

Research Article

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Disrupting Carceral Narratives: Race, Rape, and the Archives

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Abstract: Using critical archival studies as a methodological frame, this paper applies theories of the carceral archive to two historic legal cases: the Ala Moana Boys and the Central Park Five. Through these two cases I demonstrate that engaging the three primary underpinnings of the carceral archive—documentary records, narrative construction, and Foucauldian conceptions of “the carceral”—can critically expose, complicate, and unsettle carceral narratives, providing a new theoretical framework for troubling what Nigerian author Chimamanda Adichie calls “the danger of a single story” in the historical record. Finally, I argue that it is through disrupting carceral narratives and centering more liberatory counter-narratives that archives might envision and promote themselves as sites replete with emancipatory impulses and ripe with liberatory potential.

Keywords: archives, narratology, race, carceral, Massie, Central Park Five

1 Introduction

In the early morning hours of September 13, 1931, a 20-year-old Navy wife, Thalia Hubbard Massie, reported to police in Honolulu, Hawai‘i that she had been pulled into a car, driven down Ala Moana Road (or Beach Road, now known as Ala Moana Boulevard), beaten, dragged into the brush, and raped by four or five Hawaiian men. Within hours, Honolulu police had rounded up five suspects, young men in their early twenties who all hailed from the working class Kalihi-Palama neighborhood of O‘ahu. Of the young men, only two were actually Native Hawaiian; two were Japanese, and one was Chinese-Hawaiian. Collectively they would come to be known as the “Ala Moana Boys.” One month later, on October 12, 1931, the Ala Moana Boys were formally indicted for the alleged kidnapping and rape of Thalia Hubbard Massie, wife of Navy Lieutenant Thomas Massie.

The trial of the Ala Moana Boys drew national attention at a time when lynchings were still common in many parts of the United States. (The trial of the nine Scottsboro Boys, falsely accused of raping a white woman in Alabama, had occurred only six months prior, and a local sheriff had been forced to call in the Alabama National Guard to forestall a lynching.) It was little surprise, therefore, that when the Ala Moana Boys’s trial ended in a hung jury after just one month, it served to anger many in Hawai‘i’s white community. Navy officials began to increase existing pressure to bring Hawai‘i—at this time a United States territory—under military rule, and on the United States mainland, or Turtle Island, newspapers and other media were brimming with American outrage at the alleged failure of Hawai‘i’s justice system to protect white women from being attacked by “brown natives (Simpson, 1932, p.1).”

Almost sixty years after what is now known as The Ala Moana Case (the precursor to the highly

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publicized Massie Affair in which Clarence Darrow defended the Massies for murdering Joseph Kahahawai, one of the five Ala Moana Boys), on the other side of the nation two New York City juries would determine the fate of five other young men accused of raping a white woman. Between 1990 and 1991, five Black teenaged boys, aged 15-17—who are now commonly referred to as the Central Park Five (or, the Exonerated Five)—were accused, tried, and convicted of the brutal sexual assault of Trisha Meili, a woman who had been jogging in Central Park on the night of April 19, 1989. Just as with the Massie case, when news broke of Meili's assault, the American public was outraged by the injury of a white woman at the alleged hands of five Black boys: New York Times headlines screamed “thugs” and “gangs” and “wild” and New Yorker Donald J. Trump called for the death penalty in a paid full-page advertisement in all four major mainstream New York City newspapers including the New York Daily News (Trump, 1989). However, just as a jury could not find fault in the case of the Ala Moana Boys, the Central Park Five were eventually exonerated—twelve years later, in 2002.

Haitian anthropologist Michel-Rolph Trouillot argues in his book *Silencing the Past: Power and the Production of History* (1995) that “power does not enter the story once and for all, but at different times and from different angles. [Power] precedes the narrative proper, contributes to its creation, and to its interpretation (p. 28).” In history, Trouillot asserts, “power begins at the source (p. 29).” In the cases of both the Ala Moana Boys and the Central Park Five, the media, political establishments, and the criminal justice system wrongfully accused a group of five young men of color of sexually assaulting a white woman. These accusations, made by sources generally considered to be reputable and trustworthy, contributed to the construction of what I call *carceral narratives* about the defendants. Designed to exercise and reinforce existing systems of power and control as Trouillot asserted, carceral narratives are those narratives that contribute to and emerge from *carceral archives*, where carceral archives are “comprised of records—or collections of records—held by institutions, [wherein one or both work] in the service of oppressive state powers (Sutherland, 2019).” Carceral narratives were developed in both instances from sources such as the mainstream media, political establishments, and criminal justice system; it was also true, however, that in both cases conflicting narratives were also developed. *Non-mainstream* news sources—such as the “ethnic” presses—proffered contrasting narratives, courtroom testimony was inconsistent (at best), and eyewitness accounts suggested timelines of events that would belie guilt. For example, The New York Amsterdam News, a prominent Black newspaper in New York City since 1909, reported that the indictments and trials of the Central Park Five amounted to a “lynching” (Tatum, 1990, July 21). Similarly, in Hawai‘i, counternarratives were supported: eyewitness testimony and an independent investigation by the Pinkerton Detective Agency not only proclaimed the innocence of the Ala Moana Boys, but cast severe doubt on Thalia Massie’s allegations, including the entirety of the account of her attack on the evening of September 12, 1931 (Pinkerton Agency, 1932).

What can a retrospective study of the historical records produced by these two incidents tell information scholars about how carceral narratives are constructed? And how might information scholars use this knowledge to support counternarrative construction? Using critical archival studies as a methodological frame, this paper applies theories of the carceral archive to two historic legal cases: the Ala Moana Boys and the Central Park Five. I argue that engaging the three primary underpinnings of the carceral archive—documentary records, narrative construction, and conceptions of “the carceral” that, grounded in Foucault, address power, knowledge, and social control vis-à-vis societal institutions—can critically expose, complicate, and unsettle carceral narratives, providing a new theoretical framework for disrupting what Nigerian author Chimamanda Adichie calls “the danger of a single story” in the historical record (Adichie 2009).

2 Methodology and Theoretical Frameworks

This study uses critical race theory to animate critical archival studies as a methodological frame. As a critical methodology, critical archival studies: “(1) explains what is wrong with the current state of archival and recordkeeping practice and research and identifies who can change it and how; (2) posits achievable

goals for how archives and recordkeeping practices and research in archival studies can and should change; and (3) provides norms and strategies and mechanisms for forming such critique (Caswell 2016).” Archival studies scholar Michelle Caswell, in her 2016 article, “Owning Critical Archival Studies: A Plea,” further asserts that, “Critical archival studies, like critical theory in general, is unapologetically emancipatory in nature. In critical archival studies, the transformation of archival practice and research is the ultimate goal (Caswell 2016).” Using primary source documents, including courtroom testimony, newspaper reports, first-person accounts, and official reports, this paper interrogates and makes use of four discrete categories of archival records: legal records, government records (including government-solicited reports), print media, and narrative accounts, to interrogate how these records draw upon and/or contribute to carceral archives.

I extend thinking around carceral archives introduced in my 2019 article, *The Carceral Archive: Documentary Records, Narrative Construction, and Predictive Risk Assessment* in which I argue that “[what] is perhaps the most important impact of carceral archives is the justifications for oppression that are codified, reinscribed, and reinforced in these spaces, from carceral records and recordkeeping practices to the narratives that emerge from them.” How were the records created during the trials of the Ala Moana Boys and the Central Park Five used to reinforce racist stereotypes, contribute to carceral narratives, and bolster systems that seek to justify oppression? This paper argues that the documentary records examined in each case, both generate and draw upon a carceral archive, rendering their subjects vulnerable to the carceral state.¹

Michel-Rolph Trouillot (1995) similarly argues that it is the concrete traces of the past (the “materiality of the socio-historical process”)—such as “buildings, dead bodies, censuses, monuments, diaries, and political boundaries”—that set the stage for future historical narratives (p. 29). This study takes up the material traces of its two sites of inquiry—the cases of the Ala Moana Boys and the Central Park Five—using the archival records and other documents they produced to elucidate the narratives and counter-narratives of each event, redress ideas about risk and harm, and problematize how those narratives have persisted over time.

Finally, this paper contributes to what Ruha Benjamin (2016) calls the *carceral imagination*. With the aim of “urging a sustained, field-wide commitment to incorporating critical race approaches” in science and technology studies (STS), Benjamin, in her work at the nexus of STS and critical race theory, argues that a “critical race STS agenda builds upon feminist, postcolonial, and critical disability approaches, which in turn would benefit from greater consideration of how carceral imaginaries seek to contain individual bodies and collective visions of the future (Benjamin, 2016, p. 151).” This paper is, in many ways, a similar plea for information studies. As information galaxies shift and information and communication technologies evolve over time, information studies scholarship has too often failed to connect the construction of damaging carceral narratives to actual carceral outcomes in the lived experiences of Black, Indigenous, and other people of color. Here, too, this paper seeks to make an intervention.

3 The Ala Moana Case

The social order in Hawai‘i in the 1930s was ripe with racial tensions. As the local economy began to revolve increasingly around tourism, and more haoles (people from the US mainland, or Turtle Island) came to live in the islands, they brought with them the racial attitudes and assumptions that prevailed on the continent. A white woman, recently arrived in the islands, was quoted as saying:

¹ Author’s note: Although my original conception of the carceral archive employs digital culture studies, carceral archives fall within the broader scope of what one might think of as “information galaxies”: the entirety of the world of information in which we exist. The digital culture around any given event might be seen as one element of a larger information galaxy. While digital culture served as an appropriate frame for my 2019 study, in that the study focused on the “social media landscape in which the surveillance of data cultures thrive,” a broader theoretical application that takes up information production holistically as part of the carceral archive (rather than just the digital media landscape), is a more productive construction for this study, in which the two sites of inquiry predate the digital age.

I was raised in the South. If my old Negro mammy should come here I would hug and kiss her—but the Negro belongs in his place. I can't endure the Hawaiians. I go in swimming at the beach to cool off, but I begin to boil when I see how some of the white women act up with Hawaiian men ... My boy has a Hawaiian friend at school. I try to appeal to his pride to induce him to choose another pal. I don't want any half-breed grandchildren. The mere thought of it makes me boil (Richardson Report, v. 3 p. 495).

To understand the social environment Honolulu in the early 1930s, it is useful to call on poet Don Blanding, who notes in his book *Hula Moons* (1930) that “[the] newspapers publish the news, while the word-of-mouth carries the gossip, scandal, conjecture and rumor which make up three-fourths of the conversation ... Honolulu loves its dish of scandal ... anyone who thinks he gets away with anything there just doesn't know his Honolulu (p. 167).” The local phrase for this informal communication network was (and still is) the coconut wireless, and it had nothing nice to say about Mrs. Thalia Massie; that is, at least, until her alleged assault.

In the late, night hours of September 12, 1931, 20-year-old Thalia Hubbard Massie left a party that she had attended with her husband, Tommie, a Naval officer stationed at Pearl Harbor Naval Base in Honolulu, Hawai'i. Thalia would later tell Tommie and the police that she been pulled into the bushes and brutally attacked while walking alone along the streets of Honolulu's Ala Moana/Waikiki neighborhood, alleging that several Hawaiian men had kidnapped and raped her. Before dawn on September 13th, Thalia Massie had relayed the story of her attack three times, each time saying that she could identify neither her assailants nor their car. By morning, however, Massie's story had changed. In the months that followed, Thalia Massie, the five defendants (dubbed the Ala Moana Boys), eyewitnesses, the media, and independent investigators would all offer vastly differing accounts of the evening's events.

According to Thalia Massie's courtroom testimony on November 18, 1931, she had been at a dance at Honolulu's Ala Wai Inn, a popular watering hole near Waikiki. Thalia testified that she left the dance shortly after 11:30 p.m. because she was “bored and tired of the party (Massie Testimony).” Other partygoers reported that Massie had actually stormed out of the party, after slapping a Naval officer who had insulted her (effectively calling her a whore), and then disappeared alone, into the night (Pinkerton Agency, Stannard 2005).

Mr. and Mrs. Eustace Bellinger, their neighbors Mr. and Mrs. George William Clark, and the Clark's son, George Clark, Jr. told police that just before 1 a.m. on September 13, 1931, while traveling down Ala Moana Road in Honolulu, the headlights of their car caught the figure of an elegantly dressed woman in a green evening gown; the woman was walking toward them, alone, and waving her arms as if to get their attention (Pinkerton Agency, p. 3-7). Later, describing this same scene in her testimony at the trial of the Ala Moana Boys, Thalia Massie would say, “I was very much dazed. I wandered around in the bushes and finally came to the Ala Moana; I saw a car coming from Waikiki and ran toward the car waving my arms; the car stopped; I ran to the car and asked the people in it if they were white; they said yes. Then I asked them if they could drive me home. They said they would, and I got on the front seat (Trial Transcripts).”

When her husband, Tommie—who had assumed she had left the party with friends and was socializing with them at their home—finally contacted her later by telephone, Thalia's testimony indicates that she told him “something awful [had] happened” and asked him to come home (Massie Testimony). Upon Tommie's arrival, Thalia claimed to have been kidnapped and sexually assaulted by a “gang of Hawaiian men,” later stating specifically to law enforcement that “they were Hawaiians.” Although she claimed in the police report to be able to tell the difference between and among people of Native Hawaiian, Chinese, and Japanese decent, by morning, Thalia Massie had identified five young men as her assailants: Horace Ida (24), Joseph Kahahawai (20), Henry Chang (22), David Takai (21), and Benjamin Ahakuelo (20). Of the men, two were Native Hawaiian, two were Japanese, and one was Chinese-Hawaiian. All five men denied any knowledge of an attack on a white woman. Police tried all their usual tactics—including individual offers of immunity if one suspect would inform on the others—and some that were not so usual, such as pitting the men against one another racially. Despite the threats and enticements, none of them ever wavered in their insistence that they had done nothing wrong (Trial Transcripts, Richardson Report, Pinkerton Agency).

News of the alleged attack and the subsequent arrest spread quickly. In the morning, Tommie alerted his Navy squadron's commanding officer, Captain Ward Wortman who was outraged, confining all enlisted

personnel to the base at Pearl Harbor until further notice (Stirling 2007). The enlisted at Pearl Harbor were furious. They quickly learned that the wife of one of their officers had been sexually assaulted “by a carload of natives” and wild rumors and gossip began to circulate (Van Slingerland, p. 312). By afternoon, Navy Admiral Yates Sterling, having heard both the official reports and the rumors (as recorded in his memoir, *Sea Duty*) had decided “to seize the brutes and string them up on trees,” invoking the lynchings of Black men, women, and children that were still common on the US mainland (Stannard, 2005 p. 104).

Compared to the local community, white elites in Honolulu, their lobbyists in Washington, D.C., merchants, planters, and territorial officials had easy and reliable access to print media and, with increasing frequency, used this tool to their advantage. Beyond the newspapers, the telegraph and radiogram also contributed to how news was spread throughout the island. Hawai‘i Governor Lawrence McCully Judd was in regular contact with the Navy at Pearl Harbor using these communication channels. Governor Judd, *Honolulu Advertiser* publisher Lorrin Thurston, and business elites including Walter Dillingham (the “Baron of Hawai‘i industry”) were no friends of the Native Hawaiians or the local community; rather, their interests were aligned in maintaining what they considered to be their right to dominate local politics and the local economy. Highlighting the tensions in how different local communities used print media, John Rosa in his book *Local Story: The Massie-Kahahawai Case and the Culture of History* argues that Hawai‘i’s power elites and working class were, in the print culture of the Ala Moana Case and the ensuing Massie Affair, engaged in a “struggle for meaning imbedded in a cultural form (Rosa, 2014).” To illustrate this point, Thalia Massie was never named in the city’s major newspapers; the five suspects, however, were not only named, they were referred to as “thugs,” “fiends,” and “gangsters.”

It is important to note that even as readers, the local community was an active participant in the discourse around the trial of the Ala Moana Boys. The 1920s and 1930s, working-class locals read and discussed the latest news and controversies and wrote letters to newspaper editors and government officials regarding Hawai‘i and its social conditions. Although levels of English literacy varied, working-class communities in Honolulu still participated in the print cultures of Hawai‘i and Turtle Island (Rosa, 2014, p. 36). While Honolulu’s imported white residents were, in general, more likely to produce print media accounts of their maneuverings than their local counterparts, the Ala Moana and Massie cases created a mass media synergy between the island and the continent that had both immediate and lasting effects. For example, in response to Thalia Massie’s rape—and increasingly hyperbolic rumors about women under attack in Hawai‘i—*Brevities*, a New York tabloid, ran a political cartoon on its front page on February 1, 1932. Under the headline “Hawaiians Must Be Punished” was a cartoon depicting a man with a dark complexion, clothed in a traditional Hawaiian malo (loincloth), and holding a wooden club in one hand. His other hand was wrapped around the neck of a white woman in an evening gown, and the caption read, “The New Menace.” It wasn’t only the tabloids, however, that animated narratives about “savage” Natives and the precarious sanctity of white women in Hawai‘i: several continental newspapers and news services covered the Massie case including the *New York Times*, the *New York Post*, the *Chicago Tribune*, the *San Francisco Chronicle*, and the Associated Press, receiving the news as it was transmitted across 2500 miles of ocean by radio and cable from Honolulu (Library of Congress).

Locally in Honolulu, the major English papers—the *Honolulu Advertiser* and the *Honolulu Star-Bulletin*—were not much better. Already at odds with the smaller, ethnic papers, the *Advertiser* ran the headline, “Gang Assaults Young Wife” with the sub-heading, “Maltreated By Fiends.” In keeping with the practices on the US continent regarding rape cases, neither the *Advertiser* nor the *Star-Bulletin* specifically named Thalia Massie; the *Star-Bulletin* referred to her as “an Anglo woman of refinement and culture (Stannard, 2005, p. 129).” The ethnic presses, however, such as the Japanese language *Hawai‘i Hochi* explicitly named Thalia Massie and presented the first public evidence that the suspects in custody may not have assaulted her. Unsurprisingly, two days later writers for the *Advertiser* expressed outrage in their publication that Massie’s name had been published by *Hawai‘i Hochi* and other local ethnic newspapers such as the Hawaiian language newspapers—written almost solely in Ōlelo Hawai‘i—which did not shy away from contradicting narratives produced by the haole (Anglo) press.

It was not only the ethnic newspapers, however, that challenged the savage Native master narrative in Hawai‘i. At the instruction of the US Senate and the US Attorney General William Mitchell, Assistant

US Attorney General Seth Richardson conducted an investigation into law enforcement practices in the then-territory of Hawai'i which had experienced a number of high-profile, racialized rapes and murders (beginning with Thalia Massie's rape allegations). Richardson prepared a 315-page report, published by the United States's Government Printing Office in 1932, in which he relayed that his investigation had found little evidence of organized crime or true racial tension. The Richardson Report also heavily criticized Honolulu's law enforcement agencies and practices, noting that investigators had found "a condition of inefficiency in the administration of justice which, in effect constituted an invitation to the commission of crime and which had largely destroyed the morale of the law-enforcement agencies, with a resulting loss of public confidence (Richardson Report, 1932, p. vii)." The investigators further found through personal testimony from island residents that these conditions, created by local law enforcement, had "given rise to a feeling of personal unsafety among a substantial portion of the citizens (Richardson Report, p. vii)."

In later years, the Honolulu sheriff would say that everyone involved in the Ala Moana case had acted "prematurely," and Governor Lawrence Judd would acknowledge that "from this beginning were to come blasted careers, ruined lives, tragedy, and death (Judd and Lytle, 1971, p. 166)." Indeed, contrary to reports and rumors, a report prepared by the Pinkerton National Detective Agency found that "a careful examination of the clothing worn by Mrs. Massie on the night of the assault failed to show any evidence of an attack such as she described, the garments being in perfect condition, no rips or tears, except on one stocking (Pinkerton Agency, 1932, p. 60)." The Pinkerton National Detective Agency (known as "the Pinkertons"), established in the US by Allan Pinkerton in 1850, was the largest private law enforcement organization in the world at the height of its power. Perhaps most notably, the Pinkertons hired women and minorities from the earliest days of the agency's founding, a practice that was very uncommon at the time (Seiple 2015). In the opening section of their official report on the Ala Moana case, the Pinkertons asserted: "We can only assume that the reason Mrs. Massie did not give to the authorities, immediately after the alleged offense, the same details of information she was able to furnish by her testimony at the trial is because she did not possess it at the time she was questioned by those she came in contact with immediately after the alleged offense (Pinkerton Agency, 1932, p. 3)" Because the facts of the case refused to conform to the race hierarchy's narrative, it is now widely thought to be highly unlikely that Thalia Massie was raped and more probable that a white American sailor beat her near the Ala Wai Inn. Thalia Massie had lied, and in the end her carceral narrative would cost a Hawaiian man—Joseph Kahahawai—not only his freedom, but his life.²

4 The Central Park Five

The 1989 case of the Central Park jogger, Tricia Meili, saw five teenaged Black boys—Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Santana, and Korey Wise—accused, indicted, and convicted of a brutal gang rape in New York City's Central Park. The information galaxy of New York City in 1989 was marked by a decade of racial tension; 1989 was the height of the crack-cocaine epidemic and the city was rocked with violence. In the first half of the year, 837 murders were reported, as were 1,600 rapes, more than 43,000 robberies and 34,000 assaults (Lambert, 1989, September 17).³

On the night of April 19, 1989, a large group of Black and Latinx teenagers were seen gathering at the entrance to Central Park located at 110th Street and Fifth Avenue. Eyewitness accounts reported in the press claimed that a group of Black boys was running through the park physically assaulting bikers and runners, and some park-goers were indeed attacked. That same night, a 28-year-old white woman named Trisha

² The alleged rape of Thalia Massie and the succeeding media circus and hung-jury trial would lead many white people in Hawai'i to feel justice had not been served for Thalia and Thalia's mother, socialite Grace Fortescue, soon arrived on O'ahu. Within months, Joseph Kahahawai had been shot dead and Grace, Tommie Massie, and several others were convicted of his murder. In what has since become known as The Massie Affair, the Kahahawai murderers were effectively pardoned by Territorial Governor Lawrence Judd and permitted to serve their significantly reduced sentence—one hour of confinement—in the governor's office.

³ For comparison, in the first six months of 2019, there were 103 murders, 706 rapes, 4,400 robberies and 7,400 felony assaults (New York Police Department).

Meili, who was employed as a banker at Salomon Brothers, left her building to go jogging. She was running along the 102nd Street Transverse in Central Park near Harlem when she was attacked at about 10 p.m. Meili was raped and badly beaten; when she was found around 1:30 a.m. on April 20th, gagged, bound, and unconscious, she was near death from blood loss and brain damage. Meili, who was in a coma, fought for her life at Metropolitan Hospital Center; for more than two weeks, New Yorkers waited in anticipation as the news media continued to portend her death. When Meili finally emerged from the coma on May 3, 1989, she had no recollection of her attack, and would continue to fight for her life in varying ways for the months and years to come. Law enforcement was quick to draw connections between the Black and Latinx teens gathered at the park entrance and those who were reported to have been allegedly attacking runners and joggers in the park. For the police, the narrative was simple: a group of Black and Latinx teens finished their night of melee in the park by beating and raping Trisha Meili.

By 11:30 p.m., five named perpetrators had been apprehended in connection with the assaults in Central Park; Kevin Richardson and Raymond Santanta were among them (NYCLD_008631). Over the course of that night, six different officers became involved in the investigation which, by morning, led to the arrests of nine young men, including those who would eventually become known as the Central Park Five: Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Santana, and Korey Wise, all between 15 and 17 years of age. The Five, all minors, were named, photographed, and presumed guilty long before they had legal representation—before, in fact, they had even been indicted. Indicted for and convicted of the violent assault and rape of Trisha Meili, the Central Park jogger, these five teenagers would go on to spend between six and 13-plus years in prison for charges that included attempted murder, rape and assault before their eventual exoneration in 2002.

Following the exoneration decision in the federal case that overturned the City's convictions, collaborative efforts were undertaken by legal counsel for both the Plaintiffs and Defendants to decide which documents and information would be made available to the public. As a result of that process, the court granted permission for the bulk of the records from the Central Park jogger case to be publicly disclosed (New York City Law Department). Then, in 2003, the Central Park Five filed civil lawsuits against the City of New York, claiming that police and prosecutors were responsible for their wrongful conviction. The process of legal discovery in the civil cases also generated extensive records, which were opened to the public as part of the settlement in favor of the exonerated. The City of New York, forced to de-designate confidential material to “increase public knowledge of the underlying records and proceedings ... and to serve educational and historical purposes,” created a website (most recently updated in August 2019) that houses digitized copies of the preponderance of the evidence presented at the first two trials (conviction and exoneration). In total, the involved parties exchanged over 200,000 pages and took 95 depositions, most of which were initially deemed confidential (New York City Law Department).

The website provided by the New York City Law Department includes archival records documenting the original investigation and prosecution, the New York County District Attorney reinvestigation of the case, the New York City Police Department reinvestigation, the incarceration and parole records of The Five, and federal civil litigation records. Within these broader categories, records include (but are by no means limited to): audio and video recordings of suspect interviews, background check information, education records, expert testimony, graphs, charts, maps, handwritten notes, internal memos, lab requests and results, correspondence, medical and psychological reports, motions, declarations, affidavits, Miranda Warning cards, log books, appeal and post-trial documents, emails, photographs, trial transcripts, invoices, subpoenas, parole documents, depositions, and individual files for defendants who appeared in related federal civil litigation cases (New York City Law Department). The records allow for a fairly comprehensive examination of the evidence used to both incarcerate and exonerate The Five, and while it is not the work of this study to relitigate this case, it is worth noting that the records of the suspect interviews and trial testimonies, just as in the Ala Moana case, are particularly compelling in their contradictions.

The narrative that emerged from the news media was equally contradictory. Natalie P. Byfield, a journalist for the *New York Daily News* in 1989, wrote in her 2014 book *Savage Portrayals: Race, Media, and the Central Park Jogger Story* that journalists at the *Daily News* had to select from among 3,254 rapes reported

in 1989 to decide “which ones to cover, the appropriate depth of coverage, and the length of coverage (Byfield, 2014, p. 31).” Byfield remembers that coverage of the rape of the Central Park jogger was different: “The context that quickly emerged focused on the races of the suspects and the victim and allegations about the supposed unique features of this rape that had nothing to do with the woman’s gender. This was an *interracial* rape (Byfield, 2014, p. 31).” *The New York Times* published a two-page advertisement paid for by then private citizen Donald J. Trump calling for the state to renew its death penalty, and coverage of the case was quick, salacious, and ripped directly from the mouths of law enforcement. Indeed, two days after Meili had been discovered in Central Park, the *Times* front page proclaimed:

“The youths who raped and savagely beat a young investment banker as she jogged in Central Park Wednesday night were part of a loosely organized gang of 32 schoolboys whose random, motiveless assaults terrorized at least eight other people over nearly two hours, senior police investigators said yesterday ... Seven youths were charged as adults yesterday with rape, assault and attempted murder in the attack ... Chief Colangelo said that the police had obtained statements indicating that the woman had been set upon by 12 youths. He said the police hoped other arrests would follow. (Pitt, 1989 April 22).”

Coverage in the *New York Amsterdam News* (which has been a prominent Black newspaper in New York City since 1909), however, provided a diligent counter-narrative. An editorial penned by Dr. Roscoe Brown, President of Bronx Community College of the City University of New York (CUNY), on May 6, 1989 decried the double standard that was racial politics in New York City and argued that as a society New Yorkers had “suggested to minority group youth, the Black male in particular, that they are excess baggage in a high technology society (causing some ... to fear Black and Hispanic youth because of their anger and life style) (Brown, 1989, May 6).” At least two editorials published by the *New York Amsterdam News* referred to the trials of The Five as a lynching.⁴

Just as with the Ala Moana case, there was also disagreement between the local “ethnic” paper and the mainstream media about releasing the name of the victim. On May 13, 1989 *The New York Amsterdam News* reprinted an article in the *New York Observer* noting that newspapers had identified the names of the accused juveniles but not the victim, even after three local television stations had named Trisha Meili as the Central Park jogger. Wilbert A. Tatum, writing from Stockholm a year later on June 13, 1990 opined

it has been amazing to find that the score or more of newspapers, television, and radio stations who were willing to drop a dime to call to find a spokesperson for the Amsterdam News had ... every concern about whether or not we would name the Central Park jogger in the Amsterdam. There did not seem to be any great concern about the health of the jogger on the part of some of those to whom I spoke ... their concern was not for the jogger, nor the young men who are alleged to have raped her. Their concern was, rather, over the media controversy that is now raging in the newsrooms of America: To name, or not name the person who has accused another person of rape.”

The *New York Amsterdam News* had already named Trisha Meili as the jogger when Tatum penned his editorial; he continued his piece lamenting that *Amsterdam* reporters had been “led to believe that our eighty one (81) years of service to our community was unimportant, and that according to the Anglo men in the newsrooms of New York (we call them gatekeepers) the jogger would not have been named for the record, unless an Anglo newspaper did it.” Calling it “insipid-media hypocrisy” Tatum maintained that the only important issues were who assaulted and raped Trish Meili, what her condition was, and whether or not she would continue to live and fully recover. Next, his concerns were whether the police had arrested the actual rapists or if they had “simply [picked] up the first group of Black kids that they could find and coerce confessions out of them (Tatum, 1990, June 16).” Writing in July 1990, Vinette Pryce similarly observed that

Det. Carlos Gonzalez testified that McCray told him and another detective how he helped rape the victim. Gonzalez said he did not have to intimidate or coerce McCray because he freely gave a confession. That seemed chuckling considering the track record of cops who apprehend Blacks. Reports of profanity, threats, loud intimidating remarks and a history of police brutality is not a myth.

⁴ Please see: “The Jogger Trial: Backdrop for a Lynching” and “The Central Park Jogger Trial—Invitation to a Lynching.”

It is now widely held that the Central Park Five were convicted based partly on police-coerced confessions. DNA evidence has shown that a man named Matias Reyes, a convicted serial rapist and murderer, raped Trisha Meili. Reyes testified in 2011 that he acted alone, and no DNA or other physical evidence connected The Five to the crime scene. The case of the Central Park jogger was reopened by the New York County District Attorney's office in 2002. McCray, Richardson, Salaam, Santana, and Wise later filed motions to vacate their convictions based on newly discovered evidence. As a result of the reinvestigation, on December 5, 2002, the District Attorney's Office filed an Affirmation (also known as the "Ryan Affirmation") consenting to set aside the convictions (New York City Law Department). As a result, the Central Park Five have now come to be known as The Exonerated Five.

The trials of the Ala Moana Boys—Kahahawai, Ida, Takai, Chang, and Ahakuelo— and the Central Park Five—Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Santana, and Korey Wise—rested on four primary sources of information: the legal system, the local media, the national media, and informal communication networks such as the coconut wireless. While radio in the 1930s and television in the 1980s and 1990s were also key contributing factors, the messages they conveyed for the purposes of this discussion were not, as Marshall McLuhan suggests in his theory of media ecology, necessarily dependent on the medium (McLuhan). Rather than the nature of the medium, the sources of the information and the varying narratives that emerge from these sources (law enforcement, local media, national media, "ethnic" media, and local community voices) speak to how carceral narratives—and carceral archives—are constructed. The Discussion section below offers a more robust treatment of these concerns.

5 Discussion

To properly frame a discussion around the two cases presented, it is first important to address the ways in which race and rape have been intertwined in United States history. The cultural conceptions of racialized masculinity that underpin understandings of rape are intrinsically linked to safety and risk narratives built around the "savage" Native, the Black "brute," and the risks they allegedly pose to the purity of women. To articulate a critical race and critical archival understanding of racialized rape narratives in the United States (and its territories) one must acknowledge that these narratives were—and continue to be—inextricably tied to the country's violent history of chattel slavery. These racialized and colonial histories of risk and safety in America dates to the earliest days of settler colonialism on the United States mainland. As Europeans colonized the sacred ancestral lands of Indigenous tribes, Indigenous men were cast as a threat to European progress, a risk to the safety of the colonial project. As more Africans—and then enslaved Africans—were brought to the US continent, Black men were similarly characterized as innately destructive, animalistic, and criminal. Portrayals of the Black "brute" were as an anti-social menace, a predator whose primary target was white women.

By the 1930s, human enslavement was in contravention of the law in the US, but it had been replaced with Jim Crow laws, a legalized racial caste system which operated primarily—but not exclusively—in southern and border states until the 1960s. Under Jim Crow, as the white woman quoted in the Richardson Report above makes clear, Black men on the continent knew their place (for if they did not it would certainly lead to incarceration or death)—so why didn't Hawaiians? Native Hawaiians, other Pacific Islanders, and Asian settlers in Hawai'i, located approximately 2500 miles from the California coast, had little connection to or interest in the United States; the same was not true in reverse, however. In the 1930s the white power-elites in Honolulu had their eyes turned towards the economic pursuits of tourism and on the continent, Hawai'i was slowly becoming known as an island paradise tourist destination. Military installments on the island sought to dominate local customs and law enforcement, arguing paternalistically that Hawaiians and Hawai'i locals (most of whom were Chinese, Japanese, and Filipino immigrants brought to the islands to work the pineapple, sugarcane, and coconut plantations) were not capable of ruling themselves. In truth, added to the desire for white supremacy and military dominance in the Hawaiian islands was an inherent distrust of the brown-skinned local population, who were viewed as only marginally more acceptable than the Black people "back home." The alleged rape of Thalia Massie shifted this perspective, however; many

historians have pinpointed this event as the moment that Hawai'i and her people also entered the existing racialized risk and safety discourse. The Massie case affirmed the carceral narrative of the "savage" Native, holding the purity of white women in his sights.

The word "carceral" indicates conditions of imprisonment and/or captivity. Drawing on Michel Foucault's (1977) conceptualization of "the carceral," which extends beyond prison walls, I use the models of carceral narratives and carceral archives to invoke event accounts, documentary records, and recordkeeping systems that uphold and reinforce behavioral control over personal autonomy, surveillance over liberation, and the power to punish over the power to emancipate; particularly those that work in the service of oppressive actors, agents, states, and regimes. An example of a carceral narrative in this study is any descriptive account that casts or characterizes Black and Indigenous men as envoys of violence and harm and thus in need of control, surveillance, and punishment, such as the Black "brute" and the "savage" Native. Carceral narratives are often systemized in and perpetuated by archives. These archives—also designated here as "carceral"—are marked by the justifications for oppression that are codified, reinscribed, and reinforced in them, from carceral records and recordkeeping practices to the narratives that emerge from them. For example, the documentary records produced in the Ala Moana Boys and Central Park Five cases both generated and drew upon carceral archives, rendering their subjects vulnerable to the carceral state.

Using archival records and other documents and historical traces produced by each case to elucidate the carceral narratives (and counter-narratives) of each event, the following analysis is an attempt to redress harmful narratives about risk and safety, and problematize how those narratives have continued into the present. The records of the Thalia Massie and Trisha Meili rape cases can be generally characterized as falling into four categories: government records, legal records, audio and visual media records, and individual manuscript collections. In order to better understand the documentary universe that produced the case narratives, records from each category were included in the study. The Massie case archives that were examined for this paper include the Governor Lawrence Judd papers at the Hawai'i State Archives, the digital Clarence Darrow Collection at the University of Minnesota, the Pinkerton Agency report, the Richardson Report, national newspapers (such as *The New York Times*) and local English-language, Hawaiian-language, and Japanese-language newspapers. The archives pertaining to the Central Park Five that were consulted include the New York City Law Department digital collection on the Central Park jogger case, the local Black press (such as the *New York Amsterdam News*) and, again, national newspapers such as *The New York Times*.

Studies that offer a critical analysis of historic law enforcement practices—and the carceral narratives and archives that contribute to and draw upon them—often exist at an impasse; these criticisms can only emerge from a repertoire of existing violence and trauma. They can direct attention to historic wrongs in the hopes that these wrongs are not repeated, but rarely do they offer a righting of these wrongs. It is through narrative and counter-narrative that one might engage sites that contain tentative but emancipatory impulses. Archives are one such site—one with tremendous liberatory potential.

The Pinkerton Report, commissioned by Hawai'i Governor Lawrence Judd in early 1932 stated that an analysis of the evidence "makes it is impossible to escape the conviction that the kidnapping and assault was not caused by those accused, with the attendant circumstances alleged by Mrs. Massie (Pinkerton Report, p. 3)." In other words, the report, which was never released, found that the Ala Moana Boys could not have raped Thalia Massie on the night of Saturday, September 12, 1931. It is compelling that Judd never made the report public and never had it published for general readership especially while newspapers, reinforcing carceral savage Native narratives, continued to publish articles condemning the Ala Moana Boys.

Similarly, the Richardson Report, authored by Assistant Attorney General Seth Richardson on the state of law enforcement in Hawai'i, detailed the damaging and oppressive nature of politics and business in the islands. It was not these official records and accounts, however, that found their way into the two local papers—*The Advertiser* and *The Star-Bulletin*—but rather tales, fed by rumor and gossip, of the dangers of being a white woman in Hawai'i. Local newspapers were more readily available to the general public than the Pinkerton and Richardson Reports, therefore what emerged locally in Honolulu as the official story of

what had happened to Thalia Massie was based on these accounts—and these accounts endure as carceral narratives. While any of the national newspapers of the time are now available online—as much a function of fiscal advantage as deliberate decision-making about presumed level of interest—the articles from the ethnic presses are much harder to find. The archives of *The Advertiser* and *The Star-Bulletin*, for example, are on microfilm at the Hawai'i State Library. So, too, the Pinkerton Report remains foldered, boxed, and shelved in the Hawai'i State Archives that, for a variety of reasons including the archives' (mis)handling of sacred Native Hawaiian materials and longstanding concerns about provisions for appropriately equitable access, epitomize archives as carceral sites and as sites of violence and trauma for many Native Hawaiians.⁵ The end result of these decisions about access—however seemingly benign or practical they may be—is that the most accessible narratives are carceral and counter-narrative construction is by default an uphill battle.

By the same token, because digitization decisions are effectively access decisions in archives, and every archival decision to include is, at the same time, a decision to exclude, archivists have a responsibility to ensure that when making digitization decisions they are revisiting access policies with their own carceral and liberatory potential—the power of what archival scholar Randall Jimerson calls “prison institutions”—in mind (Jimerson 2009).⁶ The New York Law Department, which in 2014 released the first portion of what would eventually be 200,000 document pages, 95 depositions, and various other records in a data dump regarding the Central Park Five case was initially criticized by the attorneys for the Central Park Five who argued that the first release of discovery materials conveyed bias. After an exhaustive reevaluation of the evidence in 2002—expedited when Matias Reyes, a convicted murderer and serial rapist, confessed to the 1989 crime—the charges against The Five were dropped. When the New York Law Department released the first set of records, however, they only released the documents and recording related to the original case (not the reinvestigations, both local and federal, that led to exoneration). The mainstream press reported only that the records had been released; few noted that the data dump was incomplete at best, and at worst a breach of the settlement awarded The Five after their exoneration, the terms of which dictated the release of investigatory, exculpatory, trial, and reinvestigation records—a condition specifically designed to proffer an emancipatory counter-narrative to the carceral narrative that had been perpetuated by law enforcement as the story of record for over a decade.

Newspapers assert their nonfiction status primarily through rhetorical strategies of objectivity; they focus on events and issues pertaining to the public addressing them within a rhetoric of empirically verifiable data that is distanced from bodies and emotions, affect and desire. The sometimes very human sources of data and the storytelling practices of journalists and editors are often disguised within this rhetorical abstraction (Moorti 2002). In his seminal work *Imagined Communities*, Benedict Anderson theorized that print media was a key component of the nation as an imagined community; print media allows people to share affective bonds with people they have never met and creates a communal sensibility (Anderson 2006). In crafting narratives around the rapes of Thalia Massie and Trisha Meili, carceral narratives were developed in both cases by the mainstream press, political establishments, and criminal justice system, while in both cases “ethnic” presses centered competing narratives, courtroom testimony was inconsistent at best, and eyewitness accounts also compelled different narrative versions of events.

Although the English-language press in Honolulu was replete with racially inflammatory articles and editorials on the Ala Moana case, few in the business, political, or military communities wanted the story to spread beyond the islands. During the preceding decade “tourism had begun to take off, Hawai'i's semi-autonomous political status remained precarious, and the Navy commandant at Pearl Harbor was not eager

⁵ The Pinkerton Report has been made available online through the digitization efforts of the University of Minnesota Law Libraries. The report is available in its entirety in the Clarence Darrow Digital Collection.

⁶ In his book *Archives Power* archival scholar Randall C. Jimerson describes three different types of archival institutions: the temple, the restaurant, and the prison. While temple institutions are collecting institutions where the archivist preserves the “original” interpretation of items or collections, restaurant institutions, by contrast, are institutions where the archivist guides the user allowing them to make their own decisions and allowing the collections and items to speak for themselves. In prison institutions, however, the archivist serves only the interpretations of an oppressive higher power. See: Jimerson, R.C. (2009). *Archives power: memory, accountability, and social justice*. Chicago: Society of American Archivists.

for Washington to question his ability to maintain order. At first the story was confined almost entirely to local newspaper accounts; the mainland press showed little interest in the story until the hung jury decision (Stannard 2001). The declaration of a mistrial, together with suspect Horace Ida's kidnapping and beating at the hands of Navy men on December 12, 1931 and a *Hawai'i Times* editorial entitled "The Shame of Honolulu," ignited a firestorm in mainland papers, many of which cited a cable from Navy admiral Yates Stirling incorrectly proclaiming that 40 (unpunished) rapes had occurred in Hawai'i in a single year (PBS, n.d.).

From the onset of their arrest and questioning in 1989 through trials, sentencing, and eventual exoneration in 2002, the Central Park Five were subjected to the carceral state: all five young men were, from the beginning, presumed to be criminals in the eyes of the law. Unlike their mainstream counterparts, the Black press in New York drew connections between the case of The Five and other similar cases, situating The Five in a broader narrative about race and rape in the United States. The Black press was able to counter-narrate their experience as a common one: it fit into a broader pattern that included the Ala Moana Boys and the Scottsboro Boys from the 1930s, the Trenton Six from the 1940s and the Harlem Six from the 1960s—all four were cases of racial injustice involving groups of minority youths charged or convicted of violent crimes against white victims, and all were eventually overturned.

Public articulations of pain allow people to forge a collective identity around race-based oppression. The narratives of the "ethnic" newspapers, developed by and for those that live in raced bodies, help to facilitate the formation of a public arena where the experiences of Black, Indigenous, and other people of color are central to the discussion. As Sujat Moorti argues in her 2002 book *Color of Rape: Gender and Race in Television's Public Spheres*, these information sources not only give marginalized voices a forum to articulate their experiences, they also work to validate these voices (Moorti, 2002, p. 10). In these two cases, the "ethnic" presses (the Hawaiian and Japanese newspapers in Honolulu and the Black press in New York City) offered counter-narratives to the carceral narratives being pushed by English-language and (white) national presses. The focus on race—and gender—in these competing media venues allows for narratives that present men of color, particularly Black and Indigenous men primarily either as violent racialized predators or as victims, themselves, of racist law enforcement practices. The debates they enable tend to focus on either a racialized experience of trauma or on the ways that racist stereotypes shape Black and Indigenous male sexuality.

6 Conclusion

Are archivists open to the dissonant revelations about their profession created by disrupting and dismantling carceral narratives in favor of embracing conflicting—and even contested—narratives in the records they steward? By interrogating two race-based rape cases in the United States from tragedy to archivy, this paper demonstrates how narrative enhances our ability to document and understand an event in its entirety, with the understanding that records influence the narrative version of events and narrative also influences the production of records. I have used government records, legal records, the local media, the national media, and informal communication networks such as the coconut wireless to interrogate how the carceral archive draws upon, contributes to, and perpetuates the carceral risk narratives that have long been used by the state to justify behavioral control, surveillance, and the power to punish. I have done so with the aim of contributing to more liberatory praxis in areas of archival concern and demonstrating how alternative and more emancipatory narratives and nuances of knowledge and power can be revealed within the archival record. By seeking out and engaging counter-narratives and considering the entire information environment around an historical event, it is possible to recover the imprint left by Black and Indigenous people and cultures, to pull these stories out from under the social, intellectual, and political fabrications of anti-Black and colonial knowledge. For the righting of wrongs, historical accounts of events that have been corrupted by anti-Black and colonial knowledge and power *must* actively work to include Black and Indigenous voices to better understand the nuance inherent in evidence of sociocultural relationships; descriptive and narrative practices; and Black and Indigenous ways of knowing.

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