....	28	0	28	5.3
Chinese-Hawaiian.....	16	0	16	3.0
Japanese.....	44	0	44	8.3
Korean.....	24	0	24	4.5
Portuguese.....	31	1	32	6.0
Porto Rican.....	27	0	27	5.1
Russian.....	2	0	2	.4
Spanish.....	6	0	6	1.1
Samoan.....	6	0	6	1.1
Brazilian.....	1	0	1	.2
German.....	2	0	2	.4
Irish.....	1	0	1	.2
Italian.....	1	0	1	.2
Total.....	525	6	531	100.0
Territorial.....	464			
Federal.....	67			
Total.....	531			

Table showing number of Territorial prisoners paroled and retaken during the period July 1, 1921 to January 31, 1932—Continued

PRISONERS ON PAROLE JANUARY 31, 1932

Nationality	Male	Female	Total	Per cent
American.....	42	1	43	7.1
Chinese.....	35	0	35	5.7
Filipino.....	182	2	184	30.4
Hawaiian.....	112	4	116	19.1
Cau-Hawaiian.....	24	1	25	4.1
Chinese-Hawaiian.....	6	2	8	1.3
Japanese.....	55	0	55	9.0
Korean.....	21	0	21	3.4
Portuguese.....	47	2	49	8.2
Porto Rican.....	54	0	54	8.9
Russian.....	1	0	1	.2
Spanish.....	7	0	7	1.2
Danish.....	1	0	1	.2
German.....	1	0	1	.2
Swedish.....	1	0	1	.2
British.....	3	0	3	.6
All others.....	1	0	1	.2
Total.....	593	12	605	100.0
Territorial.....	600			
Federal.....	5			
Total.....	605			

Classification of crimes by nationality—Territorial prisoners serving January 31, 1932

Nationality	Murder	Manslaughter	Burglary	Assault with weapon	Rape	Indecent assault	Sodomy	Sexual intercourse	Carnal abuse	License	Embezzlement	Larceny and malicious conduct	Forgery	Malicious burning	Conspiracy	Violation of sec. 4891, R. L. H. 1925	Robbery	Procuring	Adultery	Total
American.....	1	0	2	0	0	0	0	0	0	1	0	5	7	0	0	0	2	0	0	18
Chinese.....	3	0	8	0	0	1	0	1	0	0	0	3	2	0	1	0	4	0	0	26
Filipino.....	48	3	18	20	7	19	1	7	2	2	0	2	0	0	3	1	8	1	1	149
Hawaiian.....	9	2	56	3	8	6	3	5	4	0	15	9	0	0	1	13	0	0	0	140
Japanese.....	9	2	11	1	4	4	1	0	1	0	1	1	1	1	0	0	1	0	0	38
Korean.....	3	0	9	0	0	2	1	0	0	0	0	0	1	0	0	0	0	0	0	20
Portuguese.....	0	1	8	0	3	1	0	6	1	1	0	5	2	1	0	0	0	0	0	31
Porto Rican.....	2	1	6	2	0	0	0	3	2	0	0	5	1	0	0	0	2	0	0	26
Russian.....	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Samoan.....	0	0	1	2	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	4
Spanish.....	1	0	0	0	0	1	0	1	0	0	0	1	0	0	0	0	1	1	0	6
Brazilian.....	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
German.....	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
All other.....	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Total.....	77	9	122	28	29	34	6	23	17	8	1	42	23	2	5	2	33	2	1	464

Total, Territorial prisoners serving Jan. 31, 1932..... 464

Total Federal prisoners serving Jan. 31, 1932..... 67

Grand total..... 531

Statistical reports—Oahu Prison—Classification of crimes by nationality—Federal prisoners—serving January 31, 1932

Nationality	White slavery	Forgery	Embezzlement	Violation of postal laws	Violation of drug act	Violation of section 8, U. S. C.	Violation of sections 35, 82, 151, U. S. C.	Violation of N. P. A.	Counterfeiting	Revenue laws	Total
American.....	0	0	1	2	0	0	0	2	0	0	5
Chinese.....	0	0	0	0	30	1	0	0	0	1	32
Filipino.....	2	3	0	0	1	1	0	3	1	0	11
Hawaiian.....	0	0	0	2	2	0	0	1	0	0	5
Japanese.....	0	1	0	1	0	1	0	2	1	0	6
Korean.....	0	1	0	0	2	1	0	0	0	0	4
Portuguese.....	0	0	0	0	1	0	0	0	0	0	1
Porto-Rican.....	1	0	0	0	0	0	0	0	0	0	1
Samoan.....	0	0	0	2	0	0	0	0	0	0	2
Total.....	3	5	1	7	36	4	0	8	2	1	67

Total Territorial prisoners serving Jan. 31, 1932..... 464
 Total Federal prisoners serving Jan. 31, 1932..... 67

Grand total..... 531

Statistical reports—Oahu prison—Classification of crimes—Territorial and Federal prisoners serving, January 31, 1932

Crime	Male	Female	Total	Per cent
Murder.....	76	1	77	14.6
Manslaughter.....	8	1	9	1.7
Burglary.....	122	0	122	23.0
Assault with weapon.....	28	0	28	5.3
Rape.....	29	0	29	5.5
Indecent assault.....	34	0	34	6.4
Sodomy.....	6	0	6	1.1
Sexual intercourse.....	23	0	23	4.3
Carnal abuse.....	17	0	17	3.2
Incest.....	8	0	8	1.5
Larceny and malicious conversion.....	42	0	42	7.9
Forgery.....	28	0	28	5.3
Embezzlement.....	2	0	2	.4
Conspiracy.....	5	0	5	1.0
Malicious burning.....	2	0	2	.4
Violation of sec. 4391, Revised Laws of Hawaii, 1925.....	2	0	2	.4
Robbery.....	33	0	33	6.2
Procuring.....	2	0	2	.4
White slavery.....	1	2	3	.2
Violation of postal laws.....	7	0	7	1.3
Violation of drug acts.....	35	1	36	6.8
Violation of sec. 8, United States Code.....	4	0	4	.8
Violation of secs. 35, 82, 143, 151, United States Code.....	0	0	0	—
Violation N. P. A.....	8	0	8	1.5
Counterfeiting.....	2	0	2	.4
Adultery.....	1	0	1	.2
Revenue laws.....	1	0	1	.2
Grand total.....	526	5	531	100.00

EXHIBIT NO. 80

ACT X

(House bill No. 9)

An act to amend Chapter 238 of the revised laws of Hawaii, 1925, relating to rape, abduction, and seduction, by amending sections 4147 and 4156 thereof

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 238 of the Revised Laws of Hawaii, 1925, is hereby amended by amending section 4147 thereof to read as follows:

SEC. 4147. RAPE; PUNISHMENT.—Whoever commits a rape—that is, ravishes or has carnal intercourse with any female, by force and against her will—shall upon conviction thereof, suffer the punishment of death or shall be imprisoned at hard labor for life or any number of years, in the discretion of the court.”

SEC. 2. Chapter 238 of the Revised Laws of Hawaii, 1925, is hereby amended by amending section 4156 thereof to read as follows:

“SEC. 4156. EVIDENCE.—The female upon whom rape is alleged to have been committed or who is alleged to have been abducted or seduced is a competent witness in a prosecution for rape, abduction, or seduction.”

SEC. 3. This act shall take effect upon its approval.

Approved this 29th day of January, A. D. 1932.

LAWRENCE M. JUDD,
 Governor of the Territory of Hawaii.