

INTRODUCTION

Samuel P. King saw Hawai'i through a century of profound transformation. Born in China in 1916, King was raised in Territorial-Era Hawai'i. He was on Ō'ahu during the bombing of Pearl Harbor and was present in Japan days after the bombing of Hiroshima. As the chairman of Hawai'i's Republican Party in 1954, he witnessed Hawai'i's Democratic Revolution firsthand--and in 1959, he celebrated the Statehood that his father, a former Territorial Governor, had fought hard to secure. King presided over a state and then a federal courtroom for more than 50 years, deciding cases that made local and national headlines. In the process, he was not only a witness to history, he helped shape Hawai'i's history and future.

King's Hawaiian roots span eras. He was son of a part-Hawaiian governor of the Territory of Hawai'i; the grandson of the Minister of the Interior of the Republic of Hawai'i; and the great-grandson of a Supreme Court Justice of the Kingdom. His great great grandparents were an Ō'ahu *ali'i* and a *haole* governor of Ō'ahu appointed by Kamehameha I in the 1790s.

King had all the impressive trappings of a federal judge—the JD from Yale, the baritone voice, the black robe, the highest seat in the courtroom, bailiffs and clerks doing his bidding. Yet what people noticed about him was that he genuinely cared about everybody. King acknowledged everyone he met, from civic and business leaders to clerks, waiters, and janitors. He even visited convicts he had sentenced to prison.

King didn't care much about material wealth. For decades, while serving as a federal judge, he parked his 1968 Volkswagen bug next to the Jaguars and Cadillacs in the judges' parking area. When his wife Anne suggested that he change to an automatic shift, he bought an old station wagon with a window that wouldn't close.

It would be hard to think of another public figure in Hawai'i who had more fun than Sam King. He was well known in the community for his sense of humor and irreverence. He was particularly fond of calling the members of the United States Supreme Court "the guys in the black muumuus." Every day was an adventure for King, and if the day didn't provide an occasion to laugh, he would find a way to make one.

One day when King was presiding over the state's family court, a woman testified to a

dozen good reasons why she should be granted a divorce from her no-good husband ... and it seemed like she was just getting started. King kindly said, "Madam, I can give you only one divorce."

What King was deadly serious about was protecting people, particularly those who had little or no power of their own. King presided over some of the most sensational of the organized crime trials in the 1970s, and upheld the 1967 Hawai'i Land Reform Act that shifted property ownership in Hawai'i from large trusts to ordinary citizens. He liked to observe that "people aren't created for laws; laws are created for people." He also commented that the whole purpose of government, besides keeping us safe, is to protect the under-privileged from the privileged.

In his eighties, King spearheaded the "Broken Trust" effort that contributed to the ousting of Bishop Estate trustees and reform of the estate's operating rules. He knew that his participation would itself be highly controversial, but that did not stop him. During that tumultuous time, King told a reporter, "Every judge has an obligation: If you see something wrong in the community, you speak out against it."

The loves of King's life were his family, his work, his books (his personal library numbered over 6,000 volumes) and his homeland. When he passed away in December 2010, Governor Neil Abercrombie called him "the heart and soul of Hawai'i."

In 2009, long-time courts and legal reporter Ken Kobayashi and veteran political reporter Jerry Burris began a series of recorded conversations with King. For months, they met several times a week in King's book-lined, fourth-floor office at the Prince Kuhio Federal building, with a magnificent view of Honolulu Harbor. King, with his sister Pauline, had helped name the building's four original courtrooms: 'Aha Kanawai (Place of Law), 'Aha Kūpono (Place of Justice) 'Aha Kaulike (A Place of Equity) and 'Aha Nonoi (Place of Appeal). With nearly a century to cover--he was 93 at the time, and still working--there was a lot to talk about.

These memoirs are based on those conversations, on an excellent oral history conducted by King's former law clerk, Susan Lee Waggener, and on the vast trove of writing, news stories, speeches and other material carefully saved and organized by King's wife Anne and his long-time secretary, Rebecca Berry.

PREFACE by Jerry Burris and Ken Kobayashi??

ORGANIZED CRIME IN HONOLULU

My place of work at the start of my career as a Federal Judge was in the old Federal Courthouse next to the main Post Office in downtown Honolulu. From the front steps of that building you could look across King Street—not named after my family; there's a Queen Street too, you know—to 'Iolani Palace, where my father had served as governor.

I still remember the day I climbed up to my place at the bench in that building and saw these five local boys standing before me. "They look like the front line of the Los Angeles Rams," I thought to myself. They might have looked like professional football players at first glance, but there was something else: a coldness in their eyes that could give you the chills. There was one particular guy who you knew you were going to be afraid of even before you saw him. He would just walk around and you would say: "Oh boy, I'd better stay out of his way."

The five were Wilfred "Nappy" Pulawa, Alema Leota, Henry Huihui, Alvin Kaohu and Robert "Bobby" Wilson. Pulawa was the reputed underworld leader in Hawai'i. I didn't know much about these guys at the time but learned during their trial—for conspiracy to avoid federal taxes—that they were at the heart of a criminal syndicate, or "mob" as some of the media called it. Nappy Pulawa was the leader, and not just of this crew.

I never understood why people would say there was no organized crime in Honolulu. Of course there was! Generally, organized crime centered on gambling. There was a little bit of this, "You pay us so much a month or we come in and destroy you"—the protection racket. There was some prostitution and drugs, but gambling was the big one. The thing about organized crime is that it would not be possible without the people who break the law because they want to gamble and hire prostitutes. They think they can out-manuever the police.

At the time there were two different groups running gambling, but then the Samoans came in and kind of took it over. The expert on the subject was Larry Mehau, a former police officer and Big Island rancher who ran a security company. He was also occasionally

described as the “Godfather” of Organized Crime in Hawai‘i, a charge he always denied. He was influential—big in Democratic politics, working with people like Jack Burns and George Ariyoshi. I think he also helped my Republican friend Pat Saiki when she ran for governor.

Mehau knew all the boys who were in and out of trouble. In fact, he used to hire them when they got out of prison . Some were pretty cold-blooded, but Mehau said he felt they deserved a second chance.

In 1977, the word “Godfather” appeared in a Maui newspaper, the *Valley Isle*, in an article that implicated Mehau in the deaths of several people. The word was picked up and published elsewhere, so Mehau sued for defamation, not just the *Valley Isle* but most of the local TV stations, newspapers, and radio news stations. The case was first assigned to Judge James Burns, Governor Burns’ son, but Judge Burns stepped aside because he was a personal friend of Mehau’s. Burns was not alone; nine of the thirteen circuit court judges also declined to hear the case. The remaining four were not asked because they were about to retire, or were otherwise unavailable. The case was settled out of court.

It made for quite a circus in the news, but I was watching from the sidelines because it was a state matter and I was at the time a federal judge.

People used to ask me: “Was Mehau the Godfather?” I really can’t say. I met with Mehau only once, long after these trials occurred, and I never had him in my court. My position has always been that no one is a crook unless so proven.

The existence of organized crime in Hawai‘i is another matter, and it wasn’t just the trials that lead me to conclude that there was. I had access to police transcripts, wire taps, that kind of thing. In those days, if witnesses started to cooperate with law enforcement, they sometimes disappeared.

While I learned a lot during the trials, there was also coverage in the newspapers that helped flesh out who the bad guys were and what they were capable of. Some of the best was by Honolulu Advertiser reporter Gene Hunter, whose 1970 series on organized crime earned him a nomination for the Pulitzer Prize.

Hunter described loose coalitions of local figures who warred with each other and at

times with outside groups who sought to get into the local underground businesses, particularly gambling, hard drugs and prostitution. These were far from the lovable boobs in Damon Runyon's "Guys and Dolls" stories; they were hard-core characters who knew what they wanted and were not afraid to do what they had to do to get it. Still, most of them were local boys with links to the community and friends and family who had nothing to do with the criminal activities. I couldn't help thinking about that. Some of the worst of them had relatives who worked in the school system, for the city and state— even the newspapers!

While organized crime covered the whole state, it was mostly on Ō'ahu because of tourism. People come here as guests, and they want gambling, they want a girl—a Hawaiian. Someone had to organize that. But in some ways we were fortunate. There was relative peace in those days because when a guy like Pulawa was in charge, anybody who stepped out of line wasn't around very long. Also, because the main figures were local, lots of people were able to check up on them and help the police. I have a feeling that's changed now. It's not run by local boys anymore.

A lot of people say, "what's wrong with a little gambling?" Perfectly nice people go from Hawai'i to Las Vegas all the time to gamble. My long time secretary, Rebecca Berry, was one of them. In fact, she eventually won more than a million bucks from a slot machine in Minnesota while visiting her daughter.

But where gambling is illegal, as it is here, the gambling profits go to finance other illegal activities. That's the problem.

When Pulawa and the others rose to power in the local syndicate, their group was focused on gambling, but they quickly developed an organization so sophisticated and organized that, as Hunter put it in 1970, "it may well be ready for takeover by the Mafia."

By the time they got before me in 1974, some of the rough edges had been sanded off. They were cleaned up, polite and fairly well spoken. But that look in their eyes was something else.

People always ask me if these guys intimidated me, and the truth is they did not. In a sense, you could say they were professionals. They did not resent what I had to do. The

judge has his role and they have theirs. But there was at least one time where a threat against a witness appeared serious.

One day we got a call that they were planning to kill a witness right in court as he was testifying, so I told my law clerk, "We gotta get more security." We soon received help from the Mainland, including a woman who was a U.S. Marshal. She was the sweetest thing that you ever saw, but in her little purse was a handgun. Defense lawyers complained about all the security people standing around with earphones in their ears, but they didn't notice the one with the little purse.

The Pulawa trial ended in a guilty verdict. I remember that night. While the marshals saw that all the jurors got home safely, I went down to the courthouse parking lot, got into my Volkswagen bug and headed home, alone. When I got to my house my wife told me the marshals had just called, saying that there might be a threat on my life. Some guy had been overheard in a bar somewhere, saying he was going to "get King."

I wasn't too concerned about my safety. I remember telling the marshals: "Oh no, they're not interested in me. If anything, look out for the witnesses." In fact, I was then and am still today listed in the phone book. You know, if you shoot a judge, another one will just come in. If the bad guys are going to intimidate or threaten anyone, it will be witnesses or perhaps the jury. The most dangerous cases for a judge aren't criminal trials, but family relations, where things get taken personally.

I would say that my juries were pretty brave. They would have seen the Hollywood movies where there's some member of the jury who gets a note that his wife and small child have been detained in Nebraska or something and won't be returned until the case is over. Nothing like that ever happened in my court as far as I know, but it must have been on some of the jurors' minds. In fact, there was a case in which some criminals broke into the home of a Waikiki jewelry store owner and held his wife and kids captive. If he didn't turn over the goods, they threatened to harm his family. Some might have remembered that.

There were actually two federal trials for Pulawa. The first was for conspiracy. The feds alleged that Pulawa and his enforcers had conspired to cheat the federal government out of taxes owed. The Internal Revenue Service had the goods on Pulawa, but cheating the

government out of taxes is a very esoteric charge. Adding all the other defendants into it as a conspiracy weakened the case. It turned out to be a stupid charge. It also led to one of the best bits of lawyering I had ever seen. At the perfect time in the middle of the trial, local defense counsel Brook Hart pointed to the defendants and asked the jury if they truly believed that these five characters were capable of getting together and saying “Hey, let’s cheat the United States out of Pulawa’s taxes.”

Boom! Acquitted.

In the Pulawa conspiracy case, while the lawyering was good, it added up to only a small victory. Those five walked out of the courthouse smiling, but within hours their car was pulled over and they were re-arrested. This time, the feds got smart and charged Pulawa alone for income tax evasion. So the next time around, he wasn’t so lucky.

For all his reputation for violence, Pulawa was remarkably mild and soft-spoken during each of his trials. In fact, I often had to tell him to “speak up” so that the jury could hear him. He claimed that he was a small guy in the operation, collecting money and running errands, and that all his money and things came from his wife. Pulawa’s wife testified that properties she and her husband owned in California and large amounts of money accumulated in savings accounts were from her \$400-a-month job as a drugstore clerk. I’m not sure the jury bought that. One witness, Clarence Handa, who was known as a gambling operator, testified at trial that he was approached by Pulawa over beers in 1970 and was told he had to cough up \$20,000 in protection money. Eventually, they settled at a payment of \$200 a week. Handa said: “He tells me, if I don’t pay, ‘I bump you off or you get off this island.’”

After the jury found Pulawa guilty, I sentenced him to 24 years in prison, which at the time was the longest federal tax-evasion sentence in recorded history. I suppose he can take some pride in knowing he got more time than famous mobsters such as Al Capone and Mickey Cohen, who got 11 and 15 years for similar crimes.

I have a strong philosophy that prison is not the right place for most people, even guilty people. But it does seem to me that if ever there was a case for applying the maximum term possible that was it.

The judge in a jury case normally keeps his or her opinions to himself, but federal rules allow comment on trial testimony. I had no problem doing so in this case after the trial was over. "I see no other verdict you could have reached in this matter," I told the jurors before they were dismissed.

I sometimes gave tough sentences, but I always thought about the impact of prison on the person and his family. And I made it a point to visit people I had sentenced, even on the West Coast, where many were sent. I felt I had a responsibility to do that. I'd check in with them, see if they were eating right, if they were getting their rice, that kind of thing.

I will never forget one visit to Lompoc, in California, where I was up there for some kind of trial. Even though I was a judge, I had to check in with the warden and go through security and so forth. I told them, "I'm here to see my boys and girls."

They had an outdoor recreation yard and there I was on a bench with Pulawa on one side and "Thunder" Park on the other (her first name was Yvonne, but everyone called her Thunder). A very big girl, and kind of interesting. She had some criminal activities but she was also an artist and an activist for low-income people. It was a beautiful day, California weather. They left us alone, but I knew the guards were watching. Thunder kept saying "Judge, you gotta get me out of here." I told her if she'd lose some weight, I would see what I could do, but nothing came of that. Pulawa kept telling me "Judge, sending me here was the best thing that could have happened to me." But I didn't believe it. As far as I was concerned, it was just *ho'omalimali*.

With Pulawa out of the way for the time being, government officials suspected someone else would step up to take his place. The most likely suspect was Earl K. H. Kim. By the mid-1970s, federal authorities were very interested in Kim, also known as the "Old Man." They suspected him of running a statewide bookmaking operation. FBI agents were keeping a close eye on Kim, even when he was in a friend's apartment. They set up a surveillance system using an 800 mm telescope to watch Kim from a quarter mile away. It went both ways, because Kim would sometimes pull out binoculars to see if anyone was spying on him. The telescope must have beaten the binoculars, because the feds spotted Kim meeting with other associates in the gambling case. They even saw him reading a sports journal! These observations led to a wiretap, which led to gambling charges for Kim.

In the case that came before me, I ruled that the evidence obtained by telescope was inadmissible. I said that authorities have an interest in keeping an eye on the bad guys, but there are limits to what they can do, and their evidence is admissible only so long as what they saw was visible to any passerby. What they saw through a telescope in this case did not satisfy that test. The government put up a good fight, though. They noted that the newspapers were reporting that more and more people were using telescopes to peek into high-rise apartments and condominiums in Honolulu, and that Kim should have known this was the case; therefore he "knowingly exposed" his activities to public viewing. I had to shake my head. "The fact that Peeping Toms abound does not license the government to follow suit," I wrote. When I suppressed any evidence obtained from the telescope peeping, it was the first Federal ruling on that point. I believe it is still cited as good law across the country.

As for spying on people, I think law enforcement still uses a telescope for a look-see from time-to-time. They just don't tell us about it.

Funny thing about Kim, he was a smart guy, and he was kind of a family man, father of two and so forth. The rest of Kim's family was terrific. One worked for the city and county, and another might have been a lawyer. They were all nice people. Earl just went off the tracks. But unlike Pulawa and some of the others, he didn't seem like a violent person. It started with just gambling, but it slipped over into other things. If a customer wanted a girl, or some drugs or something, he would be only too happy to oblige, according to the information provided to me.

I don't know how he maintained discipline in his organization. He didn't look like the strong-arm type, but you couldn't help but notice that when people ran afoul of his guys, they somehow either disappeared or were found dead.

After Kim was convicted and sentenced on top of ten years he had remaining from previous convictions for gun violations and smuggling marijuana in California, he said to me: "Judge, I just can't stop gambling. You have to send me to Las Vegas." What he meant was that once he was released or if he could get probation, he would already be in Las Vegas and could get a job as a waiter or busboy and gamble legally. He repeated over and

over, “I can’t stop,” and I knew that to be true. In fact, in open court I acknowledged that there was little hope his time in prison would cure him of his gambling addiction. I told him, “I wouldn’t be surprised if you ended up running a gambling operation in prison.”

Kim was a character. He thanked me for placing him in confinement pending his trial, saying it gave him time to read. In fact, I remember that he brought a *Time Magazine* article to court one day; it was about the argument for legalized gambling.

These were some of the last major organized-crime cases we had in Hawai‘i. While they generated a lot of publicity, the most sensational case I ever presided over involved two murders and a yacht theft on Palmyra Island.

NOTE: This transition needs to change, since you are moving the Palmyra chapter. It needs a sentence about going back to the beginning of his life – how he got here.

MURDER ON THE HIGH SEAS

Of all the criminal cases I handled as a federal judge, none came close to the publicity generated by the Palmyra murders case. It was a case made for the movies and, in fact, inspired a two-part mini-series on CBS television in 1991. It was also the subject of a book by well-known California lawyer Vincent Bugliosi, *And the Sea Will Tell*. I was kind of a bad guy in Bugliosi's book, but so be it.

The story begins in 1974, when an ex-convict named Buck Duane Walker and his girlfriend, Stephanie Stearns, got their hands on an old 30-foot sloop and fixed it up, although it was still in lousy shape. In June of that year, Walker pleaded guilty on the Mainland to one federal count of possessing the drug MDA with intent to sell. Before he could be sentenced he and Stearns set sail for a privately owned atoll about halfway between Hawai'i and Samoa, known as Palmyra Island. I already knew about the place because the Statehood Commission had sent me to talk to Congress about the legal status of Palmyra. The federal government wanted it, but there were people who had a land court title guaranteed by the territorial government of Hawai'i. That's what I went up to Washington to explain. I didn't get anywhere with Congress. Palmyra remained in private hands for years, but eventually it was taken over by the U.S. Fish and Wildlife Service in cooperation with the Nature Conservancy.

Walker and Stearns managed to find their way to Palmyra despite not much sailing experience and a barely seaworthy boat. There they met a well-to-do couple from San Diego named Malcolm and Eleanor Graham, who were aboard their yacht, a much nicer boat, named the Sea Wind.

No one will ever know exactly what happened between the two couples. What we do know—and there was plenty evidence at three trials I presided over to support it—is that something terrible happened to the Grahams, and that Walker and Stearns ended up with the Grahams' boat.

By October, Stearns and Walker were back in Honolulu with the Sea Wind, which had been repainted and given the name Lokahi. The new paint and new name didn't fool anyone, at least not folks in the Ala Wai yachting community, who recognized the Sea Wind

and immediately notified the Coast Guard and the FBI. The authorities found Stearns' three dogs aboard Sea Wind, but no sign of her or Walker. Eventually the dogs began barking, "Arf! Arf! Arf!" and Stearns ran from a nearby pier to put them below. That was her undoing. She was not a mean person. Walker would have thrown the dogs over a long time ago.

A Coast Guard officer managed to catch Stearns when she tried to run, but Walker escaped by jumping into the harbor and swimming away. He wasn't loose for long. About ten days later he turned himself in to agents on the Big Island. At that point, all the authorities had on them were the yacht theft charges. There were no bodies and no evidence as to what happened to the Grahams. Walker claimed he found the Grahams' overturned dinghy on the beach and assumed they had drowned somewhere in the Palmyra lagoon. A jury quickly convicted them of theft. I sentenced Walker to a 10-year term in prison because of his previous record and an earlier prison escape. I gave Stearns a much shorter sentence, and the parole board released her after only seven months. That made sense to me because I didn't think she was really a bad person. She was kind of a free spirit, and Buck was feeding her marijuana. That's what got her into trouble. She didn't show any propensity for violence. After Stearns got out of prison, she sent me a Christmas card! I've had it in my desk all of these years.

Walker was different. He was good looking and had a brain, but he didn't use it for legal means. He was downright mean. He was also fearless. Imagine getting a broken-down sloop and heading for a tiny spot in the South Pacific without any knowledge of navigation—and managing to find the place.

When the theft trial ended, I thought I was done with those two, but then something happened. In January of 1981, a woman named Sharon Jordan was walking on the beach at Palmyra and found what appeared to be human bones, including a skull. She picked up the skull and took it back to her husband. Imagine that: "Hi, Honey, I found a skull."

She was suspicious because everyone in the yachting crowd knew about the disappearance of the Grahams. And then later she testified at the murder trial.

The FBI took custody of the bones and a metal container found nearby. It was determined by dental records that they had what was left of Mrs. Graham. They weren't

able to figure out the time or cause of death, but they could tell that her body had been dismembered. Within a month, a federal grand jury indicted both Stearns and Walker on murder charges. She turned herself in but he remained loose for months, until he was betrayed in Arizona by an associate who apparently had become a government informant.

I was assigned the case, and before long, the defense asked for a change of venue. I transferred the case to San Francisco because the details were too well known in Hawai'i. There wasn't anybody in Hawai'i old enough to be on a jury who wouldn't have read or heard a lot about it.

By the way, I'd like to straighten out a myth that has developed around my decision to move the case to San Francisco. Both my wife and I enjoy opera, and some people said I switched the case so we could go to the opera. That's a stupid statement. If the defense had not asked for it, I wouldn't have moved the trial. If my wife went to the opera, I slept at night to get my strength for the next day.

It was during the 1982 murder trial that Bugliosi got involved as one of Stearns' attorneys. Bugliosi was well known. After successfully prosecuting the original Charles Manson Tate-LaBianca murder cases, he had written a bestseller about the case, *Helter Skelter*. He joined the Stearns defense team and cut an imposing figure in court. I suspected that he had cut a book and movie deal with Stearns and her family. That's something that always bothered me. That would have been unethical, because of the conflict between the client's interests and the lawyer's desire to have a great story to tell.

Bugliosi was convinced all along that Buck, who was eventually convicted, was a murderer, and I thought so, too. Walker knew that the boat they sailed down to Palmyra would never survive another trip. They needed a different vessel and he killed the Grahams to get it. No question in my mind.

In the murder trial for Walker, one of the best witnesses I ever heard was the coroner from San Francisco. He had an explanation for why Eleanor Graham's body eventually showed up and her husband's didn't. He pointed out that when a body deteriorates, it lets off a lot of gas. If Eleanor's body had been underwater in a sealed container, the gases would have eventually caused the container to float to the surface and the lid to pop off. He said if they ever find a submerged container with Malcolm Graham's remains, there will

probably be holes in it to let the gases escape.

Did that explain why one body was found and one wasn't? It made sense to the jury and that's what matters. It's always up to the jury.

But I don't doubt Walker killed them both.

SIDEBAR: Sam King the Wizard

During jury selection at one of the Palmyra trials, I accidentally attracted worldwide news coverage. There had been a lot of bad weather in California at the time of that trial, so people weren't showing up for jury duty. As a joke, I issued a court order: "I hereby order that it cease raining by Tuesday." Well, guess what? It stopped raining on Tuesday. In fact, California went on to suffer a long drought. Five years later, when I was again sitting on a case in California, I got a tongue-in-cheek request from an official with the Santa Clara Water District asking me to rescind my order, so I did: "I hereby rescind my order of Feb. 18, 1986, and order that rain shall fall in California beginning Feb. 27, 1991." Actually, my secretary Rebecca Berry had checked the weather reports and saw that rain was predicted for that day. That's why she and I weren't exactly shocked when the state was hit by heavy rainstorms that day.

Even so, the word got out to reporters from the *Los Angeles Times*, *San Francisco Examiner* and *Honolulu Star-Bulletin*, about my "orders" that Mother Nature had obeyed. Before long, reporters from around the world were also calling. The story even made it into Ripley's "Believe It or Not!" The Water District sent me a Certificate of Appreciation printed in several colors.

Whenever people ask me about this, I say it shows the awesome power of the federal courts.

SAMUEL WILDER KING

My father had a remarkable life: Successful businessman, delegate to Congress from Hawai'i, appointed Governor of Hawai'i, ardent proponent of statehood and a Navy officer with service from Japan and the South Seas to dangerous crossings of the Atlantic Ocean during World War I. While this is my memoir, it wouldn't exist without the inspiration of my father, Samuel Wilder King.

He was born in Honolulu on Dec. 17, 1886. Mostly Scottish, he also had some Hawaiian blood from his mother. He could read and speak Hawaiian, and would sometimes make campaign speeches in Hawaiian. He became the first governor of Hawai'i with Hawaiian ancestry.

My father had a tremendous influence on my life, politically and personally. One example is my opposition to the death penalty. Another is the way he handled himself. People trusted him, and they valued what he had to say. He typed an Abraham Lincoln quote onto his stationary and hung it on his office wall; now it's on mine:

If I were to try to read, much less answer, all of the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how - the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what's said against me won't amount to anything. If the end brings me out wrong, ten thousand angels swearing I was right would make no difference.

I'm sure the main reason I became a Republican was because of my father's example. I think he believed that at the time the Republicans were the party of common sense, which is what probably appealed to him. And it didn't hurt that the man who got him into the Naval Academy, Prince Jonah Kalaniana'ole Kūhiō, was a Republican, too.

After graduating from McKinley, known at the time as Honolulu High School, my father went to work for the Wilder steamship company, working inter-island routes. He knew every little stop around the islands. He had amazing knowledge of the whole

territory. His father, James A. King, had been port captain for the company and I'm sure that's how he got the job.

Ironically, my grandfather was not all that happy about seeing my father take a job that put him on the ocean regularly. Their oldest son James had been lost at sea, some kind of squall in the Pacific. All they found was a life preserver that had come from the ship. It just broke up my grandfather.

One day, dad ran into the high school principal, M. M. Scott, a very fine man who was responsible for encouraging a lot of youngsters to do more than just deteriorate after they got out of high school.

"Sam, what are you doing?" the principal asked my father.

"I'm working for the steamship company."

"Sam, you're wasting your talents. You should go to Annapolis."

That got Dad thinking, and pretty soon Principal Scott was talking to my Dad's parents and one of his grandfathers: "This is terrible, you know. He ought to go on with his education. He's wasting his talents, and the thing for him to do is go into the Navy."

In those days, you didn't have to take entrance exams. My father got appointed to Annapolis in 1905 by the territory's Congressional delegate, Prince Jonah Kalaniana'ole Kūhiō, a good Republican. My father was the second part-Hawaiian appointed to Annapolis—the first was from California. I like to say he liked it so much that he went for five years. Actually, he bilged—what they call flunking—the mechanical drawing class.

My father wasn't very religious, but Catholic churchgoers at Annapolis were allowed to leave the base to go to chapel each Sunday, because there wasn't a Catholic church on the grounds. He loved getting away from the base, so that was his religious period. He never missed a Sunday.

After graduation, he had an active Navy career that took him first to the Philippines with the Pacific Fleet and then China and later to the Atlantic, where he helped ferry supplies past German U-Boats to Great Britain.

Dad left the Navy when World War I ended, and returned to Hawai'i where he started a successful real estate business, focusing on the booming suburb of Kaimuki. "Have a

Kingdom of Your Own” was his slogan - 500 a lot. He had a Japanese partner who would build houses on the lots once they were sold. But politics was in his blood, and he soon managed an appointment to the Honolulu Board of Supervisors while maintaining real estate and insurance businesses.

In 1934, he won an election as Hawai‘i’s delegate to the U.S. Congress, beating a prominent Democrat named Lincoln McCandless, who was also in real estate as well as the tourism business. My father immediately began campaigning for statehood. Hawai‘i’s economy revolved around the plantations, and business leaders pretty much pulled the strings in Washington D.C. Dad felt strongly about getting more power to the people, even though that did not always help him politically.

Dad had a strong civil libertarian streak. On at least three occasions, he was part of a delegation to Washington on behalf of Hawai‘i. He argued in Congress against imposition of martial law following the notorious Massie murder case; he fought tirelessly for statehood; and he opposed the mass relocation of Japanese residents following the attack on Pearl Harbor. In each case, his cause prevailed, although statehood took quite a while to complete and required the efforts of many. And the relocation of AJAs was not found unconstitutional until many years after he died.

It was the follow-up to the Massie case that kind of projected him into politics. The courts in Hawai‘i had convicted an older Washington socialite, Grace Fortescue, and three other haoles of murdering a local boy who, along with several other local boys, had been accused and later acquitted of raping the woman’s daughter, Thalia Massie, a Navy wife stationed in Hawai‘i. Even though Mrs. Fortescue never served any real punishment for the conviction, Navy brass and some key people in Washington were furious. They seemed to assume that the case was really about race, and that whites in Hawai‘i could not expect equal justice. Take, for example, this quote from Navy Admiral Yates Stirling, after the first trial ended in a mistrial:

“I was informed reliably that the voting began ... and remained to the end, seven for not guilty and five for guilty, the exact proportion of yellow and brown to whites on the jury. In Hawai‘i, every jury will be Asiatic or mixed blood with a sprinkling of Hawaiians and whites. Ordinarily, civil justice can be obtained. In this extraordinary case, the emotion of the races

has been aroused to a pitch where sympathies were in favor of the accused men.”

The drumbeat for imposition of martial law stepped up. The general assembly of Kentucky, Mrs. Massie’s home state, passed a resolution urging President Hoover to obtain justice for her and, if that was not possible, to declare martial law until such time as “Hawai‘i can be made safe for women.”

A law was introduced in Congress to put Hawai‘i under Navy control, just like Samoa. Terrible! The Navy was very strong for it and I suspect some would still be today, although they would deny it!

The territorial government sent an Equal Rights Commission to Washington to try and stop it: My dad, Justice A.J. Robertson, and Senator Bill Heen. They got the proposal deferred for a year, and by the next year the steam had kind of come out of the idea. You might say that was a step toward statehood. Although that push for martial law failed, it came back after the Japanese attack on Pearl Harbor and lasted, in my opinion at least, far longer than necessary.

Partly in response to the Massie case, my father was a very strong champion for statehood and introduced a bill for statehood in 1935. In testimony before the House Committee on Statehood in 1935, my father said:

“Are we to be found lacking through fear or suspicion of our people without just cause?

“Is a community whose young, formative years have been thoroughly American to be judged in advance as to their loyalty when every item of evidence shows its complete assimilation of American ideals?

“In all sincerity, as one with 20 years service in the Navy and a wide acquaintance with Mainland communities, I doubt if there is under the American flag a more loyal part of America than Hawai‘i.”

Dad served three terms in Congress but withdrew right after Pearl Harbor to return to the Navy as a commander, and later as captain. My father’s second round of Navy service took him to Saipan, American Samoa and eventually aboard a ship assigned to Japan to repatriate American prisoners of war. After the war, he returned to Hawai‘i where he

busied himself with politics and the pursuit of statehood.

Dad felt strongly about the need for statehood. He was one eighth Hawaiian, and very proud of it. He resented the fact that we were only a Territory and had no political representation, whereas all the states had two senators and more power to control their own destiny. Congress could do anything they pleased to a Territory—declare martial law, for instance—and it wouldn't have any say in the matter. He had a very low opinion of most of the congressmen, especially the ones from the south. Back in those days, you got off the airplane in Atlanta and everywhere you looked, it said whites only, blacks only. He didn't want people who came from that mentality making decisions for Hawai'i.

After the war, he returned to Hawaii where he busied himself with politics and the pursuit of statehood. He served as chair of the so-called "Hope Chest" Constitutional Convention of 1950, where we wrote a constitution to prove to Washington we were ready for statehood. He was also a member and later chairman of the Statehood Commission from 1947 to 1953.

At one point, my dad got a House of Representatives committee that had been considering statehood to make an inspection trip to the Islands. That hadn't happened in a long, long while. They had a great time. Earl Thacker, who was in real estate and tourism, drove them around in his fancy car and they got to meet Duke Kahanamoku and ride a canoe off Waikiki. I got the impression they said to themselves: "Gee, why didn't we do this before?" After that trip, they came every year!

In 1953, my father was appointed Governor by President Eisenhower and served until 1957, when he lost his political backing. I know a lot of it was because of the unions. He had testified against the ILWU, International Longshoremen's and Warehousemen's Union, in some of the anti-Communist trials, and he helped organize the independents when there was a dock strike. He gave speeches against Jack Hall. When Harry Bridges and the other union leaders wouldn't let a ship full of medical supplies be unloaded—saying that "a little suffering will do 'em good"—my father hired independent workers to unload the boat. It didn't break the strike, but it made the unions mad. So they were hot to cut his throat, politically at least. And at the same time, many of the interests who had supported him kind of drifted away—the plantations and so forth. They weren't looking for a fight

with the unions.

One day, with little notice or explanation, the U.S. Secretary of the Interior called him and said he would not be reappointed Governor. He asked who was going to succeed him, and they wouldn't tell him. So what was he supposed to do? Sit there like a lame duck? "You don't want me?" he said. "If so, I'll make it easy for you. I'll resign." And he did, the very next day. They didn't expect that. Young Bill Quinn, out of St. Louis, replaced him. I never had any personal problem with Quinn, but my dad thought it was an insult to Hawai'i to have some guy from St. Louis see us into statehood. Instead of just slinking away, Dad turned around and ran for the Territorial Legislature and got elected outright in the primary in his old Kaneohe district.

His interest in statehood never flagged. In March 1959, Dad was in the hospital suffering from emphysema and other ailments. He had smoked almost all his life. He was recovering from an operation and they were having a hard time getting him out of the anesthetic. The doctor came to him and said "Sam, Sam, we got statehood!" He smiled. His dream was achieved.

Two weeks later, he died.

BORN IN CHINA, ROOTS DEEP IN HAWAI'I

In 1916, the year I was born, Europe was fighting a war that they said would end all wars. Hawai'i had been a U. S. territory for just fifteen years. Sugar and pineapple fields covered Ō'ahu's 'ewa and central plains. And Honolulu was more of a town than a city. It started in Kalihi and ended in Kaimuki. Waikiki had only a couple of hotels.

My siblings were born in Hawai'i, but by chance, I was born in China.

My father was stationed there as a gunboat captain. Some of the officers' wives went back to Hawai'i to give birth so the children would be born on American soil. My mother did that with my older sister Charlotte. They traveled by ship in those days—no jet planes. But when my turn came around, mother decided it would be easier to give birth in Hankow. I came into the world with the help of a shipboard doctor in an English boardinghouse in Hankow's Russian concession. I was born with a caul, which some people believe is a sign of good luck. I don't know whether that is true, but I found through my life that many things came easy to me.

China was a rugged place in those days. There was danger, but in many ways, life was pretty good for those stationed in far-off China. My parents remembered cocktail parties, tennis games and "twisting the tiger's tail," which meant to go gamble in the local town. China stayed out of World War I, but it was an unstable place. The emperor had just been deposed, and warring factions were fighting for control.

Most of the Western powers thought it would be best to station some military might in China to protect their various interests. Russia, Great Britain, France and the U. S. all set up quarters in the town of Hankow (now called Wuhan), about 1,000 kilometers up the Yangtze River from Shanghai. They used it as a base for their fleets patrolling the Yangtze.

My dad was a good river pilot. He had to be. When the Yangtze overflowed its banks, you didn't know where you were. Unless you were a qualified navigator, you might find yourself high and dry in the middle of a rice paddy. Dad received a commendation from the Navy for the excellent condition of his vessel, the USS Samar, and his crew of 40 or so. In Kemp Tolley's book *Yangtze Patrol*, published after my dad left China, the USS Samar makes

an appearance as a boat with a reputation for the high quality of its mess—the food laid out for the crew. Most of the ships carried a well-stocked liquor cabinet to entertain visiting dignitaries, and I expect the Samar was no exception.

While the Chinese crew labored below decks, the officers would sit on wicker chairs on the deck and survey the passing scene, Tolley wrote. He quotes a skipper, who might have been my dad, as saying the Samar had a storage problem: When coal or other heavy goods were brought on board, they produced a distinctive list. This created a crab-like quality to the Samar's movement along the Yangtze. "We frequently sidled up and down the river, much to the amusement of British gunboat sailors, whose ships were much more modern," one skipper recalled in Tolley's book.

My father's duties were varied. They included protecting American interests, which at the time were mainly missionaries and some commercial holdings. One of his most memorable trips, though, was a rescue mission to pick up Yuan Shikai, who had become the leader of one of the warring Chinese factions after the empress was deposed, and get him to Shanghai alive. There had been some kind of scandal, and Yuan took refuge in my father's gunboat, along with his mistress and a bag of gold. Along the way, the Samar came under fire from the shore. No harm. Later, my dad would say he didn't think they were truly interested in hitting anyone; they just wanted to show that the scoundrel was not welcome to return.

I don't have any memories of China, but there is a photo of me in the arms of my Chinese amah. I'm often asked if I can speak Chinese, a tone language. I tell them I learned to cry in Chinese. Other babies go "waaaaa." But in Chinese, I go "wa-aah." Even today, on top of the riverbank where the boarding house I was born in once stood, there is a *stele*, with all kinds of Chinese writing on it. I tell everybody it says, "Sam King was born here."

My dad got his sea legs from his father, who was port captain for the Wilder Steamship Company. Samuel Gardner Wilder was good to my grandfather and my father was named after him. A lot of people think the Kings must be related to the Wilders, but there's no blood relation.

When the provisional government was put together, Wilder was asked to serve as

Minister of the Interior. “No,” he said, “give it to Captain King.” My grandfather served in that position until he died. There’s a picture of him, sitting there with President Sanford Dole, the minister of foreign relations, and the attorney general.

My grandfather had set sail from Donegal when he was fourteen. He eventually ended up in Hawai‘i and married my grandmother, Charlotte Davis, whose Hawaiian ancestors were from Ō‘ahu. The first non-Hawaiian on her side of the family, Oliver Holmes, came to Hawai‘i in 1793, a generation before the missionaries got here. Holmes left a ship that had departed out of Plymouth, Massachusetts, to stay in Hawai‘i. As he wrote in a letter that is in the state archives, he wanted to “tarry a while in these lovely isles.”

At the time, King Kamehameha was offering all kinds of inducements to knowledgeable haoles who could fire cannons. That’s how he conquered the islands. Kamehameha handed Holmes a job governing Ō‘ahu, and a wife—a Hawaiian *ali‘i* named Mahi—whose father, Kalaniho‘oulumokuikakai, had been pushed over the Pali by Kamehameha.

I could never verify whether I was related to Oliver Wendell Holmes Jr., the respected associate justice on the U. S. Supreme Court. An ancestor of mine who was the grandson of Oliver Holmes, William Heath Davis, wrote a book, “*60 Years in California*,” in which he says our Oliver Holmes was named after either the jurist or the jurist's father. It would be nice if we could prove that connection. I always admired the philosophy of Justice Oliver Wendell Holmes, Jr. He moved the law away from formalism, toward realism. He once wrote: “The life of the law has not been logic, it has been experience.” Over my years on the bench, I have surely come to agree with that.

I have mentioned that my father had a great influence on me, both in my personal life and in my judicial outlook. In an odd way, he even influenced my religious orientation and my life path. I might have graduated from that good Catholic institution, St. Louis High School, instead of Punahou, if it weren’t for a duck.

When my father attended school at St. Louis, every morning started off with chapel. One day, as my father was walking to the chapel, he saw a lame duck on the side of the road. He picked it up and put it in his shirt. The poor little thing was quiet, for a while. But

after a few minutes in chapel, the duck started to quack. The St. Louis Brothers didn't stand for any nonsense, so my father got suspended for a week. That made my grandfather so mad he pulled his sons, all five of them, out of the school.

My mother, Pauline Nāwahineokala'i Evans, was one-quarter Hawaiian. As a young child, she would often accompany her mother on visits to Queen Lili'uokalani during the years following the Overthrow. One day when my mother was only about five years old, the queen offered her an apple, which was a special treat and coming from the Queen! My mother smiled sweetly and said, "I have four brothers."

My mother met my father when he was going to McKinley High School and she was going to St. Andrew's Priory, the Episcopal school for girls. They were married in 1912, and my mother joined him in the Philippines, where he was assigned to the Asiatic Fleet.

When I was born, there was a question about what my baptismal name would be. My mother and father argued all the way up to the steps of the church. She wanted me to be Samuel Wilder King, Jr., and to call me "Junior."

"Absolutely not," my father said. "He's got to have his own name."

They compromised. I became Samuel Pailthorpe King. Pailthorp was my father's best man and Annapolis classmate, who died in a shooting accident a month before I was born. (I spell it with an 'e,' and he didn't, I found out later.) I don't have a baptized Hawaiian name. I don't know why. In fact, I'm the only member of our family of five who doesn't.

Dad was fairly strait-laced. I remember one story my parents told about a time in Hankow when they were playing tennis. There was a naval officer who was trying to make time with the wife of another officer, who was out on the river. Dad didn't say hello. Eventually this guy came over to my dad and said, "Oh Sam, I haven't met your bride." My dad stood up and puts his hands behind his back and said, "I do not choose to recognize you." He was serious.

But he had a very soft heart. He never hit us. He left the discipline all to my mother. But apparently they got together and agreed on what it was going to be. He'd say, "What does your mother say?" But he knew what she was going to say because they had talked about it.

I inherited that sense of right and wrong from him. Later in life, I got a lot of my basic feelings about racial justice, opposition to the death penalty, and of course being a Republican and fighting for statehood, from him. Like him, I'm an open-minded optimist, and people have said we both have a liberal streak. Maybe I do.

When I attended Yale College, my mother was alarmed when I told her I was a pacifist, an agnostic and a liberal. She told my father, who had been napping. He shrugged, and before he turned over to go back to sleep, he said: "Don't worry. It's like measles. He'll get over it."

In many ways, I did.

INNOCENTS ABROAD

Growing up, I always seemed to have the good fortune of being in the right place at the right time. By the time I graduated from law school in 1940, I had traveled across the Mainland and throughout Europe, which not many kids from Hawai'i were able to do. I'd met the President and the Pope. I'd even seen the famous fan dancer, Sally Rand. And all of this, I saw through one eye. That was because of my father, but it wasn't his fault. It was an accident. It also probably saved my life.

We moved from China when I was about six months old. The United States had just entered World War I. My father was assigned to running destroyers in the Atlantic, taking supplies to Europe. I remember briefly being in Philadelphia, then ending up on Yerba Buena Island, off San Francisco. It's now called Treasure Island. The bay wasn't polluted in those days, and the island had good dirt. My older sister, Charlotte, made the best little mud pies, which we ate. We came home to Hawai'i after World War I. My father had been assigned to duty at Pearl Harbor, the 14th Naval District.

I was six years old when I lost my eye. I was watching my dad with great interest as he opened wooden crates. He hammered a hatchet into the boards and pried them up. That's when a little piece of steel came off the hatchet and went in the middle of my left eye. I lost sight in that eye immediately. I'm sure the Lord did that. If I hadn't lost the eye, I would have gone to Annapolis like my Dad. It turned out that it was members of what would have been my class who died aboard the cruisers that sank near Guadalcanal during World War II.

I could see out of my good eye, and a person really only needs one eye. I like to tell a joke about a one-eyed banker. The glass eye, the banker would say, is the one with emotion. I did lose some depth perception, but it never really hampered me much. It made me money in grammar school: I'd take out my glass eye and charge the other kids two bits to see it.

We grew up in Kaneohe where my dad bought some property at Halekou, across the street from where Hawai'i Memorial Park is now. He subleased the property to relatives and friends. It was a close-knit neighborhood, with great views of Kaneohe Bay.

Although we lived on the Windward side, the only elementary school was Central Grammar, known today as Central Intermediate. We didn't have the Pali Tunnel in those days, so it was a long trip to and from school. The school days were even longer for a couple of years, because after classes at Central, my sister Charlotte and I were sent to Japanese school at the Hongwanji Mission School on Judd Street. I didn't want to go, but my father thought you should learn a foreign language.

There weren't too many non-Japanese kids, and the teachers were pretty strict—like all teachers in those days. I'm left handed, so naturally I would write the *kanji* with my left hand. The teacher would try to make me write with my right hand, but because I wasn't Japanese, she didn't bother me too much. At that school I learned *katakana*, the way a sentence is formed and quite a bit of vocabulary. It would later help me during World War II.

When I graduated from Central, which went up to the 7th grade, I was supposed to go to Lincoln Intermediate. But it was an English Standard School, and my father didn't like the idea of two separate public school systems based on how well kids could speak English. He made a lot of noise about it: "That's absolutely terrible. You ought to treat all citizens alike. These kids are all American citizens." It hurt the Japanese kids, and Hawaiians, too.

My mother and father felt that the only thing to do was to get out of the public school system, so we applied to Punahou. That's why I learned French. To get in, you had to know a foreign language. Japanese didn't count. I finally passed the French exam and got into Punahou. Once there, I took four years of French, and another four years in college.

At Punahou, things came easily to me. I ended up in all sorts of activities. I didn't have a steady girlfriend, but I won just about every honor they had. At the end of my first year, they had an election for the president of the junior academy. One of the candidates was Elizabeth Cooke. After the election, she congratulated me for winning and said, "I voted for you." I asked her, "Didn't you vote for yourself?" "No," she said, "I wouldn't do that." Naturally, I had voted for myself.

I was on the track team. My best time in the mile was 4 minutes, 59 seconds, which was good enough to go to the state meet and finish fourth. I also competed on the four-mile relay team, which still holds the high school record here, mostly because the event was

discontinued. I also went out for the varsity football team, but the varsity coach wouldn't let me play. He said, "You only have one eye, and you'll get injured." I played anyway for the Intramural Punahou Blues team, center on offense and tackle on defense. I was also in ROTC and was president of the rifle team. I was a crack shot. I told people it was because I didn't have to close my left eye. I later got elected student body president.

During the summer I got jobs as a rodman with the territorial survey office. My first assignment was to check on the subdivision of Molokai homestead lots. As part of that assignment, I was sent to Kalaupapa—we called it the leper colony—to check on improvements to the houses. We had two Hawaiian boys with us, and one had a sister there. He was really anxious to see her. We stayed about a week and they tried to keep us separate from the residents. Even at the movies, they had a separate place for us to sit. But I knew you can't get leprosy from shaking the hand of a leper, so I didn't hesitate to shake hands.

Among my family's closest friends was the Reppun family—the one whose descendants still grow taro in Waikane Valley. They were very cultured people. They would speak Russian and French at the dinner table so their kids would hear that. I learned to play chess from them, and I've played it ever since then.

Once when I was on the federal bench, I played a match with a young reporter who also loved the game. We exchanged a move each day. During one court hearing, the lawyers were arguing matters that they had already cited in their briefs. So I wrote a note on a piece of paper and gave it my law clerk, to give to the reporter in the gallery. As the lawyers were still talking, the clerk delivered it. The reporter looked at the note and then just sat there for a little while—I think he was being polite to the lawyers. Then he left. The note said something like B-B4, which meant moving the bishop to a particular square. I don't remember who eventually won that game, but if he says I did, I won't deny it.

My brief career as a foreign correspondent was the result of my foray into high school acting. The acting teacher urged me to enter the Damon Speech Contest, which I won. When the National Oratorical Contest came up, I entered and won the Territorial Finals held at McKinley High School auditorium. It was a big deal in those days. The Star-Bulletin sponsored the contest and the top prize was a trip to Washington D.C. to represent Hawai'i

in the national finals, plus a tour of Italy, France and Switzerland. You could talk about whatever you wanted to, but the Star-Bulletin was paying for it and its publisher, Joe Farrington, was very much for statehood. I came up with “Hawai‘i—An Integral Part of the United States.” Star-Bulletin editor Riley Allen offered some suggestions and corrections to my talk, and I worked with the guy who was in charge of stage and drama stuff at Punahou. We developed the theme “Hawai‘i: The 49th State,” or something like that.

The newspaper stories were headlined: “Punahou Youth Wins Honors in Oratory Tests” and “Samuel King is victor in final oratory event.” Seido Ogawa from McKinley High School came in second, and Ruth Aki from Kauai High School placed third.

Allen wanted me to send articles from Europe that his newspaper would publish. They would be headlined, “To Europe with Sam King.” A picture of me would accompany the articles. So there I would be, a 17-year-old kid from Kaneohe, writing about my travels to Europe. An accredited newspaperman!

I left Honolulu May 6, 1933, still a Punahou senior. “I am started today on a trip to Europe, made possible by The Honolulu Star-Bulletin, with the right to represent Hawai‘i in the finals of the National Oratorical Contest at Washington D. C.,” I wrote in the first published dispatch. “I sailed on the *Malolo* at noon with a very gratifying sendoff and wish to take this opportunity to thank all those who bade me bon voyage either physically or spiritually. The tears welled up in my eyes as the wharf began to slip away and I did not try to stop them.”

I chronicled each day of the trip beginning with how I was happy I didn’t get seasick, and my visit to San Francisco. In Chicago I got to see what was considered very risqué for those times: Sally Rand, the exotic fan dancer. There was an exhibit at the Century of Progress World's Fair just for her. I was too young to go inside, so I watched her from outside a fence. The women were wearing brief shorts, but otherwise, they were naked. They threw balls back and forth. Then there was Sally Rand. To me, the fan dance was a real joke. She had these great big fans, and she waved them around and never showed anything. Of course, I didn’t put that in my dispatches, just as I didn’t report everything we did in Paris.

In Washington, D.C., I got my first taste of watching Congress in action as it debated a

Hawai'i statehood bill, which didn't pass. "All in all it was most interesting," I wrote. "The Senate is much better ordered than the House, where personal insults are hourly occurrences."

The national speech finals were held at Constitution Hall, which was similar to McKinley's auditorium. I wasn't nervous. I knew the people in Hawai'i supported me. "I come to you tonight from a land five thousand miles away," I told the audience. "It is a group of islands in the mid-Pacific, swept by fresh trade winds, green and lovely under the tropic sun, sparkling in a sea of azure and emerald." Remember, this was in the days before television, the Internet or the Pearl Harbor attack. Hawai'i was a far-off, exotic and mysterious place that many Mainlanders didn't even know existed. "Once peopled only by brown Polynesians whose blood flows in my own veins, it is now a territory of the United States. It is a strategic point in the great Pacific area, a harmonious melting pot of many races, and is a part of our common country. It relies upon the principles of the constitution for a full measure of justice. It is on that constitution and its immediate, its vital bearing on Hawai'i today, that I speak to you."

I did my best, but didn't place. John Phillips of Kansas City won the title Champion Orator of the United States. The Honolulu newspapers ran an Associated Press story saying I made "an exceptionally fine showing," and added that I drew "a brisk round of applause" for a talk that was "clean-cut and forceful."

I also added a Hawai'i touch: I placed a yellow and blue paper lei around each winner's neck. That also generated a lot of applause. "I went to bed content," I wrote in my article about the contest.

While I didn't win, I did get the consolation prize of a trip to Europe—all the finalists did. Off we went, Phillips, George Oliver from Florida, Perry Dornans of Oklahoma and a young woman with the unlikely name of Rosemarie Cauliflower. Plus our chaperones, of course.

I continued my writing from Europe. Editor Allen liked what I sent him, but just like all editors—at least that's what reporters I know tell me—he had a complaint: "These letters are mighty interesting and many people speak about them," he wrote to me. "But, *please* write on one side of the paper only. It is difficult for the typesetter to follow your

story when it is written on both sides of the paper.”

On Aug. 1, 1933, I met Pope Pius XI at the Papal Palace, the most magnificent place we had seen on our European trip. Our audience was set for the afternoon. The ceremony was simple. “We sat on benches in a long hallway that was crowded with people of all nationalities, walks of life and probably religious beliefs,” I wrote in my dispatch.

After about an hour waiting, the door opened at the far end from us. A troop of Swiss guards dressed in bright yellow and red uniforms and Robin Hood hats marched down the hall. They were followed by another group of aides, a clergyman of high rank and finally the Pope.

“He was dressed in white robes, white skull cap, and wore glasses,” I wrote. “He is a small man, apparently gentle and scholarly. He passed down one side of the hall and back the other side, holding out his right hand on which was a ring that each person kissed in succession.”

There was an embarrassing moment for me when he got to us. Here's how I reported it: “I’m afraid we boys made an awkward spectacle, when we rose after kneeling too soon, I caught the bench with my legs and caused a terrific clatter. Also, when the priest preceding the Pope asked John (a fellow national oratorical finalist) if he was from New York, and when the pope uttered one word, ‘Americans?’ Perry (another finalist) verified the statement by going down the line naming our home states, much in the manner of a Pullman conductor.” When the Pope reached the end of the hall he gave us his blessing and left. Next stop: Paris!

Paris had a well known—what’s the word?—“reputation”—for naked women and all that sort of thing. So along with one of the other guys on the trip, we wanted to see all this stuff. There we were: two innocents abroad and we saw the advertising for this show so we went in to see it. Looking back on it, it was pretty routine. They didn’t give out very much and we were too young and scared to get into close contact. But every show they had that we could get into, we went and saw.

I didn’t return to Hawai’i from Europe; I went straight to Yale. I never attended my own Punahou graduation, but they left an empty seat for me on the stage. By then, I guess I had become enough of a celebrity that the newspapers reported that I had won a

scholarship. My father and mother were very appreciative of that, and I know Dad also liked that I went straight from Europe to New Haven, which meant he didn't have to pay for another trip between Hawai'i and the East Coast.

When I got to Yale, I stayed in the top room of a walk-up with two other students. I understand that Nathan Hale, the man who said "I regret that I have but one life to give for my country," lived in the same room in the 18th Century. One of the other students was a guy from New Haven, Doug Yerxa, who became a very dear friend. He later went to war as a pilot and kept saying he wanted to get to where the action was. He was shot down and killed two weeks before the end of the war in the Pacific. The other roommate was Richard Sutton, who later ran for office in Hawai'i as a Republican.

I joined the Yale debating team, and it was through the team that I met President Franklin Roosevelt and his wife Eleanor. Two debaters and I went to Georgetown University in Washington, D. C. The debate topic was Roosevelt's New Deal. One of the debaters was the son of a woman who had political connections in the Democratic Party and somehow got us into the White House. Mrs. Roosevelt had said: "There are three of them? Tell them all to come."

We were to be the only guests at lunch with Mrs. Roosevelt that day, the anniversary of the President's first year in office. Then the President rolled in on a wheelchair. He asked us what we were doing in Washington, and we told him we were there to debate the New Deal and had been assigned the case against it.

"Oh, how did you make out?" he asked.

"We lost," I said.

"Eleanor, they lost!" he said. The President threw his head back and laughed uproariously.

Although we argued against the New Deal, I personally was for it; I thought of myself as something of a Communist. I blame it on my Yale education. In those days, most of academia was left-leaning pacifists and atheists.

There was no way I couldn't have been a Republican because of my father, but that didn't mean I had to disapprove of everything President Roosevelt was doing.

The President had to go back to work after lunch, but Eleanor was very nice and more

than gracious. She went out of her way to show us around, and she even took us to the President's office.

I ended up with a Bachelor of Science degree from Yale. I went in that direction because I had top scores in math and physics at Punahou. They sorted out students based on what they thought was your aptitude. I took even more aptitude tests at Yale. They all showed I ought to be either a preacher or a lawyer. I didn't have too much interest in becoming a preacher, so I applied to Yale Law School and got in. I really enjoyed it. I found the study of law fascinating, and I didn't do too badly. I worked on the school's law review and became a member of the Order of the Coif, reserved for the top ten percent of graduates.

I graduated from Yale Law School in June 1940. By that time, my views were already changing. Religion is a funny thing. My father began life as a Catholic, but not really a devout one. My mother was an Episcopalian who went to St. Andrew's Priory; her mother was one of the original members at St. Andrew's Episcopal Cathedral. When my father married my mother, he became an Episcopalian, and that's how I was raised.

My views about religion changed when I went away to school, and then changed again when I grew older, especially when we had our three children. In the Sermon on the Mount, there's a reference to that: Throw the devils out of the house but make sure something is there, because if you don't, new devils come in. Sure, the kids may not believe in what Episcopalians believe, but they've got to have something in their minds that you're comfortable with. And whether they reject it is up to them when they get old enough.

At any rate, the views on Communism, pacifism, and atheism I had acquired in the Ivory Tower were about to be tested. We were going to war.

THE WAR YEARS

When the Japanese attacked Pearl Harbor on the morning of Dec. 7, 1941, I was asleep in Honolulu. I was a relatively new lawyer and was living at the Manoa home of my Uncle Bill, Dad's younger brother. My cousin Billy came in my room and said, "Sunny, Sunny. They're doing maneuvers. Let's go take a look." My childhood nickname was "Sunny Bunny," because of my optimistic nature, I suppose.

I jumped out of bed and got dressed. That's when a neighbor yelled, "Turn on your radio! Turn on your radio! The Japanese are attacking!"

On the radio we heard Webley Edwards say the famous line, "The Rising Sun has been sighted on the wingtips." The authorities came on and said, "Stay home. Don't go parading around, making things worse."

We could see airplanes from our house, but the attack didn't last all that long—maybe an hour and a half. My immediate reaction was that the Japanese military had blundered into a losing conflict with the United States. I said to Uncle Bill, "The timing is all wrong." If they had not attacked us, we would probably still be arguing about whether to declare war on Japan and Germany. Admiral Isoroku Yamamoto agreed with me in recognizing that the attack had awakened a sleeping giant.

Even after that attack, the Congress was not quite unanimous in its declaration of war. Congresswoman Jeannette Rankin of Montana refused to believe that the Japanese had bombed Pearl Harbor. She thought it was all a public relations trick by President Roosevelt. My father, who was Hawai'i's delegate to Congress, spoke to her at the request of the House Speaker, to tell her that he had already talked to me by phone and tell her that the Rising Sun had indeed been seen on the wings of the attack planes.

"Is it true?" my father asked me during that phone call.

"Yes," I replied.

"Well, anybody we know of been hurt?"

"Nobody that we know."

Then he asked about Bobby Jarrett's folks in Kaimuki, but that's when the line went dead. They cut us off. The censors were already on the job.

Congresswoman Rankin still voted no. War against Japan passed the United States House of Representatives 434 to 1.

Everyone, it seemed, had known the attack was coming except the Navy and the Army. The skipper of a commercial ship named the *Steel Trader* returned from the Orient shortly before the attack, and reported that all the talk in Japan was about going to war with the U.S. He even tied up in Honolulu with short lines so he could take off and go to sea as soon as there was an attack. This guy was absolutely furious that the military was unprepared for an attack.

Their arrogance did them in. They thought "Japan can't come to Pearl Harbor. It's too far away."

I had returned from Yale in 1940, taken the bar examination and taught mathematics at Punahou High School for a semester while I waited on the bar results. Shortly after they came out, I was sworn in as a lawyer. My first job was with the Territory of Hawai'i, the Rights of Way Department. I was in charge of writing Attorney General opinions. It was mostly administrative stuff, but I enjoyed it, and it was good work.

One opinion that stuck out was whether the contracts between the Hawaiian Homes lessees on Molokai and the pineapple companies were authorized by federal law. I concluded that they were not. The Attorney General agreed with me, but nobody paid any attention to us. The companies went right ahead and did what they were going to do anyway, covering land that was meant for Hawaiians to live on with acres of commercial crops.

I later started working as a deputy prosecutor in the police court of the City and County of Honolulu, handling traffic tickets, assault and battery, petty thefts.

That all changed the day after the attack. The military declared martial law—illegally, by the way, in my opinion—and took over everything, including the territorial and county courts. They brought in military prosecutors who didn't know what they were doing, and changed all the laws by executive fiat. I told my boss to take me off the payroll because I wasn't doing anything.

What I wanted to do was enlist, but because I had only one good eye, I needed special permission. Somebody told me it could only be gotten in Washington. So in April 1942, my

dad and I caught a military aircraft and headed east. Just outside of Los Angeles we came under anti-aircraft fire. I could hear the pilot yelling "Hey! Wait a minute!" He finally got through to the ground and convinced them we weren't enemy aircraft. Luckily, they missed. I guess my guardian angel was watching out for me.

When people ask me if I was ever under fire during the War, I say "Yes." But then I tell them the rest of the story.

My dad, however, was under hostile fire at least once. He landed at Saipan during the battle. He commanded what was called an "ACORN" (Aviation, Construction, Ordnance, Repair, Navy). They would go in right after the Marines and take care of all the crap that has been landed on the beach.

In Washington, I managed to get a waiver for "absence, acquired, left eye," and found employment in the Legal Division of the War Shipping Administration. Before long I applied for a Navy commission in intelligence, and was commissioned an Ensign, I-V(P), U. S. Naval Reserve, on Sept. 1, 1942.

My first assignment was to report to the Eighth Naval District in New Orleans, Louisiana. What a joke. The Navy assigned me there because I could speak French. Only one problem with that: they don't speak French in New Orleans. They say they do, but they speak Creole. There was another problem: my job was to examine people coming into the United States. Most of them came from South America and spoke only Spanish or Portuguese.

The French Quarter had been shut down, but life otherwise remained warm and friendly. We read about the war as we attended the New Year's Sugar Bowl game. You couldn't tell that a war was going on.

I was looking for ways to work my way back to the Pacific when in early April 1943, a circular arrived announcing the "Enrollment of Special Navy Language Students" for instruction in the Japanese language at the University of Colorado. Enrollment questions were referred to Lt. Cmdr. A.E. Hindmarsh, USNR, in room 4631, Navy Department, Washington, D. C. I had no clue as to how I got on the mailing list. I also never heard of Boulder, Colorado, where the school was located.

But because I had gone to Japanese school as a kid in Hawai'i, I wrote Professor

Hindmarsh and began brushing up on *katakana* and *hiragana* (the two Japanese syllabic writing systems) and general vocabulary. I took leave and went to Washington, DC.

My interview was conducted by Glenn Shaw, who had composed winning *haiku* when he was the U. S.'s cultural attaché in Tokyo. His grandson would become a member of the Hawai'i House of Representatives.

Shaw handed me '*Naganuma Book One*' and told me to read and translate the first sentence. I don't know if he did it on purpose, but he gave me the book the wrong way. So I turned it over and opened it properly, from the back. I skipped over the pages of *kana*, and noted that the first sentence was in *katakana*, which I could sound out, except for one *kanji*, which I didn't know. The *katakana* read "*kore wa [unknown character] desu.*" I knew that the word for book was *hon*, so I confidently recited "*Kore wa hon desu: This is a book.*" That was the end of the interview. I was in.

About two weeks later, I was ordered to report to the Navy's Japanese Language School at Boulder. Because I was the only student in an officer's uniform, a rumor soon circulated that I had been sent to the school to report on any un-American propensities of the other students. I was promoted from Ensign to Lieutenant junior grade, mostly because of the passage of time. It tended to fortify my position in many minds as a spy for Navy Intelligence, but my classmates eventually got over that.

We worked hard and learned what we were supposed to learn. The first groups to complete the program included most of the BIJ (Born In Japan) students who already spoke Japanese. A few of the last BIJs were at Boulder in my group, but most of the students were starting from scratch. None of these were of Japanese ancestry while I was there. Many of the students had grown up in Japan because their parents had business interests there or were American missionaries. The Army had recruited most of the Japanese Americans, and I was with the Navy. One exception was Douglas Wada of Hawai'i. He was the first person of Japanese ancestry to receive a commission in the U. S. Navy, and interpreted at the highest Navy levels. The sensei, however, were all of Japanese ancestry; some were even Japanese citizens.

Then the Navy decided to bring to the school about 100 WAVES. That's Women

Accepted for Volunteer Emergency Service. I was given the pleasant task of commanding them in close order drills in Japanese.

Among them was a lovely young woman named Anne Van Patten Grilk. Annie was born in Hinsdale, Illinois, but when her father died, her mother took the family to Exeter, New Hampshire, where she was raised. She majored in Greek and was a Phi Beta Kappa at Smith College. That's how she got into the Japanese language program. The Navy wanted Phi Beta Kappas, and she read about the program in the organization's journal. Annie looked good, coming and going, and she was exactly what I wanted: "brains and beauty."

My roommate, a guy named Danny Karasik, had taken Annie out a couple of times, but then he graduated and left Boulder. Not long after that, some of us made a trip to Washington D. C., and were on our way back to Boulder. We were in the club car on a train coming out of Chicago on the way to Boulder, and I saw that one of the WAVES had a dirty white cap cover. Her name was Tyson.

"Tyse, you've got a dirty cap cover," I told her.

"Well, I don't have a clean one," she replied.

Annie was with her. She said she had a clean one and got it for Tyse.

"Good deed," I told Annie. "I owe you a beer."

She took offense at that remark, but I was with a bunch of guys and didn't pay much attention.

I was attracted to Annie, but didn't have the courage to follow up. But then some time later I was at a Boulder drugstore, eating my breakfast, when Annie came in to get something to eat. She commented on my breakfast of chocolate donuts and coffee, and then as she left, she said, "You owe me a beer."

A few days later I called her, and we starting going out. I proposed two weeks later.

Her one-word response was the Japanese word "*Maa*," which means "yikes," or "heaven forbid." She said that she didn't believe in wartime marriages.

"But that's the only kind there is in wartime!" I pleaded.

That was a Sunday. She told me to ask her again on Wednesday.

I don't worry much, but when I'm asked about the last time I lost sleep worrying about anything, I say it was between that Sunday and Wednesday.

When I proposed again on Wednesday, she accepted.

On July 8, 1944—about two weeks later—we got married in Boulder, in a big ceremony attended by our classmates and instructors, some of whom were Japanese nationals. It's a good bet not many American weddings around that time included Japanese nationals as honored guests! Annie's mother also managed to get there, traveling by train, which was quite an accomplishment during wartime.

One of the big sports in Boulder was water polo, and the university hosted other Navy programs for men headed for duty in the Navy or Marine Corps. An energetic lieutenant whose duty was to keep everyone physically fit decided to start a water polo program with teams from each unit. He invited the Japanese Language students to participate. We accepted the challenge, with me as the captain. I asked him what the rules would be.

"Oh," he almost sneered, "there will be no rules." He added that we could withdraw if we did not want to play without rules. Evidently, the Boulder language students were assumed to be pantywaist intellectuals.

But as luck would have it, our program included some champion speed swimmers, former water polo players, and men who had grown up in and around the sea. Of course, we murdered the other teams, almost literally. With no rules, we could take an opponent under water and hold him there while our speed swimmers rushed down the pool and scored. Our participation in sports with the other training units ended abruptly.

Another diversion was the Japanese board game Go. Some of our *sensei* were highly educated Japanese nationals who happened to be in the U.S. when Pearl Harbor was bombed. One had been an officer in the Japanese Navy. He loved to play Go and would hold game sessions during free hours. I stumbled upon one of these sessions and was immediately hooked. I never could beat him, but I was fascinated by the game.

Back in Hawai'i after the war, I played every Saturday with the strongest player of Go I could find: *Sensei* Inagaki. He was a waiter at Ō'ahu Country Club who helped me hone my own skills. Eventually I was invited to meet visiting Go champions from Japan, and I once played a game by telephone against a champion player in Japan. She was in a Tokyo department store and I played from the meeting room of a Honolulu hotel. I won.

In the course of studying Go, I heard about the first treatise on the game in the non-Asian language. It was by O. Korschelt and appeared in a serial form in German publications from 1880 to 1884. I obtained a microfilm copy of the series from the Library of Congress and collaborated with Annie's mother, who read German, and with retired Professor George G. Leckie, who had translated German mathematical works. I also checked questions about the game itself with my Go *sensei*. All this took years. Charles E. Tuttle Company published the finished product in 1965 as *The Theory and Practice of Go by O. Korschelt, translated and edited by Samuel P. King and George G. Leckie*. A paperback came out in 1990. I still receive modest royalties.

I sometimes wished I *had* been a Navy spy at the language school. Then I would have had access to the biographies of the other remarkable men and women who passed through the school and the equally remarkable *sensei*. One of the teachers was Professor Okamoto, whose daughter, Barbara Marumoto, later became a member of the Hawai'i House of Representatives.

The Boulder experience indeed had a profound influence on my life. I would gladly go through it all over again.

I was discharged from there on July 1, 1944, and ordered to report to the Advanced Naval Intelligence School at 353 West 57th, New York City. Annie was assigned to the same section, but the boss cautioned us not to socialize too much during coffee breaks, as this would be bad for the morale of the unmarried officers.

The work was routine. Nothing we were asked to translate had immediate operational importance. My most important decision was to dispose of a copy of an Army report on dissatisfaction among Navy personnel in the Aleutians. I figured it had nothing to do with translation, so why keep it? A month later, a very nervous Army major arrived to retrieve the report. "Oh, hell," I said. "I put it in the burn basket." He seemed relieved, and he had me sign an affidavit saying our copy no longer existed.

Before long, I was ordered to report to the Joint Intelligence Center, Pacific Ocean Areas, Hawai'i. I was going home! By this time, Annie was no longer in the Navy. She got kicked out because she was pregnant. They don't do that anymore, and Anne didn't want to leave, but those were the rules.

We came to Hawai'i on the Matson ship *Matsonia*. I reported for duty June 30 as a translator. The war was still going on, but the curfew, which had been in force since the December 7th attack, was lifted shortly after our arrival. For most of the 43 months that the curfew had been imposed upon the people of Hawai'i, it was unnecessary. In fact, it was wrong. The military had kept the curfew as a method of control of the local population, not out of military necessity.

The lifting of the curfew was a signal that the war was moving closer to Japan. There were rumors that Japan would be invaded, in which case many of us Boulder-trained Navy types would be assigned to Marine forces in the initial landings. Deadly. Then came the atomic bombs over Hiroshima on Aug. 6, 1945 and Nagasaki on Aug. 9. I remember reporting to work and being told to take the day off because there were developments about the war. We packed up our pencils and went home.

As I was walking in the door of our rented house, the telephone started ringing. What followed may read like a conversation, but it was actually a series of orders.

"Hello?"

Voice on the other end of the line: "Is this King?"

"Yes."

"Are you going to Okinawa?"

"Yes, Sir!"

"Are you leaving first thing tomorrow?"

"Yes, Sir!"

IN THE LAND OF THE RISING SUN

The Japanese were about to surrender. I was on my way to Japan where I saw firsthand the atomic devastation that brought the war to an end.

I got to Japan by chasing down a minesweeper. I was to board the minesweeper from a swifter ship. Once we caught up, I transferred over by breeches buoy. The minesweeper's job was to clear the harbors in Japan right after the war ended. My assignment was to translate maps of mine locations and work with Japanese officers who had direct knowledge of where the mines were. Because of those Japanese experts, I really didn't have all that much to do.

As we approached the Japanese mainland, formal surrender ceremonies were being orchestrated further north in Tokyo Bay. The commanding officer called me to the bridge and told me to get on the bullhorn and instruct a waiting Japanese minesweeper to go south, away from the event. That was the first Japanese I used in communicating directly with the enemy. After they obeyed my first set of orders, I instructed them to send over a boarding party. Then I readied myself for the important task of interpreting whatever they would have to say.

We quickly saw that these poor guys had run out of everything, including fuel. But they had with them a wizened old harbor pilot who spoke something like 14 languages, including beautiful English. They needed me like they needed a hole in the head.

What happened next is typical of the Navy, or of the military in general. Our Captain noticed I wasn't that busy, so he called me in and said, "You know I don't like people not to be doing anything, so I want you to meet ships that want to come into the harbor and tell them how to get here."

"But I don't know anything about navigation," I said.

"Just tell them to stay in the middle of the channel and they'll be all right."

So there I was: King the Navigator. My father and grandfather were legitimate navigators, but I wasn't. I just played the part: "Stay in the middle of the channel and you'll be all right." Luckily, no ships were lost.

Some of the Japanese soldiers were fire eating "banzai!" guys who hated Americans. I

remember encountering one early in my stay in Japan. The Marines had landed at Tokyo, but where we were, the cargo ships came in first. I was ordered to go ashore and tell the Japanese forces: "Stay out of our way." I got into a speedboat and went shore-side. I found a booth with a telephone someone had set up and I called up the Japanese forces and told them in Japanese, "We're the Americans and we don't want any interference." They said they'd send the man in charge down to meet me.

This guy shows up at the wharf and it was clear he was trying to intimidate me. He put his finger on my collar insignia and said, in English: "Oh, Lieutenant." I was obviously not of high enough rank to deal with him. So I put my finger on his insignia and said, in Japanese: "Oh, Commander." He was furious.

The Japanese authorities quickly replaced the hard-core types with ones that were quite sophisticated. These smooth guys did the waltz, spoke better English than I did Japanese, and knew exactly what we needed.

While I was there, I was assigned to accompany a group of high-ranking officers and scientists to get a first-hand look at Hiroshima. People have often asked me if I was worried about going to where we had just dropped the bomb, and I always say, "No, I was too dumb to worry."

On our way to Hiroshima, we stopped at a port south of Tokyo and who should be there in charge of a ship assigned to remove American prisoners of war—it was my father! He didn't know I was there, and I didn't know he was there. I got to have lunch with him. He was so delighted.

While I was on Dad's ship, I saw some Americans who had been prisoners of war in Japan. They looked terrible. The crew made them take all their clothes off, dumped all kinds of disinfectant on them and gave them something to eat—but not too much or it would all come up again. As my father pointed out, nothing could be worse than to stuff them with food. Even so, I thought to myself: "Jeeze. They're treating these guys worse than the Japanese treated them!"

Hiroshima was total devastation. We didn't see any dead bodies, because they were just gone. Obliterated. The place was deserted. There wasn't much for me to translate since everything had been blown away. We walked around—these top officers and me—and I

remember seeing one sign still standing and an officer asked what it said. "It says 'tobacco,' Sir," I answered.

I couldn't help thinking as we walked around that—as horrible as it was—if it hadn't been for Hiroshima and Nagasaki, I likely would not have survived the war. I probably would have been assigned to the Marines who were to land at Hiroshima and you know how the Marines are: "Gung ho! Let's go! Let's get 'em out!" It would have been bloody.

After the mine detail, I was assigned to a team that included a red-bearded physics professor from Bryn Mawr, someone from the U.S. Geographic Survey and me. The three of us were supposed to go to all the ports and survey what was there.

We got as far as Tokyo and couldn't go any farther without permission from General MacArthur. That held us up in Tokyo. Tough duty. Everyone was very friendly—the Japanese people, as opposed to the tougher wartime officers. They were 100 percent cooperative. They treated us less as liberators and more, actually, as tourists. If there were some who wanted to spit on us, they made sure they weren't around. My main conversation, everywhere we went, was with the guy who was representing the government. Each one would offer us a bunch of women.

The women were not necessarily willing. The government official would just say: "You, you and you over there. Let the Americans have you."

"No! No!" we'd say. "We are prohibited!"

We stuck to our mission. One of our assignments had to do with the Japanese attempt to split the atom, and perhaps create atomic weapons. They had two cyclotrons but not the latest. Nonetheless, on orders from Washington, General MacArthur insisted that they be broken up and dumped into Tokyo Bay. The guy in charge of our group—the physics professor—got very upset. He was absolutely at wit's end. "No," he said, "We can't do that."

I don't know if he was concerned about the loss of science or the possible harm to the environment, but in the end, they did get dumped, and to this day Japan doesn't have nuclear weapons.

During that period, I received two telegrams. The first one I got said our child had died. The second telegram notified me that a baby daughter had been born. I guess the two got crossed up in transmission. The poor thing. She was born with an abnormality and the

doctors were unable to do anything about it. When the command learned about this, they offered to let me go home to take care of Annie as soon as I wanted.

“Now!” I said.

Soon after, I was discharged from active duty, although I remained in the reserves for many years. It was time, now, to launch my civilian career.

“AVAILABLE JONES”

I owe a lot to the cartoonist Al Capp. Two of his “Dogpatch” characters provided me with my most memorable nicknames: “Available Jones” and “Marryin’ Sam.”

“Available Jones” was the L’il Abner character who would do anything for a dollar. “Minding Babies: dry, 5 cents; other kinds, 10 cents.” That’s the name I gave myself when I first started law practice, right after I returned from my six months in Japan.

I wasn’t down to minding babies, but at the start of my legal career I was up for almost any other business that came my way. I set myself up in the back of my father’s real estate office. Annie became my secretary, and I was in business. My first month, I think I made \$185. We found a piece of property on Old Pali Road, and Annie applied for a G.I. Loan so we could buy it. We built a very small house, which soon had to be enlarged. Annie was pregnant again, and within a few months, her opu wouldn’t fit under the typewriter in our office. A secretarial agency sent me Rebecca Yamashita (who later became Rebecca Berry), who worked with me for most of the rest of my career. A son was born, Samuel Pailthorpe King, Jr., and then two daughters in quick succession: Louise Keali’iloma and Charlotte Lelepoki.

When you’re starting out and your family is growing, you have to take on whatever comes your way. I even defended Annie in a traffic case once! I found that far more tickets had been given to women than to men, and so I argued that the law treated men and women differently. We won that one.

I had one case where my client was accused of being part of a burglary gang. He claimed he was asleep in the back of the car at the time of the incident. I took it to the jury and they let him off. As he was walking out of court, he was re-arrested for another burglary. The cops said, “We’ve got about 14 more here.” I only represented him on the first one.

A lot of the work was routine, but there were a few cases that stick in my mind even to this day. They include the glamorous Filipina women, and the Japanese patriots.

The Filipina case involved two sisters from a well-to-do Philippine family who were stopped at customs and accused of smuggling jewelry from the Philippines. I think they were on their way to Europe after a stay in Hawai'i. Customs had them dead to rights, since they had all this jewelry in their luggage and they had not declared it. But I argued that they weren't smugglers—they were simply carrying their own possessions. Well, the court bought it and they were let off. Before long, they were off to Europe. Unfortunately, they didn't have the money to pay me but they promised they were good for the bill.

Not long after, I was visited in my office by their brother, a fine looking man with an excellent record as an officer in World War II, who had come into Hawai'i to settle up their problems. He said, "I know we owe you money and I would like to pay you with this." And then he brought out some very nice jewelry that for all I know he might have smuggled in from the Philippines. I think I accepted a ring for myself and one for Anne.

The Japanese patriots were another wild case. At the beginning of World War II, there was a lot of suspicion about the loyalties of Japanese living in Hawai'i and on the Mainland. As far as I know, there wasn't a single case of espionage or treason ever confirmed by the United States government. Not one. But on the Mainland, as everyone knows, tens of thousands of AJA's—Americans of Japanese Ancestry—were rounded up and relocated to camps in the interior of the Mainland. Hawai'i was more fortunate. Relatively few AJAs were relocated, and many served loyally in the military or in civilian jobs during the war years. But it would be wrong to assume some Japanese didn't retain some loyalty, or love or affection for their home country. I would, for sure.

So I got this case on appeal: At the end of World War II, there were stories in the local newspapers of the Allied victory and photos of American troops marching down the Ginza in Tokyo. These three old bucks, Japanese immigrants who did not speak any English—Shizuichi Yamamoto, Seiichi Masuda and Kichibei Sueda—were living in Hilo. They saw a photo and mistakenly thought it was a parade of captured U.S. soldiers, and that Japan had won the war! They thought, "American forces would never be marching like that through Tokyo unless they were under control of the Japanese military." So they got excited, went outside and raised the Rising Sun Flag. I guess they were members of the "Never Say Die" society.

So of course they got arrested for raising an enemy flag in a time of war. General MacArthur was in Japan, and the Japanese had already surrendered, but the formal peace treaty had yet to be signed. Anyway we had a statute that made what they did a crime. The government even subpoenaed the son of one of them to testify that his father had raised the flag.

The lawyers that represented them couldn't handle the case on appeal. So I took on the case, along with Ed Silva, who later became Attorney General. We went over to the Big Island and made all kinds of arguments and appeals: "The regulations don't work, they weren't passed in a timely manner," and so forth. It shouldn't be illegal to raise the Japanese flag, for God's sake, but we were technically still at war at the time.

Martin Pence, with whom I later served on the federal bench, was the appeals judge. After hearing our arguments, he came back in 15 minutes and declared he was denying the appeal. But at the same time, he commuted the sentence to a small amount of money and time served. So none of them went to jail. Pence and I used to laugh about that case later. He had his decision written even before we showed up in court. This was justice tempered with mercy. The odd thing is, I never met the Hilo "patriots." They were old and they didn't even speak English.

During the twenty years I was a private attorney, I also got involved in some issues that might have left my Republican friends—and my father as well—wondering where my true loyalties lay. One such issue involved two of Hawai'i's most known and loved political liberals, UH Professor Alan Saunders and his wife, Marion Hollenbach.

This was in the late 1940s, and like the rest of the nation Hawai'i was embroiled in a fury of anti-Communist sentiment. This was the McCarthy era, and politicians everywhere, from Congress to the local school board, were on the lookout for Communists and Communist "sympathizers."

Like my wife, Marion was a former Navy WAVE. At the time of the so-called Hollenbach case, she had married Dr. Saunders, already a respected University government professor. Marion, an educator, kept her maiden name although she later became well known as a Board of Education member and education reformer under her married name,

Marion Saunders.

Her husband, Professor Saunders, was an ardent critic of the anti-Communist movement, specifically criticizing the U.S. House Committee on Un-American Activities. He was also the Hawai'i representative of the American Civil Liberties Union, as well as a member of the liberal Americans for Democratic Action, all of which made him a target for the anti-Communist groups then active in Honolulu. Marion, who was then involved in the statewide Parent Teacher Association, became a target as well in a classic case of guilt by association.

I knew Marion because we had collaborated on training workshops for the PTA, where I was brought in as an expert on parliamentary procedure. I later got to know and like her husband when, in 1966, we both served on a Legislative committee on penal law reform. As I wrote in a chapter for a book on Dr. Saunders produced by the University of Hawai'i Press: "He, a staunch Democrat, and I, a staunch Republican, were usually in agreement."

I considered Marion a friend, and was outraged when officials tried to oust her because of who her husband was and her own supposed pro-Communist leanings. And believe it or not, she was also attacked for choosing to use her maiden name professionally! Marion was anything but a Communist; like myself, she came from a staunch Republican family and was a loyal Navy reservist. When I learned about what was happening to her I called up and asked whether she had a lawyer. She said she didn't. "Well, you do now," I said. And I sat down with her and prepared a letter rejecting the absurd charges that had been set against her.

I had a lot of fun as a private attorney, but it became clear my destiny was to be a judge.

The qualities that make a great judge do not necessarily make a great lawyer. A judge doesn't have to know anything, as long as he's honest, educated and willing to listen, because he gets the best lawyers to tell him the law. Whereas a really top-notch lawyer would probably make a lousy judge. It requires too much contemplation. He wants action.

My first full-time job as a judge came in 1961. At the time I was working as executive secretary—kind of a legal advisor—to the Senate President, Doc Hill, a Republican from the Big Island. It was a Saturday and I was walking away from the Capitol—Iolani Palace in those days—and I ran into Bill Quinn, the Republican governor, who was also headed home. “Sam, Sam,” he said, “You want to be judge of the First Circuit Court?” His question caught me totally by surprise, but I kept my cool and said “I have to check with my wife.”

“Well, I have to know soon, because it’s an immediate decision,” Quinn said.

When I sat down with Annie and my good friend Bill Stephenson, they both urged me to take it. So I told Quinn I would do it, and on Monday he sent my name down to the Senate. Soon I get a call from George Ariyoshi, then in the Senate and, of course, later our Democratic governor. “Don’t worry about a thing, Sam,” he said. “I’m voting for you, and that gives you thirteen votes.” And I said: “Oh, thank you very much,” but I didn’t know that he had just fixed a problem. There were fourteen Republicans in the Senate at that time, and twelve said I was a good appointment. But two, Randy Crossley and Yasutaka Fukushima, who I knew at Yale Law School, said they were holding back until they could take a few things up with the governor. When Ariyoshi said he would vote for me that gave me the 13 votes I needed.

I know exactly what happened. Bill Stephenson got hold of Bert Kobayashi, who was a fellow District Magistrate, and good friend of mine and of the Democrats. Kobayashi got to Ariyoshi and told him, “You gotta come out for King.” And he did. In fact, Kobayashi came to my rescue many times over the years. He later served as Gov. John A. Burns’ Attorney General.

I gave myself the nickname “Available Jones.” The other Al Capp moniker, “Marryin’ Sam,” was given to me. As a Family Court Judge during the 1960s, I presided over literally thousands of marriages. Pan American Airlines had a book for tourists and in it they said: “If you want to get married, call Judge King, known as “Marryin’ Sam.” According to my figures, I officiated at over 2,199 marriages. I’m sure a few of those involved famous folks, but I never asked questions about that sort of thing.

In my years as a State Court judge, I also handled more than a few divorces, probably

as many divorces as marriages. Sad record in some ways. If a couple stipulated they were married and now wanted a divorce, and if both sides agreed—uncontested—then I granted it.

I don't remember granting the divorce of the parents of President Obama, but that was apparently the case with them, because I signed the papers they filed.

Sometimes, people change their minds. I remember one case. This gal wanted to divorce a young man and it was uncontested, so I was ready to sign. But then when the soon-to-be ex-husband died suddenly, her lawyer called up and said, "Don't sign it! Don't sign it!" I tore it up and she got the man's money as his widow.

Of all the things I did during my years on the state bench, I'm proudest of my efforts in partnership with Judge Gerald Corbett, a Democrat, to create the Family Court system in Hawai'i, which became a model for other states. Before we got involved, domestic issues from child juvenile delinquency to divorce and domestic abuse were handled in the criminal or civil courts, scattered here and there. Our idea was that these issues could be better handled in a sensitive manner outside of the regular system of justice. There were objections, of course, but we knew how to handle them: When a Democratic legislator would complain that this was "King's idea, coming from the Republicans," Corbett would say, "No it's my idea." And when any Republican would complain that this was the idea of that Democrat Corbett, I would say, "No, it's my idea." We got it through, and Hawai'i's Family Court system became a national model that's still followed today.

One of the things I was most concerned about was the previous pattern of putting juvenile offenders into criminal court. In most cases, I thought that was just plain wrong. I remember writing a letter to the papers once in 1969 after State Senator Duke Kawasaki attacked the Family Court, and Corbett in particular, for being too lenient on juvenile offenders. I was particularly offended because Kawasaki used a speech I had given—arguing for more support for the Family Court—to buttress his argument. I said, and still believe, that treating youths as adult offenders and incarcerating them, rather than providing concerned involvement by social workers and others, is a big mistake.

Once the new Family Court that Judge Corbett and I campaigned for was off and running, I was invited to lecture on family court matters at the National College of State

Trial Judges (now known as the National Judicial College) in Reno, Nevada, where new state judges from all over the country were sent to learn the ropes. I continued to serve on the faculty there for many years. You don't educate judges; you just suggest things. It was a summer program, and I enjoyed talking to all these eager newcomers to the bench. In some states they were elected, and in others they were appointed. The elected ones thought the appointment system was better and vice versa. Only the ones from Missouri were satisfied with their state's plan.

No system of selecting judges is perfect. For example, the process by which I got to the state bench might seem rather informal and political, and I guess it was. But it was no worse than the system we have now. In many ways, it was better, because back then the politics was out in the open. Now it is hidden behind the Judicial Selection Commission. But don't kid yourself if you think there isn't politics going on all the time in the selection of judges. There is nothing wrong with open politics. People will always operate politically. It is human. The problem with Hawai'i's current judicial selection system is that it operates in total secrecy. They should abolish the Commission. As far as I am concerned, the entire state court system is tainted by politics.

Even when I was there, on the state court, there was lots of funny business. For example it used to be a big deal to be the one in charge of the probate calendar. You got to appoint your friend as an appraiser, and he or she might get as much as \$5,000, which was a lot of money in the 1960s, without needing to have any expertise at all. It was a sweetheart deal. Just about every member of the Senate got one of these appointments from time to time.

Pure politics. I didn't want any part of it.

TERRITORIAL POLITICS

I was in and around politics for most of my life, or at least until the day I became a federal judge. My early political career included doing errands for my Dad. You could say I was his right-hand man. When he was appointed governor of Hawai'i and I was working as a young lawyer, I'd slip in through a side door to his office at Iolani Palace and see him just about every day.

I'd deliver messages and do whatever he needed to be done. For example, he said: "Go see Judge Steiner and find out if he wants to be a circuit court judge." "Yes sir!" I asked Judge Steiner and he said, "No, I'm happy where I am, head of district court." I took that message back to my father.

Another time, before he was governor and was serving as chairman of the Republican Party, there was a Constitutional Convention called the "Hope Chest" convention because it was supposed to demonstrate that Hawai'i was ready for statehood. My father wanted to serve as chairman of the convention. So I'd go around and spread the word that my father should be chairman. And that's what happened.

My political career became much more intense after I became chairman of the Hawai'i Republican Party in 1953, replacing Randy Crossley. I don't know whether that bothered him or not, but I know he was upset the next time we crossed paths. That was when my Dad was appointed Territorial Governor instead of Crossley, who had apparently been promised the job.

Delegate Joe Farrington was called in by President Eisenhower's Secretary of the Interior—the agency that was responsible for the Territory of Hawai'i—and he was told "We're going to appoint Randy Crossley." My dad thought Crossley was not a good choice for the job. When he heard about it, he said, "Well, that's terrible." Crossley was a relative newcomer to Hawai'i and he was backed by powerful, hard-nosed California interests who had a lot of influence in Washington. It was the same group that backed Richard Nixon in his career.

Because Joe Farrington's mother had just died, Farrington asked if the appointment could be put off until he had a chance to return to Honolulu for the funeral. By coincidence, Crossley was his seatmate on the flight back to Hawai'i. As soon as he arrived, there was a meeting at my house in Nu'uano with Farrington, Hiram Fong, my father, me, Hebden Porteus and a few others. Farrington opened the conversation by saying: "I don't think he's got it." Hiram asked: "What are we going to do?" My father said, "We fight." Hiram added: "We can't be any worse off if we fight than if we don't, so let's fight."

At the same time, Crossley let it be known that he wanted to see me. I went down to his place at Diamond Head. He wanted to offer me the No. 2 spot, as lieutenant governor but I declined. "Randy," I said, "I'm sorry you asked to see me because now I can never accept anything from you. It would always be said that I sold out my father." "Besides, I said, "you haven't been appointed governor yet and it's my prediction you're not going to be."

That ended the meeting on a sweet note.

We got busy working on behalf of my dad. One of dad's Japanese supporters came down and donated a thousand dollars to send telegrams on his behalf. I called every Republican precinct chairman around the Territory and asked each to send a telegram. Meanwhile, a committee of six United States senators who had served in Congress with Dad called on the President to express their support for him. The Interior Secretary instructed his son-in-law, who lived in Hawai'i, to do a telephone survey to find out what people felt about Crossley and King. One of the people he called was a close Japanese friend of my sister, who called me and said: "Hey, this man wants us to give names to him so he can call them up and ask who they want to be governor." We gave her lists of names with lots of Dad's friends on it!

Crossley later went on to run unsuccessfully for governor in 1966 and in 1974.

While I like to think I did a good job helping my dad get appointed, and that he was the best person for the job, national politics was doubtless involved in the choice as well. My father was a strong Robert Taft supporter and backed him at the 1952 National Republican Convention even after it was clear Eisenhower had the nomination sewed up.

Ike's decision to appoint my father was reportedly a gesture toward Taft. In any event, it was only after Taft died that Dad was replaced as governor by Bill Quinn.

This was in the early 1950's, and then the Democrats famously had their "revolution" and took over the Legislature. Just about everyone says this was a turning point in Hawai'i politics. Since I was chair of the Republican Party at that time, I guess you could say I was the guy who lost the state for the Republicans.

But from my perspective, it was all but inevitable. The Republican party wasn't attracting new people, because if you wanted to get anywhere, the wisest thing to do under the circumstances was to be a Democrat, because most appointed governors up until Ike were Democrats. Republicans had a hard time getting appointed to anything important in politics. Beyond that, they kept putting up the same old guys for office, while the Democrats had energetic young local kids, just back from the war and college. There was some new blood in the Republican Party, including Hiram Fong, who later became a U.S. Senator. But they had trouble getting past the incumbents. We did get a few of the AJAs, but most of them went to the Democrats on the simple theory that opportunities for quick political advancement were better there.

In the years since, it has been said that the young AJA vets and others went with the Democrats because they weren't welcome in the Republican Party. That's not entirely true. My dad appointed some Japanese to important positions. His press spokesman, Larry Nakatsuka, was the first AJA to work for the local paper and was probably the first person of Japanese descent to be a spokesman for a governor. The young bucks didn't have the power to take over the Republican Party, but they could take over the Democratic Party. They could build it from scratch without having to buck an "establishment."

In some ways, the Republicans were just worn out. Many of the best of our leaders were dying: My father, Joe Farrington, who was a delegate to Congress, Roy Vitousek, who had been head of the Republican Party. The Democrats have called that 1954 election a "revolution," but it wasn't a sudden sweep. If you look at the numbers, it had been creeping up gradually.

One of the reasons my dad was so interested in statehood was he thought that it might change the political tide. We'd had a long stretch of appointed Democratic governors

prior to my father and Bill Quinn, and the Democrats were getting a lot of the patronage appointments from the mainland. He thought we could do a much better job of selecting our own public officials.

When I talk about Republicans, I am talking about the ones I grew up with and worked with. They are not like the right-wing Republican conservatives we have today. And what is a Republican and what is a Democrat in Hawaii these days? Think of Burns and after him Ariyoshi and then Waihee -- business people loved them. They're as pro-business as they could be. Big business and big labor have gotten together under the Democrats. There's no longer that separation.

When I was growing up, Republicans were the party of good Yankee sense, fiscal and otherwise, and the absolute caricature of a conservative reactionary was a Southern Democratic Senator, still in mourning for the Confederacy. Star Bulletin writer Jim Becker recalled in a 1979 column that at a hearing at the old Territorial Senate chamber in Iolani Palace, a Southern Senator visiting Hawai'i asked: "Governor, how do you handle your minority problems out here?" Becker wrote that my father responded: "Senator, in Hawai'i we are all in the minority."

MY LAST POLITICAL HURRAH

My biggest political adventure was challenging Burns for governor in 1970. There is no question that Burns and the Democrats had accomplished a lot in the preceding eight years, but many in the community—Democrats and Republicans alike—felt they had worn out their welcome. The growth they had encouraged was getting out of hand. With statehood came an influx of money and people, and skyrocketing traffic and organized crime, among other things. Many felt, as I did, that the energy that brought them into office had worn down. As I would say in my campaign, they were tired--too tired to deal with the multiplying problems of a new state.

In any event, I understood that Governor Burns was ill, and word was that he was unlikely to run for a third term. His Lieutenant Governor, Tom Gill, was expected to run for Governor, and he wasn't nearly as popular as Burns. Gill was very smart, but he had a sour personality and a habit of making people mad at him. I thought I was going to run against Gill and felt I could beat him. But the Burns people were determined to shut Gill down at any cost. They decided to run Burns for a third term, in spite of his failing health.

I'm a strong believer in the "three part" system: Republicans, Democrats and Incumbents. And the Incumbents almost always win. A bunch of people, Ed Brennan, Phil Spalding and others, asked me to run. As I always do, I asked Annie what she thought. She was opposed to it. We talked about it for a while. I told her a large part of my reason was that I was frustrated with my job as a State Circuit Judge under the late Chief Justice William S. Richardson. There's a reason that the judicial and legislative branches of government are separate, but the court under Richardson, who was a Democrat, clearly had a political, not a legal, agenda.

When Bill Richardson and I were relatively young men, during the decade or two following WWII, he made no secret of his political agenda. He used to say the game plan of the Democrats was to take over politics and then the court system, and finally Bishop Estate. I suppose that's why I always thought of Richardson as a politician, even when he served as Chief Justice and later as a Bishop Estate trustee. Richardson was a dedicated Democrat

and he politicized the entire court. And Richardson was beginning to treat the Family Court that Gerry Corbett and I had helped found like a political football. When Gerry died, someone needed to be appointed head of the family court. I was the logical choice, because I was the only one there. But Richardson took a brand new judge and named him chief of the family court. That was all right with me, but when the judge left the bench, Richardson found someone else to name as the chief.

When Annie heard this, she changed her mind and said, "Well, if you want to run for governor, go ahead." It was the only time I proceeded with a big decision without Annie's wholehearted approval.

I might have thought I was imagining things, but after I declared my candidacy and stopped being a state judge - you can't do both at the same time, of course - Richardson personally fired my secretary, Rebecca. Nobody had ever done that to a judge who left office. The Chief Justice had always reassigned the secretaries to work for someone else or had them wait until another judge was appointed.

I had already declared my candidacy when Burns announced he would run for a third term, mostly to keep Gill out of the governor's office. I knew it would be an uphill battle running against not only an incumbent, but one who had the sympathy of the voters because he was in poor health. That didn't stop me from trying.

In my campaign for governor, I first had to get through a Republican Party primary against state Senator Hebden Porteus. Heb had staked out a very conservative position that I felt was not a good fit for the local Republican Party at the time. Even before the primary was over, I was already focused on the record of the incumbents: "Burns and Gill have yawned in the face of a record-high cost of living; an alarming crime rate; clogged highways; an acute shortage of housing and a sudden statewide drug problem," I said.

Sound familiar? You could give much the same speech today. But it wasn't just an attack on Burns-Gill. I talked about setting up a special task force on crime, wiping out the 4 percent excise tax on food and medicine; creating a no-fault auto insurance system, building a new sewage plant at Sand Island, building a mass transit system to get cars off the road, using federal and state financial leverage to build affordable housing for seniors

and low-income families and improving education through increased construction of new facilities.

This was 1970, so for some people the influx of drugs and hippies from the West Coast was a major concern. I insisted that marijuana should not be legalized, as popular as that idea was at the time. I was convinced from my experience as a Family Court judge that marijuana could lead to the use of heavier drugs. I did say that first time possession of small amounts of marijuana should be treated leniently.

One of the most colorful and—for me, painful—moments of the campaign came late in the contest when the Porteus campaign effectively accused me of being soft on marijuana users, adulterers, criminals and hippies! The attack came in a campaign brochure entitled “Compare” which purported to compare my positions with his on these high profile social issues.

Heb quoted me as saying “I do not think possession of marijuana should be a crime,” but I hadn’t said that. I’d said that the sale of marijuana should remain a felony, but that first arrests for possession of small amounts of marijuana should be a misdemeanor. It didn’t make much sense to incarcerate a bunch of kids for trying pot. Our country’s last three presidents have admitted to trying it.

Heb said I wanted to welcome the West-Coast hippies who had started sleeping at our parks and beaches as “refugees.” What I’d actually said was that the police, who were reluctant to evict them because they had no place to go, should set up a place for them to report and find work.

Heb also implied that I was soft on criminals. He quoted me as saying I would “never send anyone to jail if I could help it.” What I actually said was that I would never send anyone to *prison* if I could help it; there is a big difference that perhaps Heb failed to understand. Jail is for misdemeanor defendants awaiting trial. The kinds of people you find in jail are completely different from the kinds of people you encounter in prison, which is for criminals sentenced for felonies. Our prison system is rotten. It needs to be reformed so that we don’t throw purse-snatchers in with rapists and axe-murderers. It’s easy to say you want to “get tough on crime,” but that recurring slogan fails to describe the underlying problems or provide for the return of offenders to society.

The misquoting didn't stop there. I had said that I thought common-law marriages--in which a couple who has been living together for many years can enjoy the civic privileges accorded to married people--should be legal. I'm not sure how Heb got from there to adultery, but he used that quote to spread the word that I thought it was OK to cheat on your spouse! Not the same thing at all.

All this seemed like a frantic last minute effort designed by his advisors and advertising specialists. It didn't work.

Meanwhile, I kept up my fire on the Democrats. I recall a press release concerning a controversy over a member of the State Land Use Commission who made a fortune by rezoning his own property and later selling it for a fantastic profit. It was all over the papers. I called for a strong state ethics law and then commented, "In one respect, I find myself agreeing with both Gov. Burns and Lt. Gov. Gill. Burns says Gill can't be trusted. Gill says Burns is surrounded by corruption. I am sure they are both right!"

Another time, Gill challenged Burns and his people with contributing to a "slow and insidious loss of momentum in Hawai'i." I said I couldn't agree more, but pointed out that Gill, as "First Mate" had no right to blame everything on the "Captain."

I also took on Burns for one of his more memorable sayings, one that people remember to this day. Burns was pressed on why he wouldn't commit on some issue or another and he said, "My job isn't to take stands. Any damn fool can do that." Well, I disagreed with that then, and I do today. It is not only a public official's responsibility to stand up and speak out on the issues, it is his duty. In the primary election, I beat Porteus 20,600 to 17,900. Burns, of course, beat Gill. By then, I knew I had little chance of beating Burns and the Democrats in the general election, but I was determined to keep at it until the very last day.

Late in that campaign, a popular Democratic Senator named Larry Kuriyama was murdered in the driveway of his Aiea home. Kuriyama had made organized crime a major issue, and his murder had all the earmarks of a gangland slaying. I gave a news conference in which I stated that if Burns had taken a stronger stand on organized crime, Larry Kuriyama "could very well be alive today and our state at peace instead of at war with

organized crime.” The Democratic party immediately accused me of blaming Burns personally for Kuriyama’s death, which of course I wasn’t. But that incident certainly didn’t help me in the election.

All the unions, except for the Teamsters, supported Burns. I know unions are naturally suspicious of Republicans, but they needn't have been in my case. I have always believed that unions serve an important role.

Another problem was my reluctance to promise things. One experienced politician told me that I should promise people whatever they wanted to hear. I couldn’t do that.

Election Day came, and I received more votes than any Hawai’i Republican in a race for governor to that date, but it wasn’t enough. Burns won by a count of 137,800 to 101,200.

In truth, I was disappointed, but I also felt a sense of relief. Losing the race for governor turned out to be the best thing that could have happened. During the campaign, I made a point of saying that I could work with a Legislature controlled by the other party, but the reality was that as a Republican governor with a Democratic legislature, I wouldn't have been able to accomplish much. As I said many times later, “I got lucky. I lost.”

With politics out of the way, I went back to being a judge, but this time in federal court, and the most fascinating part of my life began.

FEDERAL JUDGE

Anne and I were having a late weekend snack in our breakfast nook when the phone rang in early 1972. The caller was Senator Hiram Fong. He asked if I could come to his downtown Merchant Street business office, which was only about a twenty-minute drive from our Nuuanu residence. I said I could leave immediately, and did.

I was Hawai'i's Republican National Committeeman, and Hiram was Hawai'i's senior United States Senator. President Nixon was on his way to China and would be arriving in Hawai'i for a one-day stop. So I thought that the Senator wanted to coordinate whatever would be done by the Hawai'i Republican Party to honor the President.

Hiram greeted me with a question: "Sam, do you want to be a federal district judge?"

He was asking me if I wanted to be one of two federal trial judges for the district of Hawai'i, succeeding C. Nils Tavares. He said he had a meeting scheduled with the President at the Mokapu Marine Corps air base and he wanted to put it on the agenda. Then he added, "You'd be surprised at who else wants the job." He didn't expand on that statement and I didn't ask him to do so. We exchanged a few more pleasantries, after which I left, and hurried home to report to Annie—there weren't cell phones in those days. I was certain that she would be overjoyed. She knew I loved being a judge and disliked the politics of the state courts. The selection of a federal judge is a slow process. Several months later, I was teaching at the Judicial College in Reno when we got word that the Senate Judiciary Committee was ready to consider my nomination. I was to appear immediately. Annie and I flew to Washington, arriving in a downpour that had caused the Potomac to overflow its banks. Anyone in an unsafe area was advised not come into Washington the next day. Luckily for me, all the members of the Committee appeared on schedule for the confirmation hearing, which came near the end of a long day of hearings. Senator Fong introduced me to the Committee. Its members asked only a couple of questions and then confirmed me as a Federal District Judge.

It was faster and smoother than is normal, and I attribute much of that to Senator Fong. He was the first United States senator of Asian ancestry, and a man whose word was

absolutely good. It also helped that Senator James Eastland, a long-time senator from Mississippi, had known my father when he was Hawai'i's delegate to Congress. I went up to speak to him after my confirmation. Annie whispered to me, "I bet he'll say, 'I knew your daddy.'" He shook my hand and said in his very Southern drawl, "Congratulations, Sam. I knew your fahthah."

I have always argued that judges, no matter how unbiased, cannot help but be influenced by their own experiences.

I'm part-Hawaiian, raised in these Islands, with what I guess you could call an island mentality. My friends and my family, my education and my experiences, are all unique to me. How could that not affect my thinking?

This topic came up during the debate over the nomination of Sonia Sotomayor to be a Supreme Court justice. Sotomayor had given speeches suggesting that her experience as a "Latina woman" would necessarily color her conclusions in legal opinions. She later stated that she was "ultimately and completely" a judge who follows the law. I guess she had to say that, politically, but I'm not sure it was necessary. Almost everything worth arguing about is subject to interpretations, and that's where your experiences come into play. That's just the way it is.

Sometimes, the lack of experience can lead you to some pretty funny conclusions. I remember a case before the Hawai'i Supreme Court involving a bunch of Filipinos who had been arrested for cockfighting. Bernard Levinson, then an associate justice, reversed the conviction, saying the police had not shown that all these people were somehow involved in getting the cocks to fight. I ran into him later, and told him, "Bernie, those people were not there just to fight cocks. They were there to gamble. It's a gambling game!" "Oh? It is?"

All the same, as a justice, you can't let your affections overrule the law. For example, I consider myself a true-blue Navy man. I was literally born in the Navy, served as a Naval Officer during the War and spent most of my working life in the Navy reserve. Yet over the course of my federal career, I have ruled against the Navy and other military interests on more than a few occasions. I allowed complaints by war protestors who said they had been unfairly treated by military authorities, and I sided with defendants who were resisting

military service as conscientious objectors. But the case that probably put me most at odds with the Navy—at least in a philosophical sense—was the Kaho’olawe trespassing case. It also produced one of the most unusual scenes I ever witnessed during my years on the federal bench.

It took place in May of 1977, in the old Federal Courthouse. Two members of the Protect Kahoolawe Ohana were accused of trespassing in an effort to stop the military bombing that island. I like to keep things brisk in my court, but that day was likely the shortest session in history. I walked in to find a courtroom packed with people. They were all singing the state anthem, “Hawai’i Pono’i.” Some were wearing the traditional Hawaiian malo, and others were in ti leaves and gourd helmets—something they must have gotten out of books. I walked straight to the bench and declared, “This court is in recess.” I then met in my chambers with the attorneys and the alleged trespassers. One of the trespassers, Walter Ritte, insisted that their garb was perfectly appropriate: “If we’re not properly dressed, we should take down the statue.” He was referring to the statue of King Kamehameha in front of the state Supreme Court building next door. It depicts Kamehameha in cape, malo and headgear. Interesting argument.

Then Peter Apo appealed to the Hawaiian in me: “For the sake of the Hawaiian people, please do not degrade us by telling us we are not properly dressed.” I understood their point, but I still felt there had been an organized effort to disrupt the proceedings. So, Hawaiian-style, we settled our differences. They agreed not to disrupt the court and I agreed to let them wear their *malo*. With that, Apo asked me to join them in prayer. We formed a circle, joined hands and conducted our *pule*. Apo said the words, and I added, “Amen.”

You don’t see a scene like that in federal court every day.

When we went back into session that afternoon, the case proceeded without further incident, although Samuel P. Kealoha, another of the defendants, insisted on calling me “Mr. America” rather than “Your Honor.” He was representing himself, so I cut him some slack. He did fine, standing there in his Hawaiian garb, quizzing Navy officers who were all dressed in stiff white uniforms. In the end, I found Kealoha guilty of trespassing on the grounds that he knew he needed the Navy’s permission to go on the island.

That was a key point: knowledge that the Navy formally demanded advance permission to go on the island. In an earlier, similar, trespassing trial, with Walter Ritte, I had ruled for acquittal because I concluded that Ritte had not clearly understood that he needed Navy permission to land at Kahoolawe. Walter had been among the original group to occupy the island. When the Navy picked him up after that earlier visit, he was tired, thirsty and somewhat disoriented. I wasn't sure he clearly understood at the time that he had been formally given what is known as a "bar order" barring him from going on to what was then military property.

I sympathized with their objections and acknowledged in court that many in Hawai'i viewed them as "popular heroes who crusade for justice." But I added: "Society cannot exist if its laws are not enforced."

I should add that I was always skeptical of the Navy's position that Kahoolawe was "the sole area which provides the training realism critical for our operational readiness." In 1990, after President George H.W. Bush gave that island back to the state, there was no effort by the Navy or anyone else to find another site. I guess the need was not so critical after all.

I also decided quite a few interesting cases related to the Vietnam War. Many involved conscientious objectors. Achieving CO status during the Vietnam era was no easy road.

One case involved an Air Force doctor named Lewis Chamoy who had decided that he wanted out of the military. Air Force interviewers concluded that he was sincere in his application for CO status, but decision makers in Washington D.C. said, in effect, that Dr. Chamoy was insufficiently sincere. They didn't like that his conscious objections crystallized only when he wanted out of the Air Force.

Here's how I explained my decision: "It is sometimes a difficult task to distinguish between a conscientious objector and an unscrupulous opportunist; but when all those personally confronting the applicant support his claim and the only contrary arguments are speculations as to his state of mind, the court must find that no basis in fact exists for the denial of the petitioner's conscientious objector claim."

I don't see how people can easily accept the sincerity of someone who wants to get

into the service and go to war, but then almost automatically doubt those who want out. Sincerity isn't just the province of patriots who want to serve.

One of my daughters and some of her close friends were conscientious objectors. They, like many others, went to Washington, D. C. to protest the Vietnam War. People have asked me if having members of my family strongly opposed to that war affected my thinking. It may have helped me keep an open mind. In any kind of controversy I try to assume that people are sincere, at least initially. In the end, I have to go by the evidence.

The draft dodgers who fled to Canada or elsewhere to avoid prosecution paid a high price. They were cut off from their former lives. I and a federal judge in New York ruled that federal charges against draft dodgers could not be maintained indefinitely, so we struck them all. Both of us were reversed on appeal, but the government did eventually grant amnesty to anyone who left the country over Vietnam.

I also presided over the trials of war protestors. One involved a group, mostly from the University of Hawai'i, who wanted to protest both the Vietnam War and particularly President Nixon.

The President was flying into town to meet with Japanese premier Kakuei Tanaka. Local Republicans planned a brass band and hula girls to greet him when he landed at Hickam Air Force Base. They invited the public to take part, and a bunch of the protestors went there to engage in "peaceful and law-abiding protest," as they later described it to me in the courtroom. They never saw Nixon, however, because Air Force personnel stopped them at the gate. Before long, the protestors had been fingerprinted, photographed and barred from coming through the gate. They sued the government, claiming that their constitutional rights had been violated, and demanding money damages.

The government's lawyers wanted me to throw out the case. I wouldn't do that. I dismissed some of the claims, but I let the rest of the lawsuit proceed. I thought the protestors had a right at least to fight with the military in court, not just where the military might say they could fight.

The plaintiffs in that case—Willis Butler, Greg King, Ben Kerkvilet, Noel Kent, Melinda Kerkvilet, Oliver Lee and David W. Johnson—had made no effort to hide their plan to protest the President and the war, nor did they hide their identities when they were

stopped at the gate. With them all that time had been a man known to the court only as “John Doe,” who at the trial said he was an undercover agent. Kind of silly to infiltrate this particular group, since they made no secret of what they were up to. And federal officials claimed not to know who he was. Not too surprising, at least not in those days.

CASES BIG AND SMALL

I've had thousands of litigants come before me during my years on the federal bench. The smallest by far was a tiny yellow-and-gray feathered creature not much bigger than the palm of your hand. It was the palila bird, one of Hawai'i's many threatened or nearly extinct species. The biggest "defendant," in a sense, was the massive H-3, a billion-dollar Federal interstate highway that pushes its way through the Koolau Mountains between Honolulu and O'ahu's Windward side. The law and the weight of evidence caused me to rule in favor of both the palila and the highway, keeping their cases alive when the odds might have seemed to be stacked against them.

The palila case was the only one I know of in which the primary plaintiff is a bird. It is my most long-lasting case—I still receive annual reports on how the bird is doing. While it may have turned out to be something of a losing cause, I sided with the bird.

The palila is a finch-billed member of the Hawaiian Honeycreeper family that has been listed as an endangered species since 1967. Its interests in the courtroom were represented by the Sierra Club, Audubon Society and Alan Ziegler. They wanted the bird to be the name plaintiff, and I allowed it.

When I wrote the first of many rulings in the case, the population of palila birds was somewhere between 1,400 and 1,600. The only place they lived was in the forests of the mamane and naio trees between 6,400 and 9,500 feet on the slopes of Mauna Kea on the Big Island. Those forests are essential to the birds because the mamane trees provide food, shelter and nest sites. The naio trees are of secondary importance, but they also provide nest sites.

The state Department of Land and Natural Resources was maintaining a game management area for hunters in the palila's critical habitat, and that created a problem. The population of about 600 feral sheep and 200 to 300 goats loved to eat the leaves, stems, seedlings and sprouts of the mamane trees and, to a lesser extent, the naio trees. This prevented the trees from growing and caused further decline in the palila population.

The palila's friends wanted me to protect the trees from those sheep and goats. The first thing they had to get past was whether it was in my power as a federal judge to tell the state

government what to do, because there is a general prohibition against suing the state in federal courts under the 11th Amendment of the U. S. Constitution.

I ruled that by actively participating in the conservation scheme and permitting the hunting of goats and sheep, the state had “impliedly consented” to be sued. I ordered the state to come up with a plan to save the palila by protecting the trees—or at least try to.

The hunters were pretty upset. They didn’t want to eradicate the goats and sheep, which is what my order essentially required. The state dragged its feet, for the simple reason that hunters have more political power than birds do. So one day I mentioned in court, “Maybe I should take over the Department of Land and Natural Resources.” I didn’t threaten it. I just said “maybe.”

The next day, the state had riflemen shooting goats from an airplane. Of course, the hunters got all upset again. The state still periodically shoots goats from helicopters, and it tries to maintain fences to keep the sheep and goats out.

I’m comfortable with my decision, though it didn’t sit well with my friend and fellow U.S District Judge Martin Pence. Penny had lived on the Big Island and loved to hunt. “You shouldn’t have done that!” he told me. That didn’t bother me. After all, he was a hunter.

It came down to enforcing laws passed by Congress to protect endangered species. That’s a decision made by our elected representatives. Whether I personally agreed with the law was not an issue.

I still get reports each year on the number of palila. The last number was a couple thousand or so, but it goes up and down. The question is whether there are enough of them to keep surviving. So far there are. I am pessimistic about the palila’s chances for survival. But I was brought up to expect the worst, then be happy when it doesn’t happen.

That case was easy compared to the fighting in the 1970’s and early 1980’s over the construction of the H-3 freeway between urban Honolulu and the Windward side of Oahu. I don’t think I’ve ever seen such a fierce legal and political battle. Opponents of the freeway cited federal environmental laws, destruction of Hawaiian sites, you name it. To be blunt, I thought the state had done everything it was supposed to do, and that’s how I generally ruled. But the Ninth Circuit, as was often their habit, reversed me. Then one day—all of a sudden—Sen. Dan Inouye made the whole thing moot. He pushed through a law that effectively exempts H-3 from

most federal environmental regulations. My first thought was, “Why didn’t he do that five years ago?”

I was trying to enforce the law as I read it, but fundamentally, I thought the project should go through. The highway was going to be built somewhere, sometime, and all these objections raised the cost significantly. The opponents were being unnecessarily hard-nosed. They made little effort to find a compromise. The same could be said of the state.

I do think the opponents had a point though, about the proposal to put the freeway through Moanalua Valley. It’s a beautiful place and they should have thought about alternatives a lot earlier. It might have been cheaper, but not going through Moanalua Valley – it ended up a valley over in Halawa – was probably an improvement..

I had another interesting case in the mid-1970s, when Gov. George Ariyoshi challenged the U.S. Constitution in an effort, as he put it, to have Hawai’i “control our own destiny.” The basic idea was to limit growth in Hawai’i. Politically interesting, but legally, not so good.

The state was in turmoil over the post-statehood influx of people. Some felt the newcomers were overwhelming our social and political systems. So Ariyoshi took a bold step and announced in a state-of-the-state speech that he would, as some critics described it, “pull up the drawbridge” to protect what the governor frequently called “a special place.” Ariyoshi declared his willingness to “put this state in direct confrontation with the present laws of this land, and possibly even the Constitution of the United States.” Politically interesting, but legally not so good.

One element of Ariyoshi’s plan was a residency requirement for government employment. Within a year, four newcomers who had been denied employment filed suit in federal court, and the case came before me.

I empathized with the feelings behind Ariyoshi's effort, but the issue in front of me was whether the law was constitutional. In fact, I wrote:

“Mark Twain once described the Hawaiian Islands as the “lovliest fleet of islands that lies anchored in any ocean.” That feeling has certainly been shared by a large number of people from every racial, ethnic and cultural background. For over a thousand years, people have been traveling to Hawai’i and they have been staying in ever increasing numbers. As with almost all good things, which are not in limitless supply in this world, many of the ‘haves” do

not wish to share their good fortune with the 'have nots.'"" Clearly, their wish was not the law. The U. S. Supreme Court had previously declared that sort of thing unconstitutional under the Equal Protection Clause of the 14th Amendment.

During my time on the bench, I've made friends with many in the media, and I've had a few run-ins as well. But I never took any of them personally.

My most memorable case involving the media became known as Fasi v. Borreca. Honolulu Mayor Frank Fasi got irritated for some reason with Star-Bulletin reporter Richard Borreca and announced he was banning Borreca from his news conferences. Naturally, the paper objected. Fasi tried to defuse the situation by saying all the paper had to do was send another reporter. The paper didn't agree. Fasi then tried the ploy of saying he was simply holding "individual interviews on a group basis," which left him free to invite whomever he wanted into his inner sanctum. At least that's how he viewed it.

The paper sued in federal court and I got the case. It seemed an obvious violation of the First Amendment to me. I observed in my ruling: "One would have to be naïve to believe that an individual reporter is solely responsible for the manner in which that reporter's news stories appear in print. Thus, Mayor Fasi's objections to Borreca's performance as a reporter can equally be taken as objections to the Honolulu Star-Bulletin's approach to City Hall news." That's what made it unconstitutional.

I like to think I know a little about how newspapers work. I've had other newspaper cases, and don't forget, I was a correspondent for the Star-Bulletin during my travels in high school! Besides, what Fasi tried to do was not even close. It was absolutely unconstitutional. When I would see Frank around town from time to time we never talked about the case.

Actually, I never had any real beef with Fasi. I guess he liked to fight with everybody – even me on one occasion. He got into an attack on me for some thing or another after I lost my race for governor. Hal Lewis, known as J. Akuhead Pupule, invited both of us to appear on his popular morning show. So I went on and attacked Frank right back, but Aku had served his purpose which was to boost ratings for his show. And later on, Frank and I became relatively friendly. That was even after I had to put one of his family members – his eldest son – back into prison for violating his probation after a drug conviction. Soon after that I ran into Frank

downtown, where he was having coffee with his cronies and I told him “I’m sorry about your son, but there wasn’t much I could do.” And he simply said: “Oh, I understand.

To show you what a small town this is, when Fasi switched parties and became a Republican, my son and two other people formed a “Republicans for Frank Fasi” committee. I didn’t participate.

KING THE LIBERAL

I've always been a Republican, but some say I have a liberal streak. I'd rather think of myself as a pragmatist who sees the human dimension of things.

Take abortion, for instance. In my opinion, there shouldn't be any law at all. It's a private matter. That was the position taken by Jack Burns when he was governor, and I agree with it.

The same goes for marriage of almost any kind. The government shouldn't be in that business, except for laws such as you cannot marry your own sister. In the old days, there was no statute that said who could get married. My attitude is: if you say you are married, you are married. That includes same-sex couples. If two people want to be married, I say, "why not?"

I never enjoyed criminal trials, particularly sentencing. Throughout my career, I've always had trouble sending people to prisons. Convicts learn all the tricks of the trade there, and the ones that happen to be young and not tough enough get abused. Terrible. No wonder most people come out of prison worse than when they went in.

Yet for many years as a federal judge—before I achieved senior status and stopped taking criminal cases—I had no choice but to send many people to prison for long stretches of time. This is due to federal mandatory sentencing guidelines, which were a feel-good effort by politicians to appear tough on crime. Many people think the problem lies with bleeding heart, soft-headed liberal judges who pass out light sentences to career criminals or for violent crimes.

"What we need," they say, "is mandatory minimum sentences and faster and surer punishment."

That makes for good rhetoric, but it's based on three false assumptions: that most law violators are caught, charged with, and convicted of the crimes they committed; that career and violent criminals do not end up in prison; and that severe sentences deter crime.

None of this is true. Mandatory sentencing made little sense to me and many of my fellow judges who had to face criminal defendants almost every day. Each defendant had a different story.

Not that long ago, prisons also served as warehouses for mentally sick people. I've always believed if someone is that way, they should get treatment—not punishment—even if they commit serious crimes. This isn't an idea I came to after becoming a judge. It dates back to my days as an attorney for the Republicans in the Territorial Legislature. In that capacity, I drafted one of the first laws governing the care of mentally ill people who come to the attention of the police. It said the police couldn't just throw them in jail; instead, they had to take them to the doctor. I thought that approach made a lot of sense, but the U.S. Supreme Court eventually thought otherwise. So later, when I became a federal judge, I had to declare my own law unconstitutional.

That was in the 1970s when there was a big debate, both in Hawai'i and across the nation, over the proper way to handle people with mental illnesses. Hawai'i had moved away from giving the police free rein, but they were still incarcerating people with mental health, drug addiction or alcoholism problems. Maybe not in prison, but there was mandatory confinement of some kind.

In two decisions involving a woman named Sharon Suzuki, I declared unconstitutional part of the state mental health law I had earlier drafted. The two decisions, in 1976 and 1977, helped lay down the guidelines for involuntary civil commitments for the mentally ill and later became the subject of frequent seminars on how to treat the mentally ill: "I believe the requirements of substantive due process are met only when an individual is found to be dangerous to himself or to others, and thus hold that dangerousness to property is not a constitutional basis for commitment in an emergency or nonemergency situation." As I described it privately, "if a guy is caught peeing on the side of the building, that doesn't mean the government can put him away."

And as long as I can recall, I've opposed the death penalty, which is a cruel and wasteful process. The government just has no business killing people, even if they deserve to die. Part of that comes from my dad. He had a chance to put his convictions into action in the case of James Majors and John Palakiko. They escaped from an Ō'ahu Prison work gang and found themselves in upper Nuuanu, where they came across the home of Therese Wilder. She was about 67 at the time, I think. They supposedly were attracted to her house by the smell of cooking. They broke in and strangled her—and there was evidence that a rape had also

occurred, or at least was attempted. It was a heinous crime.

These two were sentenced to death by hanging and were only minutes from the gallows when the outgoing governor, Oren Long, stayed their execution. That bought them some time.

Then the legal wrangling began. My father succeeded Long as appointed governor. So Harriet Bouslog, who had a strong reputation as a liberal and civil rights supporter came to me and asked a favor. Bouslog wasn't afraid to go up against authority – she fought for union rights for years – and she was a strong opponent of the death penalty.

We weren't exactly on the same side of the political fence, but she knew I had my father's ear.

"What's the best way to approach your father and what is the best way to convince him not to apply the death penalty?" she asked

I counseled patience. I said: "Just leave him alone." And sure enough, two or three months later, he commuted their sentences to life in prison. That was in 1954. By 1957, the Legislature had outlawed the death penalty in Hawai'i. So if my father had not acted, Majors and Palakiko would have been the last two people executed in the Islands.

As an aside, Gov. Burns pardoned the two in 1962. I never understood that. Palakiko found his way back to prison for parole violation. I don't know what happened to Majors.

The closest I came to a death penalty case was as a visiting judge in Arizona, assigned to hear a federal challenge to a death sentence. Two guys had used their wives and children as decoys, and they put their victims in sacks and threw them in the water, alive. The prosecutors were furious with me when I granted a stay of execution.

In a case like that, you're of two minds, but a stay was legally warranted. My ruling gave one of them a little more time. They were both finally executed, later on.

People don't always understand the difference between the law and common sense. And I'm the first to admit, the law does not always allow for common sense. Take the O.J. Simpson murder trial. People always ask me: "Did O.J. do it?" My response is that they are asking the wrong question. The right question is: "Did O.J. have a fair trial?"

Part of the problem, as I see it, is that we rely too much on government to settle issues that should be handled another way. I remember reading a New York Times article by

Thomas Ehrlich, arguing that the United States has too many laws. I couldn't agree more. Here's what I said about that in a 1976 speech: "We rely on law too heavily as an instrument of social change (or to prevent social change); and we rely too much on courts, legislatures and administrative agencies to resolve our woes (and to perpetuate the other fellow's woes)." That may sound strange coming from a judge, but I believe it.

By-and-large, crime is a natural part of the human condition. If you want to know how people live, and what they believe, just look at the criminal laws." For instance, the Hawaiians once had a law making it illegal to pray somebody to death. We don't make it a crime to do something nobody does anyway.

We can structure situations to reduce the temptations leading a person into anti-social behavior, but we cannot eliminate such conduct. It's not even clear how much conflict a given society should encourage or could tolerate. Too much conflict leads to disintegration, and too little conflict leads to stagnation. No one is sure where the middle ground lies. I suppose that's what ensures plenty of work for people like me.

When I first became a federal judge in 1972, it was close to paradise. Working conditions were pleasant, and I didn't have to think about politics. The issues brought before the court were worth thinking about, and there was a fair amount of camaraderie among district judges around the country, since there were only about 275 in all, including retired judges. That led to a certain amount of undemocratic satisfaction in being a member of an exclusive club. And the power a federal judge could wield was awesome.

But things began to change. A flurry of new laws, environmental and otherwise, liberalized rules of procedure and the growth of multi-state class action lawsuits combined to open the federal courts to a whole new category of activity. And lawyers became clever at finding ways to bring cases that should have been in state court into the federal arena. What had been a dream was becoming a nightmare.

I used to believe that a person who had been convicted of a crime at the trial level was thereupon presumed to be guilty. But now it seems that the convicted criminal is still presumed to be innocent until an appellate court has rejected his appeal, which usually happens and then the Supreme Court denies certiorari, which almost always happens.

Meanwhile, the convicted criminal is typically free on bail, and when his conviction is finally affirmed two or three years later, he can usually plead for a reduced sentence by showing he's led a blameless life since his arrest. This means the trial judge is dragged through the sentencing procedure twice, with increased emotional strain for everyone concerned.

I've enjoyed being a judge, but I sometimes wonder what I've accomplished. The law is a marvelous thing, but we don't get very far with statutes that try to alter human nature.

BISHOP ESTATE

I never wanted to be a Bishop Estate trustee. People assumed I did because my father was a trustee for the two years before his death in 1959; I was part of a lawsuit against the Hawai'i Supreme Court over the selection of a trustee, and because I was co-signer on the 1997 essay *Broken Trust* which helped fuel badly needed changes in the way the Estate was run. But that kind of job just isn't my style. Being a federal judge is more fun. And I get a salary until I die, or at least as long as I am on "good behavior." I could have made more money during my lifetime, but you have to ask yourself, "What's money?" My mother always said, "Money's nothing."

But not everybody feels that way. Bishop Estate started being treated like a cookie jar by politicians in the 1980s when the previously land-rich, cash-poor trust came into a great deal of money. Ironically, I had something to do with that. In 1979, based on the reasoning of state Circuit Court Judge Masato Doi's opinion, I upheld a law that let the state force the owners of leased land to sell it to the individual homeowners on that land. The buyers had to pay fair value, but that didn't make this an easy case from a legal standpoint. It just seemed wrong—at first blush anyway—to force landowners to sell their land to private parties, even if the prices were high. The resulting sale of Bishop Estate holdings made the estate a bit less land-rich, and a lot less cash-poor.

Mandatory leasehold conversion—that's what people called the state law—was more than just a legal issue. It was a political issue, because it was a cornerstone of the Democratic Party's platform and opposed by the Republicans—or at least the ones that weren't leaseholders wanting to buy the land under their homes. It was also a social issue, because Bishop Estate was and still is the largest private landowner in the state, by far.

I thought mandatory conversion was well within the state's police powers. I explained in my legal opinion, "The legislature had the right to conclude that Hawai'i's system of landholding was injurious to the social and economic health of the community."

This was a classic case of how a person's background or understanding of the local situation can affect his decision. I had to admit it was impossible for me not to be aware of

what, as I said in my ruling, was a “rather uncommon system of land holding” in Hawaii. From my perspective, living in Hawai‘i, I could easily see how the legislature concluded that leasehold conversion was good for society here. Someone from the Mainland wouldn’t necessarily see it that way. And many Hawaiians also disagreed. They felt it was improper for the state to take what they considered “their land,” and sell it to homeowners who were mostly non-Hawaiians. They would show up in large numbers at rallies, wearing t-shirts that said, “THOU SHALT NOT STEAL.”

All I was doing, essentially, was deferring to the wisdom of the state legislature. To rule the other way would overturn the thinking of the people elected to make policy for Hawai‘i. Even so, it seems strange to some that a former Republican candidate for governor would be the one to uphold the heart of the Democrats’ political agenda.

The controversy didn’t actually end with my decision. The Ninth Circuit Court up on the Mainland reversed me using phrases like “majoritarian tyranny” to describe the law that I had upheld. But then the U.S. Supreme Court reversed *them*—as it often did—upholding my decision, 8-2. The ninth justice, Thurgood Marshall, recused himself since he was married to a Hawai‘i girl.

I was not surprised when the Ninth Circuit reversed me, nor when the Supreme Court reversed the Ninth Circuit. I once asked a lawyer in my courtroom, “Do you remember that case we had a year ago or so?” “Yes,” he replied. “Well, the Ninth Circuit just affirmed my decision,” I said. And then, before he could say anything else, I added, “but I still think I’m right!”

I had tangled with Bishop Estate trustees and their political associates years earlier, when the justices appointed former City Councilman and Jack Burns’ protégé Matsy Takabuki in 1971 to the board of the Estate. The Hawaiians were furious because Takabuki was Japanese, not Hawaiian. The bells at Kawaiahao church rang loudly and there were big marches on Bishop Estate headquarters. Revolution was in the air.

I was still in private practice at that time, and I agreed to represent Kamehameha School alumni, parents and students who were questioning the justices’ involvement in the trustee-selection process. They had lost at the trial level and I took the case on appeal. I wasn’t so much interested in the racial angle. But I cared a great deal that the justices had

done what Burns told them to do. It was bound to politicize the trust and have a corrupting effect on our Judiciary.

The justices pushed politics to the breaking point twelve years later when they appointed Chief Justice Richardson to be a Bishop Estate trustee. Imagine that! The justices looked around the room and discovered that one of them was the best, most qualified person in the state to appoint to a job that would more than quadruple his salary. They even gave him an extra two years past the normal retirement date as a trustee. It was shocking but not really a big surprise. And the political manipulation didn't stop there. Not content with just a former Chief Justice on the Bishop Estate board, the justices added a Senate President, a House Speaker and a chairman of the Judicial Selection Commission.

The process was circular: Seven of the nine members of the Judicial Selection Commission were appointed by the Chief Justice, House Speaker, Senate President and Governor, and to become a Supreme Court Justice you had to get the Judicial Selection Commission to put you on a short list of candidates. Someone once asked me if these connections were just coincidences or could be attributed to political maneuvering. I told him, "If it quacks like a duck, walks like a duck, and lays duck eggs ... it's a duck!"

In the earlier Takabuki case, everyone knew that the justices had to disqualify themselves from deciding the case. After all, they were the ones who had made the appointment that my clients were questioning. But the replacements were selected by Richardson himself, though I argued that the replacement justices should be selected randomly by lot from the names of every circuit court judge. They were hardly independent. I was not surprised when they ruled in favor of the justices.

Takabuki was great with finances, but not necessarily great for a charitable institution. He pushed the Estate to invest its newfound wealth in high-flying Mainland investments. A substantial stake in Goldman Sachs worked out financially, but many others did not. More importantly, the trustees started treating Princess Pauahi's trust like their own investment company. That's how the IRS described all the wheeling and self-dealing in the 1990s, and it almost cost the Estate its tax exemption.

The money was flowing and they got carried away. But I continue to think that the things the (trust) stands for and the things it accomplished in the way of education and

support for Hawaiians has been good. In fact, until the Board became full of people who saw it as an opportunity to line their own pockets, I think the Bishop Estate did considerable good.

By then I was convinced that two problems needed to be fixed. The first was the political nonsense of having the justices select trustees. Granted, that is what the will of Mrs. Bishop stipulated, but times were different back then. When she wrote her will, the Supreme Court handled everything, including probate, and they were loyal to her. In effect, she was saying, “My servants will name the trustees.”

By the 1980s and 1990s, members of the Hawai‘i Supreme Court were political appointees; they lacked jurisdiction over probate matters; and Bishop Estate had a constant parade of disputes being decided by the state courts, including the Supreme Court, which had appointed them in the first place. A classic conflict of interests.

The second obvious problem was the money. Each trustee was taking \$800,000-\$900,000 a year in fees, plus a bunch of extras. Trust experts said the fees were way out of line, and that serious breaches of trust were apparent. The trustees were getting away with it because of the justices' too-close involvement, and the knee jerk support of Hawaiian groups. The rest of the community was told, in effect, to butt out.

What's wrong with a little exciting investment and a big trustee paycheck when there's a lot of money washing around? It's easy to forget in all this drama that Bishop Estate was founded with the express purpose of aiding and educating native Hawaiian children, not of enriching itself or its trustees. What made change possible was “The March” of May 1997. After years of defending the trustees against outsiders, the Kamehameha School *ohana* publicly criticized the trustees. Hawaiians had marched on behalf of the Bishop Estate before. But it was mostly in an effort to keep the larger community out of their affairs. That was the case with *Takabuki*. Many felt their kuleana was being meddled with. Over the years, when criticism of the Estate came up, their response was, in effect, “we’ll handle it ourselves.” This was different.

The marchers were particularly troubled by the antics of trustee Lokelani Lindsey, a former state education administrator from Maui who felt she knew best how to run the school and who some said was out to get rid of its beloved president, Michael Chun. So the

ohana gathered at the Royal Mausoleum in Nuuanu and marched through downtown Honolulu to Estate headquarters on King and South Streets. It was a remarkable display of courage, because the trustees were known to play rough. Photographers hired by the trustees were there, taking pictures of all the marchers so lawyers from a big downtown firm could prepare a file on each one.

The attorney for the marchers, Beadie Kanahele Dawson, later charged in court that the trustees had demoralized and gutted the educational core of the campus and its students by focusing on accumulating profits and letting Lindsay—who the other trustees had named "lead trustee" for education—impose her own warped ideas of what the school should be. Dawson wrote, "This case (also) concerns the estimated 40,000 children, many now grown to adulthood, who have been denied a Kamehameha education solely because Trustees have chosen deliberately or in inexcusable ignorance, to accumulate funds instead of furthering and expanding the Trust's benefit to more children."

I was watching this from a distance with growing concern. Then UH law professor Randy Roth, an expert on taxes and trust law, came to me with a draft of something that was highly critical of the trustees and the justices who selected those trustees. It was a long essay—it eventually became known as "Broken Trust"—and he asked if I would consider joining him. I had been a guest on his radio program, and we hit it off pretty well. After that we would occasionally meet and talk about all sorts of things, so he knew about my interest in Bishop Estate, which had nothing to do with Bishop Estate as such, but about the corruption of the judiciary.

I told Randy I was willing to be a co-author if it was okay with my wife. Randy later said he thought I was kidding about needing Annie's permission. I was absolutely 100% serious, but I knew she would say yes. Annie has been fully in favor of all my big decisions, except when I ran for office. I'll never do that again.

As expected, Annie's answer was, "Yes!" I relayed that to Randy and added some advice: "If it's just the two of us, it's not going to go anywhere. They're going to throw rocks. No one is going to pay attention to the issues."

After all, the haoles—newspapers and so forth—had criticized the trustees before. Nothing happened. The trustees would call up the newspaper editors and threaten all kinds

of economic disaster. Then they would round up the Kamehameha *ohana* and have them picket the legislature and all that kind of thing. In this case, if they hadn't already marched, the Ohana would have been organized by the trustees to come down and say "Impeach Judge King" and that sort of stuff.

I told Randy, "Always remember that we're in this to help the *ohana*; we're not the prime movers." The Ohana (Na Pua) were being pushed around by big lawyers and so we were able to help them. If we weren't supporting the Ohana, rather than attacking the Estate, I didn't want anything to do with it. I also told him we needed to beef up our ranks. Gladys Brandt, a former Kamehameha Schools principal, immediately came to mind. She was a widely respected community leader, and tough—boy was she tough. No way would she waver when the going got rough.

I later learned that Gladys herself had a bit of an ax to grind with the justices. Several years earlier, she had been appointed by Chief Justice Moon to chair a "blue ribbon" committee whose job was to make a short list of candidates for the next Bishop Estate trustee opening. Moon promised the committee that the justices would select someone from their list. He said this process would eliminate the politics. No chance. Moon and the other justices ignored the committee's list and instead named a buddy of then-Gov. Waihee who just happened also to chair the Judicial Selection Committee at key times. Gladys said the betrayal made her feel "used and abused," so she and the others renamed themselves the "black and blue" committee.

Randy went to Gladys's place and asked her to read the essay. She did so and then said to Randy, "You say Sam King is with you on this?" When Randy said that I was, Gladys said, "Then count me in."

Gladys understood what we were up against. To strengthen our team she suggested that we recruit Monsignor Charles Kekumano. He was head trustee of the Queen Liliuokalani Children's Trust, and he had a habit of sticking his nose into Hawaiian affairs when there was a problem. He had also served with Gladys on the "black and blue" committee. The two of them had been working together on education issues, going up to the Kapalama campus, talking with teachers and administrators. Gladys had even taken trustee Lindsay to lunch and tried to talk some sense into her, but that was like talking to a

stone wall, according to Gladys.

Then Randy suggested that we invite retired state judge Walter Heen to join us. I had long respected and thought highly of Walter, and I liked that he was a staunch Democrat. After all, we didn't want anyone thinking that our essay had anything to do with partisan politics.

The bad guys in this story were undeniably all Democrats, which would have stopped just about anyone in Walter's shoes, but it didn't stop him. Walter's got more smarts and guts than just about anyone I know. And like me, he was convinced that trustee selection was corrupting the judiciary.

I said, "That's great! We've got a Democrat, a Republican, a Kamehameha principal, a trust lawyer and a Catholic cleric." But there was something about this group that was sort of funny: In her will, Princess Pauahi required that her trustees and teachers always be "members of the Protestant religion," and some people in those days viewed that as code for "they can't be Catholics." Of the five Broken Trust authors, I think I was the only non-Catholic!

I suppose it was no accident that four of us were *kupuna*. The older you get, the less you care what other people think. In fact, the trustees later tried to discredit our work by saying we were "old and senile." When Gladys heard that, she said someone ought to explain to them that old and senile is the most dangerous kind.

I'm the first to acknowledge that few federal judges would intentionally put themselves at the center of the kind of controversy our essay unleashed. A lot of people think judges should keep their noses out of controversy, except in the courtroom. But Randy got an opinion from a professor at the law school, saying it was okay for me to be a co-author, and I got another one from a retired ethics professor.

My friend and fellow judge Martin Pence was concerned. "You shouldn't be out in public that way," he said. And he didn't say "maybe" you shouldn't do that, he said "*You shouldn't do that!*" So I said, "thank you for your advice" and went ahead. But as I said before, a judge is obligated to speak out from time-to-time.

I found out later that the trustees paid a big downtown law firm a lot of money to find a legal or ethical argument against my involvement. They wanted to change the

conversation from whether they were ripping off the trust to whether I had done something wrong. That was predictable. They eventually decided they couldn't do it, but someone had their guns out for me.

The five of us—we called ourselves Pauahi's gang—would get together and work on the essay: polish and so forth. We worked well together and had a lot of fun. Gladys and Monsignor were always cracking jokes and kidding each other. Make no mistake, though, we were dead serious about the subject matter of our essay and the need to take action: It was common knowledge at the time that you didn't get on the Court unless you would take a suggestion as to who should be a Bishop Estate trustee. That wasn't good for the Bishop Estate, and it wasn't good for the state judiciary, either. Gladys, Monsignor, Randy and especially Walter agreed that the justices had no business selecting trustees, and that it was corrupting the judiciary and politicizing the Estate.

We knew the essay would be controversial, but fortunately, the editors of the *Star Bulletin*, Dave Shapiro and Diane Chang, published it in its entirety the day after we gave it to them.

In the end, the trustees stepped down or were removed and the Supreme Court justices got out of the business of appointing trustees, which was essentially what I argued should have happened years before in the Takabuki case. I guess these things take time. My only regret is that the justices were never really held accountable for the damage they did.

One of my fondest memories from those days was attending a party the Monsignor gave for Gladys on her 91st birthday, which was shortly after the *Star-Bulletin* published our essay. Monsignor made a nice toast and then put a beautiful lei on Gladys's neck and gave her a little kiss on the cheek. To lighten the moment Gladys said, "Well, will you look at that! After 91 years I finally get a kiss from the monsignor." Without missing a beat, Monsignor said, "Kind of makes you wonder what she'll get next year, doesn't it."

On December 7, 2010, aged 94, Judge Samuel King suffered a fall in his Honolulu apartment and died of the resulting injuries. In Chicago, where King often heard cases as a visiting judge, Chief Judge James Holderman called his court to order the next day with a tribute to King, in which he spoke movingly about his love for "a great man." In Hawai'i, King's funeral services—a combination of Hawaiian traditional ritual and Episcopalian liturgy--were attended by many of Hawai'i's most prominent business, political and legal leaders, Republicans and Democrats alike, as well as ordinary citizens whose lives he had touched in some way. The eulogy was delivered by UH law professor Randy Roth, a co-author of the "Broken Trust" Essay and book.

Here are excerpts of what Roth had to say:

Abraham Lincoln said, "Nearly all men can stand adversity, but if you want to test a man's character, give him power." Samuel Pailthorpe King was the most powerful man I've ever known. His power derived from extraordinary intelligence, eloquence, charisma, and wit, not to mention 38 years as a federal judge. Yet the legacy he leaves is not about power. It's about character.

Sam genuinely cared about others and treated everyone with respect and aloha. He did not hesitate to stand up to injustice. He managed to stay humble throughout a lifetime of personal successes. And he did it all with humor and grace while being the most loving husband, father, grandfather, and friend imaginable.

Sam was my role model, mentor, and best friend. And I'm not alone. I've met many others who have said the same thing.

Sam and I first met about fifteen years ago when I asked him to be a guest on a call-in radio show that I hosted. The scheduled topic was O.J. Simpson's acquittal on charges of first degree murder. Not many judges would engage in a public conversation like that, but Sam said he'd do it, if it was okay with his wife Anne. At the time, I thought he was kidding about needing Anne's permission.

My first question during the live broadcast was whether Sam thought O.J. had done it. His response was that I had asked the wrong question. He said the right question was

whether the trial was fair. I enjoyed and learned more from that interview than from any other.

Sam had similar control over his courtroom, which was one reason why lawyers respected him so much. One practicing lawyer spoke for many in describing Sam as “born to judge,” and as providing “predictable fairness.”

There was also a healthy dose of humor in Sam’s courtroom. One day there was a case involving eight exceptionally large reputed gangsters. Prospective jurors were coming up with one reason after another not to serve. When a woman said she would be willing to do her duty, but that she was about to move to Maui, Sam responded, “Oh, well, here today, gone to Maui.” The prospective jurors had a good laugh and the newspapers had a headline that eventually ended up on T-shirts. Sam later explained: “I didn’t invent the expression. I just used it to ease the tension.” It worked perfectly: he was able to assemble a jury.

Sam never for a moment considered that his duties as a judge ended when he left the courtroom. He once commented that the whole purpose of government, besides maintaining public safety, is to protect the under-privileged from the privileged. At a different time, he told a reporter, “Every judge has an obligation: If you see something wrong in the community, you speak out against it.”

Sam made a life-long habit of standing up to injustice and abuses of power. One example is from the late 1940s before he became a judge: The founders of the local chapters of the League of Woman Voters and American Civil Liberties Union, Allan and Marion Saunders, were being singled out for their “un-American” activities. To Sam it looked like a witch hunt. So he called the financially strapped couple to ask if they had a lawyer. When they said “no,” he responded, “Well, you do now.”

In 1997, I asked Sam if he would be willing to provide hands-on help with a public critique of the sitting Bishop Estate trustees. A federal judge’s personal involvement in such an effort would itself be highly controversial. Once again Sam said yes . . . if it was okay with Anne.

Sam set the tone and direction of that effort, just as he had done when I interviewed him on the radio. He recognized that it would take more than two voices to succeed, but there was a potential problem: each of the essay’s other eventual authors--Gladys Brandt,

Monsignor Kekumano, and Walter Heen—also had good reasons not to get involved. But when Gladys saw the first draft of the essay she had only one question: “You say Sam King is with you on this?” I confirmed that he was, and she said, “Then count me in.”

As the group’s reporter, I did my best to put our collaborative thoughts into writing, and then Sam and the others commented. Sam liked brevity. He wrote on one of my drafts, “There’s more here than I ever wanted to know.”

After the essay appeared and evidence of additional fiduciary abuse came to light, a reporter met with Sam and me to talk about the latest revelation of trustee misconduct. Sam nodded in my direction, so I proceeded to provide what I probably thought was a brilliant lecture on fiduciaries and fiduciary duties, but the reporter looked confused. Then Sam added, “I don’t think those trustees know how to *spell* ‘fiduciary,’” and the light went on.

Working with Sam for five years on the Broken Trust book was fun, and it gave me an opportunity to spend time with his three children: Sam Jr., Louise, and Becky, and to hear Sam provide updates on the adventures and accomplishments of his six grandchildren: Chris, Sam, Sara, Charlotte, Anne, and Nawa. Sam’s family has a treasure trove of amazing memories, including from a very low-budget, eye-opening trip around the world during the children’s formative years. The stay in India impressed on them how much they had been given, and how much they had to give.

The King children once assembled a booklet on their parents’ wit and wisdom. Here are several examples of things their father would often say to them, that—because of the surrounding circumstances—never failed to produce smiles and insights: “If you don’t want to do something, one reason is as good as another.” “If a man says his word is as good as his bond, get his bond.” “Our suspicions of others are based on our knowledge of ourselves.” “Laws are created for people; people aren’t created for laws.” And finally, “Everything I say is either interesting or original—the part that’s interesting isn’t original and the part that’s original isn’t interesting.”

Humor was a big part of the King household. I recall asking Sam the secret of his long, happy marriage. He stressed to me the importance of saying to my wife, as often as possible, those three magic words: “Let’s ... eat ... out.”

From his family and long-time friends, I learned that Sam had *ali'i* ancestors on both sides of his family tree. His *haole* ancestors included one who was made Governor of Oahu by Kamehameha I, and a sea captain who had set out on his own from the Donegal area of Scotland when he was 14 years old.

Sam was fiercely proud of his Hawaiian roots, but he actually was born in China while his father was serving as the captain of a U.S. Navy gunboat. Sam later described his stay in the country of his birth as just long enough to learn how to cry in Chinese.

Sam lost an eye in an accident when he was six years old, but he never raised the subject. I once asked him what it had been like to lose an eye as a young boy. He shrugged and said, "You only need one, you know."

Sam attended Central Grammar School and then Punahou on a scholarship, where he was the student body president, one of the state's top milers, captain of the rifle team, and a national-caliber orator. His speech-making skills won him a trip to Europe. During that trip he wrote a regular column for the Honolulu Star-Bulletin, called To Europe with Sam King. He was 17 years old, and already a Renaissance man.

Sam had scholarship offers from both Harvard and Yale, and chose the latter for both undergraduate and law studies, graduating with honors in 1940. He then earned his way back home by working on a freighter, spending six hours a day steering the vessel, and the rest of his time studying for the bar exam.

After Pearl Harbor was bombed, he became an officer in Naval Intelligence and was stationed in New Orleans because of his fluency in French. Sam wanted to get closer to the action, so he applied for the Navy's Japanese language program. Anne also had applied for that program, in her case immediately upon graduating Phi Beta Kappa from Smith, where she majored in Greek.

It didn't take Sam long to make up his mind about Anne: Two weeks after their first date, he proposed. Anne responded with a Japanese word that expresses great surprise, and said that she didn't approve of wartime marriages. "But that's the only kind there is in wartime!," pleaded Sam. Anne thought about that for a moment, and then told him to ask her again in three days. Three days later he asked again, and this time Anne said yes.

When Leslie Wilcox interviewed Sam as part of her Long Story Short series, she asked what it was about Anne that attracted Sam. He said Anne was obviously intelligent, and then, with a twinkle in his eye, he added, “and she looked good . . . coming and going.”

After the bombing of Hiroshima, Sam received orders to leave for Japan immediately. Once there, he toured the rubble in Hiroshima serving as a translator. He then served on board a mine sweeper in Tokyo Bay helping allied forces locate and collect mines. Talking about it years later, Sam made it sound like just another day at the office: “Translating mine charts wasn’t too hard ..., [I just had to] identify the area, and then the distance and the speed.... [I]t was all in Japanese, but it was very simple Japanese.”

After the war ended, Sam practiced law for a dozen years before being appointed a state judge. When Senator Hiram Fong asked him in 1972 if he was interested in being appointed to the federal bench, Sam responded, “Let me put it this way . . . *YES!*”

Sam was a humble man who seemed to give little thought to material possessions. For decades while serving as a federal judge, he drove an old Volkswagen bug. There was one form of material possession, however, that Sam loved—and that was his books. According to Doug Ushijima, “To know Judge King one need only have seen him as we law clerks did every day at his desk surrounded by his personal library of some 6,000 books. Not law books (he kept those with the clerks), but American and world history, biography, politics, Polynesia, science, philosophy, mystery, humor. He often said—tongue-in-cheek, but with truth—that he could never retire because he needed someplace to keep his books.”

Sometimes Sam’s ability to do things seemed almost otherworldly. For example, he once ordered it to rain—and it did! The story began five years earlier when he was a visiting judge in California, and downpours had prevented jurors from making it to the courtroom. So Sam decreed from the bench, “I hereby order that it cease raining.” The rain stopped later that day. In fact, that happened to be the beginning of a statewide drought. Five years later, when the director of the Santa Clara Water District heard that Sam happened to be presiding over another case in California, he wrote a letter asking Sam to rescind the earlier decree. Sam’s secretary Rebecca (who, incidentally, worked for him for 55 years) showed Sam both the letter and an extended weather report predicting rain. So

Sam issued a formal decree, ordering the rain to fall. Sure enough, a fierce rainstorm commenced the next day and continued for days. Sam explained to reporters that these events were “proof positive that we are a nation governed by laws.”

A year or so ago Sam and I talked about the important things in our lives. I asked what he considered the meaning of life, and he said, “Family.” Then I asked what had been his proudest moment over the course of his entire lifetime, and he said, “Marrying Anne.” Finally, I asked him how I could become wise, like him. He just smiled and said, “Let’s go have lunch.”

All of us gathered today, and especially Sam’s family, are feeling a great loss—an almost unbearable loss. But I can’t help thinking that Sam would want us to concentrate on what we have been given and what we can give; to celebrate life; and to carry on his legacy of *pono* and *aloha*.

While many words like this were shared in the wake of King's passing, he had his own say, in a way. In one of the final conversations with Jerry Burris and Ken Kobayashi leading to this book, King reminisced about his philosophy and his hopes and dreams for the future of his beloved Hawaii:

TOWARD THE FUTURE

I love Hawai'i, and in some ways I would like to think it will never change. But it will. It is changing rapidly already. We are going to become more and more like California. Why? Because California simply overwhelms us. They're something like the 6th largest economy in the world. California people come over here, and they love it, and a lot of them stay here. They use what we have. And we already have resource problems, water in particular.

That concerns a lot of people, of course. But it matters particularly to the Hawaiians. I could feel that during the Kaho'olawe trespass trial with Walter Ritte and Emmett Aluli. They were sincere about their concern over the military bombing of Kahoolawe. It seemed to me the issue wasn't the military—although some people tried to make it that—but rather it was about Kaho'olawe itself. The island isn't worth anything commercially, but that doesn't mean Kaho'olawe is only good for bombing. Even if it never had much of a Hawaiian population, it remains sacred to some Hawaiians, and we should respect that. Around that time, the military was saying, "If we can't train on Kaho'olawe, then we have to get out of here—leave the Islands." That was nonsense. They're not here for training; they're here because they are 3,000 miles closer to the Far East.

So while we in Hawai'i are a lot like the rest of the United States—and becoming more so—I think and hope that we will always be the aloha state. Our only unique asset is that this is the home—and the only home—of the Hawaiian race and its culture. After 100 years of see-sawing policies, we are gradually coming to a more universal understanding that it is necessary to promote and preserve Hawaiian openness, the Hawaiian language, the Hawaiian approach to dispute resolution, the Hawaiian values of *aloha* and *pono*. I believe we have the best example in the world of reasonable peaceful existence among competing cultures and races, and that Hawaiians need to be leaders in preserving and improving this

example of humanity at its best.

We live on islands--we can't get away from each other. If we want to stay in Hawai'i, we have to fix relations, not sever them. In Western law, we have an adversarial system, and all too often, our legal system leaves little option other than to sue for damages if one is harmed by another. Somebody loses, somebody wins. Polynesians focus rather on reconciliation and consensus -- what the Hawaiians call *ho'oponopono*, based on the Hawaiian concept of *pono*, doing something in the right way, the just way.

It's the same across Polynesia. In Samoa, there is a similar tradition of *ifoga*, in which one family renders a formal apology to another for a serious offense. Rather than punish the perpetrator, the goal is to bring peace and restore harmony between the families. The framers of the Constitution of the Federated States of Micronesia essentially adopted Western, or American, law as their basis, but they added that the Constitution should be consistent with Micronesian customs and traditions. In other words, if there is no specific statute, courts are to substitute Micronesian customs and concepts of justice. This makes a lot of sense on a philosophical level. I wish we had more of that kind of latitude here in Hawai'i. After all, our state motto is "*Ua mau ke ea o ka aina i ka pono*"--the life of the land is preserved in *pono*, in righteousness.

In the long term, my hopeful view is that as more and more Mainlanders move here, they will come here, fall in love with the place, and embrace the concept of *pono* and other qualities that help us get along on these tiny islands.

In my courtroom, I try to take into account what is *pono*, or right, as well as what the law says. This sounds like a Hawaiian thing, but it's really more universal. It's like that old saying that a good jurist is someone who knows how to temper justice with mercy. I even have hope for Californians. Earl Warren, the former governor of California, was a great Chief Justice. He always said he would determine what was fair and then come up with the legal basis accordingly. I agree with that philosophy.

APPENDIX: A LAW CLERK PERSPECTIVE

Douglas Ushijima, Law Clerk 1992-93, 1994-95, 1998-2010

Judge King had 56 law clerks in his 38 years as a federal judge. District judges are allocated two law clerks, who are attorneys that research the law, draft orders and opinions, and assist their judges with managing cases and other tasks. Sometimes called “elbow law clerks” because they work closely with a single judge, they may serve as sounding boards and advisors. Because of their role, most elbow law clerks gain unique perspectives on their judges, and with Judge King we saw him at his best.

Judge King began with a traditional model of hiring new graduates. He told one clerk that he liked to select law clerks from the Law Review of Ivy League schools “because they generally were liberal and could keep him honest.” Later, he changed his mind. He didn’t say if it was the “liberal” part or the “keep him honest” part that was wrong.

After a few years, he made it a point to hire at least one “local” clerk, someone from Hawai’i who could easily understand the context of cases. He taught by example and must have known his clerks would later contribute to Hawai’i. And many have gone on to serve as judges, government officials, and prominent members of the bar -- a type of legacy so to speak. He believed in the University of Hawai’i Law School, hiring many of its graduates. He also hired women when others might not have; almost half his clerks were female.

Almost every King clerk loved their job and wanted to stay. But Judge King said his clerkships lasted a year because “after that, they start to think they’re the judge.” As he got older he switched to a newer model and hired a few clerks -- who had learned never to “think they’re the judge” -- for longer periods.

“Puisne” judges he would call us. Puisne means “inferior in rank.” Pronounced “pyoo nee,” his booming laugh followed every time he said it. Every clerk remembers their first day answering the office phone when Judge King would call and ask, referring to himself, “Where is the lazy bum?” and then break out laughing as the clerk struggled to respond. It set the tone, and we soon came to know him as a wise and powerful man who knew his role, but didn’t take himself too seriously.

As the introduction says, he wasn’t overly concerned with material wealth. Federal judges must file an annual financial disclosure statement, available ostensibly so the public can check for conflicts of interest. Some Judges don’t like the intrusion as others measure their finances. Judge King, however, joked about the opposite: “I really don’t like doing this; everyone can now see that I have nothing.” But he did just fine, taking care of his family and choosing to travel whenever possible. He saw an expensive automobile at Oahu Country Club and asked Mrs. King, “do you want one of those, or shall we go to Paris for a month?” She answered, “Paris, of course.”

At a clerk reunion, many clerks shared remembrances exemplifying his wit and wisdom. A clerk remembers him asking an Assistant U.S. Attorney to show an exhibit to the jury. When the prosecutor had difficulty finding it, Judge King quipped: “It’s alright. I don’t want to make a federal case out of this.” Which says it all. Judge King was a federal judge who didn’t want to make a federal case out of anything. He was an important man who didn’t show it. An extraordinary man who embraced ordinary people. He didn’t demand respect, but he always got it.

He used his quick wit to control the courtroom. Once, during a jury trial, the testimony of a defense witness was clearly aggravating the plaintiff (“Mr. Z.”). Shortly after the witness finished testifying, Mr. Z took the stand and, red faced and shaking with anger, thundered into the microphone, “Your honor, may God strike me dead if that last witness wasn’t lying!!!” Judge King, without missing a beat, replied, “Now there, Mr. Z, there’s no reason to drag God into this. That’s why we have a jury.” This brought down the house (and calmed Mr. Z down).

The Judge often served on the mainland. During a criminal hearing in California, counsel for the defendant complained to the Judge about the government’s tactics in bringing a conspiracy charge against his client. The Judge stated that it was no surprise to him how the government had

acted, and without missing a beat, explained in a clear baritone voice that, in conspiracy cases, the government “throws its net . . . into the sea, and all the *humuhumunukunukuapua’a* come a swimming to me. . . .” Makes perfect sense to someone from Hawai‘i, but the mainland counsel looked amusingly confused.

The Judge performed very heartwarming naturalization ceremonies in his courtroom. He instilled pride in each new citizen and urged every one of them to use wisely the precious gift they had just earned -- the right to vote.

A lawyer told the Judge he could not render a certain ruling because of a Ninth Circuit case. “If that is what the Ninth Circuit said, counselor,” mused the Judge, “then I’ll give them another chance to say it.” Nevertheless, he followed the law, and later gave a corollary: “The Ninth Circuit affirmed me, and I still think I’m right.” He adopted a practical philosophy. He said Judge Martin Pence told him early on, “they pay us to be decisive and do what we think is right; they pay the Ninth Circuit to fix our errors.”

The Judge always defended Hawaii’s “cultural heritage.” One clerk remembers a large antitrust case involving beer distributors, where there was an argument over whether one of the plaintiffs was an appropriate class representative. Her name was something like Jade Flower Ogawa. One local attorney objected to her because she ran a “Korean bar.” Mainland counsel objected to the objection, noting that Ms. Ogawa was not Korean, but was in fact Japanese. Judge King put the matter to rest by ruling “In Hawaii, the term ‘Korean bar’ is a term of art.”

It was not all fun and games. For a time, after Judge Dick Yin Wong died, Judge King was the only active judge and handled almost everything. He worked hard, often sitting by designation on the Ninth Circuit in his second favorite city, San Francisco. Judge King understood the power of his position, and had an imposing presence. He knew the law, and ran a tight courtroom with high expectations of lawyers who appeared before him.

His sense of humor came with a sense of human nature, of logic, of right and wrong. He was an “old school” big-picture judge, not too caught up in the minutiae, with a perspective and wisdom few will ever have. He surrounded himself with his always-growing personal library and brought that and his vast life experiences to his judging. He inspired us all.

LAW CLERKS OF JUDGE SAMUEL P. KING (by year)

1. Bruce Bigelow	1972-73
2. Kevin B. Hughes	1972-73
3. Charles H. Hurd	1972
4. Charles L. Woltmann	1973-74
5. Archibald C.K. Kaolulo	1973-74
6. George Balis	1974
7. William A. Cardwell II	1974-75
8. Anthony S. Chan	1975-76
9. Robert P. Feldman	1975-76
10. Susan Waggener	1976-77
11. Charles F. Gorder, Jr.	1976-77
12. Thomas K. Kaulukukui, Jr.	1977-78
13. Michiro Iwanaga	1977-78
14. Michael S. Cucchissi	1978-79
15. Louise Ing	1978-79
16. Deborah Ching	1979
17. Philip Doi	1979
18. Mark J. Bennett	1979-80
19. Karen L. Peterson	1979-80
20. Charlotte Schwab	1980-81
21. Allen K. Mukaida.	1980-81
22. Steven G. Reade	1981-82
23. David W.K. Wong	1981-82
24. Laird M. Robertson	1982-83
25. Kathryn S. Matayoshi	1982-83
26. Mark J. Coleman	1983-84

27. Sharyl Walker	1983-84
28. Richard G. Wallace	1984-85
29. Lyn Anzai	1984-85
30. C. Brandon Wisoff	1985-86
31. Leslie Allen	1985-86
32. Joyce E. McCarty	1986-87
33. K. James Steiner, Jr.	1986-87
34. Hannah Rabkin	1987-88
35. Brad S. Petrus	1987-88
36. Laurie Kuribayashi	1988-89
37. Michael J. Morris	1988-89
38. Lisa M. Ginoza	1989-90
39. Robert Lee Wilkerson	1989-90
40. Dawn R. Ross	1990-91
41. Gaye Y. Tatsuno	1990-91
42. David F. Andrew	1991-92
43. Trisha M. Kimura	1991-92
44. Douglas Ushijima	1992-93
45. Ann-Marie McKittrick	1992-93
46. Geoffrey K.S. Komeya	1993-94
47. Donna H. Kalama	1993-94
(44) Douglas Ushijima	1994-95
48. David Harada-Stone	1994-95
49. Emily Kawashima Waters	1995-96
50. Colleen E. Boyle	1995-96
51. Robert W. Wachter	1996-97
52. Carol A. Uyeno	1996-97
(49) Emily Kawashima Waters	1997-98
53. Stacey Kawasaki Djou	1997-98

54. Sandra Wilhide	1998-99
55. Elijah Yip	1999-2001
56. Tatyana Cerullo	2001
(49) Emily Kawashima Waters	2002-2004
(44) Douglas Ushijima	1998-2010

APPENDIX: TIMELINE

SAMUEL P. KING

1916	Born April 13 in Hankow, China
1922	Loses sight in left eye
1923-1928	Central Grammar School
1928-1933	Punahou School
1933	Finalist in National oratorical contest
1933-1937	Yale College
1937-1940	Yale Law School
1941	Assistant Attorney, Territorial Department of Public Works; Assistant Attorney, Territorial Department of Attorney General
December 7, 1941	On Ō'ahu during bombing of Pearl Harbor
1942	Assistant Attorney, War Shipping Administration, Washington D. C.
1942 – 1946	United States Navy, active duty
1943 – 1944	Navy Japanese Language School
1944 –	Married Anne van Patten Grilk in Boulder, Colorado

1945 – 1967	United States Naval Reserve
1946 – 1961	Private law practice in Honolulu
1947	Birth of Samuel Pailthorpe King Jr.
1948	Birth of Louise van Patten Keali'iloma King
1950	Birth of Charlotte Lelepoki King
1953	President, Hawaii Bar Association
1953 – 1955	Chairman, Hawaii Republican Central Committee
1956 – 1961	Part-time Ō'ahu district magistrate
1961 – 1970	Circuit Court Judge
1965	Co-translator and co-editor with George Leckie of O. Korschelt's "The Theory and Practice of Go"
1966 – 1970	Co-founded Family Court with Judge Corbett
1970	Leaves bench; Republican candidate for governor
1971-1972	Member of Republican National Committee
1971	Represented Kamehameha School alumni and parents who questioned the trustee selection process
1972 – 2010	U. S. District Court Judge

1974 – 1984	Chief Judge, U. S. District Court
1984 – 2010	Active calendar as Senior Judge
1997	Co-Author Broken Trust (Essay)
2006	Co-Author Broken Trust: Greed, Mismanagement and Political Manipulation in America's Largest Charitable Trust (Book)
December 7, 2010	Passes away after accident at home

APPENDIX: FAMILY TREE

See chart