



---

**ENGLISH CAFÉ – 502**

---

**TOPICS**

The Massie Trial; concept versus content versus context; whereas versus while; [month]+[date] versus [date] of [month]

---

**GLOSSARY**

**to flag down** – to signal using one’s hand to ask a car to stop, normally to get help or for a ride

\* When Danessa heard the shop’s burglar alarm going off, she ran into the street to flag down a police officer who had just driven by.

**to rape** – to force someone to have sex; to commit the crime of forcing another person to have sex against their will

\* After Francesca was raped at a college party, she was unable to focus on her coursework and had to take time off from school to get counseling.

**evidence** – proof used to show that a crime was committed

\* The prosecutor knew they had enough evidence to get a conviction because they had the defendant on videotape breaking into the house.

**to frame** – to make it appear that an innocent person has committed a crime

\* When Marco pulled his last candy bar out of Sandrine’s bag, she swore she hadn’t taken it saying, “I’ve been framed!”

**verdict** – a judgment or decision in court on whether or not a person is guilty of a crime

\* The defendant’s mother cried tears of happiness when the judge announced the verdict of not guilty.

**hung jury** – when the members of a jury cannot agree about a person’s guilt and no legal decision can be made

\* Some members of the jury didn’t believe that there was enough evidence to convict the defendant, and that resulted in a hung jury.

**to confess** – to admit to having committed a crime; to tell others that one has broken a rule or law

\* After searching for days, Adele finally confessed to her mother that she had lost her great-grandmother’s diamond earrings.



---

**ENGLISH CAFÉ – 502**

---

**to be outraged** – to be extremely angry and upset; to feel very shocked and angry

\* Annika was outraged when she saw a father beat his young son.

**lynching** – when a group kills someone for a crime, especially by hanging, without having a legal trial to prove that person was guilty

\* In the American South in the early 1900s, lynchings of African Americans were not uncommon and sometimes went unpunished.

**temporarily insane** – a legal defense where the defendant claims to have committed a crime because he or she was not able to think properly for a brief time and was unaware of what he or she was doing

\* Do you believe that people kept in dark jail cells without contact with other people can go temporarily insane?

**to testify** – to answer questions in court related to a crime or a legal case

\* The defendant's girlfriend testified that he had been with her all night and could not have committed the robbery.

**to commute a sentence** – to reduce the punishment someone is given for committing a crime

\* When the death penalty was no longer permitted by law, the governor commuted the sentence of anyone on death row to life in prison.

**concept** – an idea; a general notion

\* It's difficult for many people to understand the concepts of higher math.

**content** – the main substance, such as text, illustrations, or music available on a website

\* Balah's website looks great, but there's very little content for visitors to read.

**context** – the words that are used with a certain word or phrase and that help to explain its meaning

\* Politicians often say that their embarrassing comments are taken out of context.

**whereas** – in contrast with something, used to describe how two people, groups, and more are different

\* Liam is quiet and calm, whereas his brother Colin is energetic and loud.

**while** – in spite of the fact that; although; in contrast with something



\* While Carl likes seafood, his wife prefers beef and lamb.

## **WHAT INSIDERS KNOW**

### **Trial *in Absentia***

If a person is accused of a crime and is being “tried” (having to appear in court to determine one’s guilt or innocence), he or she has the “right” (something guaranteed to be permitted) to appear in court during that trial. This right is protected in the United States Constitution, the most important U.S. legal document. A “criminal defendant” (person accused of a crime) has the right to appear in person at his or her trial as part of “due process” (accepted legal procedure).

There are, however, some circumstances when a person can be tried even if they do not appear in court. This is called a trial *in absentia*. “*In absentia*” is a Latin term meaning “in the ‘absence’ (not being in a place where one is expected or planned).” Normally, a defendant cannot be “convicted” (found guilty of a crime) if he or she is not at the trial. However, they can be tried *in absentia* in one of the following situations.

The defendant can “waive” (reject or refuse) the right to be present at his or own trial after it has begun. If the defendant is “disruptive” (making trouble and interrupting the activities) during the trial and continues to be disruptive after being warned, he or she can be removed from the courtroom whether he or she wants to leave or not.

Another situation where the defendant does not need to be present in the courtroom is if a corporation is the defendant. In this case, only the attorney or attorneys representing the corporation needs to be there.

Finally, if a defendant is being “charged with” (officially accused of) a “misdemeanor” (less serious crime), he or she can be absent from the courtroom with his or her “written consent” (permission in writing).



## ENGLISH CAFÉ – 502

---

### COMPLETE TRANSCRIPT

You're listening to ESL Podcast's English Café number 502.

This is English as a Second Language Podcast's English Café number 502. I'm your host, Dr. Jeff McQuillan, coming to you from the Center for Educational Development in beautiful Los Angeles, California.

Visit our website at [ESLPod.com](http://ESLPod.com), or download a Learning Guide for this episode right after you become a member of ESL Podcast.

On this Café, we're going to talk about something called the Massie Trials that took place in the state of Hawaii, the now state of Hawaii, back in the early 1930s. This is a fascinating story – I think you'll really enjoy it – and will be our only topic on this Café. But as always, of course, we'll answer a few of your questions as well. Let's get started.

On the night of September 12th, 1931, a woman named Thalia Massie went out to a nightclub with her husband, Thomas Massie. A "nightclub" is a place where you go to have a drink and dance. Thomas Massie was a member of the U.S. Navy and was stationed in Honolulu, Hawaii. Hawaii is a group of islands in the Pacific Ocean.

"To be stationed" means to be placed somewhere or put somewhere by the military to work for a specific amount of time. When a person in the U.S. military is sent to work in a certain area or a certain place, we say that that person has been "stationed" there. Thomas Massie was stationed in the very beautiful city of Honolulu, Hawaii. The Massies – Thomas and Thalia – were having problems in their marriage, but they decided to go to this nightclub on September 12th, 1931, anyway.

Later on that evening, Thalia Massie decided to leave the club by herself. Some say she was seen walking with another white man, not her husband, near the nightclub. This was sometime after 12 midnight. At one o'clock in the morning, she flagged down a car that was passing her on the road. "To flag (flag) down" is a two-word phrasal verb meaning to signal, to indicate to a car that is driving by that you want the car to stop, usually because you want the person in the car to give you a ride somewhere.

This is something that you might do in an emergency, for example. If your car doesn't work and you want another driver to take you in his car to get help, you



## ENGLISH CAFÉ – 502

---

might flag down the car. I wouldn't do that in Los Angeles, to be quite honest. I'm not sure if that would be safe. I'd probably just use my cell phone and call for help that way. But this is 1931 and Mrs. Massie thought it was safe to flag down a car.

So, a group of people in a car stopped and immediately they noticed that Thalia's face had been badly beaten. It looked as though she had been attacked, hurt by someone. So these nice people took her home. Meanwhile, her husband Thomas was worried about what had happened to her and called her on the telephone, and when he called her, Thalia said that something terrible had happened.

At first Thalia said that a man – a single person – had attacked and raped her. “To rape” (rape) is to force someone to have sexual relations with you against the other person's will, with the other person not wanting it. Later, when the police came to talk to Thalia, she said that there had been a group of men, local men, who had attacked and raped her after picking her up on the street.

Now, immediately this was a strange story. First of all, why would a group of men pick her up, rape her, and then drop her off at home. But the police decided to investigate. What happens next is one of the most amazing stories of power, politics, race, and sex in American history, I think, or certainly in the twentieth century in the United States. Here's what happened.

The police found this group of men who had given Thalia a ride home and arrested them for raping Thalia. Immediately, the white community in Hawaii – and you have to remember that Hawaii has a mixture of different ethnicities and races, including native Hawaiian peoples, Japanese Americans, Chinese Americans, Filipino Americans, and many other different ethnic groups, especially from Asia. Hawaii still has that mixture in its population.

But the white community had most of the power and money on the island and they were furious. They were extremely angry to hear that a white woman had been attacked by these local men, who were not white. Immediately the newspapers in Hawaii began to demand that these men be brought to trial and punished – that they be put in prison and punished for this apparently horrible crime.

They were arrested and they were put on trial in November, just a few months later. “To be put on trial” (trial) means to go before a judge and a group of people who will decide whether you are guilty or not, called a “jury” (jury). The jury heard



## ENGLISH CAFÉ – 502

---

evidence from the police and from the “prosecutor,” the government attorney in the case. “Evidence” is information that is supposed to help you decide if someone committed a crime or not, but the evidence was not very good.

In fact, it looked as though the police and the government were trying to frame these five men for the crime. “To frame” (frame) someone is to make someone look as though he committed a crime when in fact he didn’t. This, by the way, is one of my great nightmares. I have this terrible fear that someday I will be arrested for a crime I never committed. So, if you ever read on the Internet that I’ve been arrested, I was framed. Remember that.

Well, these five local men were definitely being framed, from what we can determine looking at the evidence now, for the crime of rape against Thalia Massie. When the jury had heard all of the evidence, it went to deliberate – that is, it went to make a decision. The jury took 97 hours to deliberate. It was the longest period of jury deliberation in the history of the territory of Hawaii.

Notice I said the “territory of Hawaii,” not “the state of Hawaii,” because this is before Hawaii became a state of the United States. It became our 50th state in 1959. At this time, in the 1930s, it was just a territory – part of the United States but not officially a state, and that will become important in a minute.

The jury deliberated but could not reach a verdict. A “verdict” (verdict) is a decision. Six of the people said that they were guilty. Six of the people on the jury – there are 12 in all – said that they were innocent. This is what we call a “hung jury.” Normally, with a “hung jury,” the government can try to bring them into a new trial, or the government can decide to drop the charges. “To drop the charges” means to decide that they are not going to try to bring the men to trial again.

The white community was very angry at this hung jury, and we have to remember that the pressure on the members of the jury to find these men guilty was enormous. These people were part of a relatively small community, and to have served on the jury and not to have found men guilty certainly was not a popular position. But that, in fact, was the decision of the jury – that it could not make a decision.

Now in the meantime, the mother of Thalia came to Hawaii to support her daughter, and like most of the white people in Hawaii, she was very angry at this hung jury. So she, along with Thomas Massie and two American servicemen – two men who were serving in the military in Hawaii – decided to capture one of



## ENGLISH CAFÉ – 502

---

the five men and make that man confess. “To confess” (confess) means to admit that you have done something wrong.

They wanted to capture the man, beat him up, hurt him, and make him say that yes, he had committed this rape along with his friends. I should also point out that one of the other five men had been captured by a group of soldiers, a group of servicemen, and beaten earlier. Thalia’s mother, husband, and two other men took one of the five men, Joe Kahahawai, and beat him. They did more than that. They actually killed him. They shot him dead.

Well, now we have a dead body to get rid of. So these four people put the body in a car, and three of them drove the car in order to get rid of the dead body. Unfortunately, the police stopped the car and they found Joe’s dead body in the car and arrested these three people, along with a fourth one who was not in the car but who was also part of the murder.

So now we’re going to have a second trial. This time not of the five men for committing rape, but rather of these four white people for murdering one of those five men.

This immediately became a national story. Every newspaper in the United States had a story about this. In fact, the president of the United States was concerned and had a special meeting of his advisors. The United States Congress – our U.S. House of Representatives and Senate – had special meetings to figure out what was going on in Hawaii.

Part of the reason everyone was concerned on a national level with what was going on in Hawaii was that Hawaii was a very important military base. Pearl Harbor was the home of the United States Navy in the Pacific.

So, many people were concerned that there was racial violence in Hawaii, and stories were written that the native peoples of Hawaii or the “local Hawaiians” – basically the non-white Hawaiians – were attacking the poor innocent whites, especially the white women, of Hawaii. In fact, then, people in the United States weren’t angry at the four white people for committing a murder. They were angry that the four white people were arrested, even though it was obvious that they had committed the murder – I mean, the body was right there in their car.

People were outraged at what had happened – that these four white people should be arrested when the five men who they thought committed this rape had gone free. But the non-white population in Hawaii saw it very differently. They



## ENGLISH CAFÉ – 502

---

saw this, in fact, as a kind of lynching, this killing of Joe. A “lynching” (lynching) is when a group of people kill someone for a crime – usually the crime is related to the person’s race. Lynching was done in the American South to African Americans by usually a group of whites.

The basic feeling or belief of the American people at this time was that the whites should not be found guilty of this crime because it was what is sometimes referred to as an “honor killing.” An “honor (honor) killing” is when someone, say, harms your daughter and you decide to go and harm the person who harmed your daughter – not call the police, but just go and do it yourself, or perhaps kill the other person who has harmed or killed one of your family members.

This, of course, is not the law of the United States. It never has been, but some people say that it is an “unwritten law” – a law that people obey and should be respected even though it isn’t of course the actual law of the government. Not all of the white people, particularly in Hawaii, believed that the four whites who murdered Joe should be found innocent. In fact many of them, including the prosecutor for the territory of Hawaii, acted courageously in resisting the pressure to let these four people go free.

The trial was one of the most sensational trials during the early 1930s. Again, all of the newspapers and radio stations reported on the trial. One of the reasons was that the four people accused of the murder had hired one of the most famous lawyers in the United States, a man by the name of Clarence Darrow. Clarence Darrow was 74 years old at the time and, quite honestly, poor. He had lost a lot of money and needed the money.

Darrow went to Hawaii and defended these four people. He didn’t say that they were innocent of killing them, but he did say that they were “temporarily insane.” “To be temporarily insane” means that you’re crazy for a short period of time and therefore are not responsible for your actions. Darrow, during the trial, had Thomas Massie “testify” – that is, answer questions about what had happened. Darrow argued that these people were temporarily insane, and besides, they did the right thing. They punished this person who had harmed Thalia Massie.

But the jury disagreed. The jury did not find them guilty of murder, but they did find them guilty of “manslaughter.” “Manslaughter” (manslaughter) is when you are found guilty of killing someone, but you didn’t want to kill him – but you are still responsible for it. The judge told the four people that they had to spend ten years in prison each for this crime. However, the white community again, and across the United States, was angry at this decision by the jury. And so the



## ENGLISH CAFÉ – 502

---

governor of the territory of Hawaii decided to commute the sentence of these four people.

In the American legal system, the governor of a state or territory has the power of reducing or even getting rid of the punishment that is given to someone who commits a crime. The president of the United States has a similar power for federal crimes. So, basically, you could commit a murder, the judge in the trial could give you 25 years in prison, and the governor could say, “You know what, I don’t want you to serve in prison at all. You can go free.” It sounds crazy, but that is in fact the way our legal system works in the United States.

The territorial governor of Hawaii at this time commuted the sentence of these four people from 10 years to one hour. Yes, that’s right – one hour, which they spent in the office of the governor. Immediately after the governor commuted their sentences, Thomas and Thalia Massie, along with the mother and Clarence Darrow, got on a ship and returned to the mainland United States, and that was the end of the story.

Interestingly, later another independent investigation was made into the original rape charge against the five men. The investigation found that it was in fact impossible that the men had raped Thalia Massie and that they were definitely innocent. Of course, it was too late for Joe, one of the five men who was killed, and in some ways for the other four men who had been punished in many ways for something that they had never done.

What happened to the Massies? Well, they didn’t have a very happy ending. They were divorced a few years later, and Thalia Massie died of a drug overdose in 1963 at the age of 52. Some people say that the Massie trial had some positive effects on Hawaii, in that the non-white populations of Hawaii began to work together more to protect their rights, to prevent another case such as this from happening.

Now let’s answer some of the questions you have sent to us.

Our first question comes from Saeedeh (Saeedeh) in Iran. The question has to do with three different words – “concept,” “content,” and “context.”

Let’s start with “concept” (concept). A concept is an idea. It’s an idea about something. “Concept” is usually used to describe a somewhat more complicated idea or an idea that is involved in creating or planning something. So for example, if you want to create a new app for phones and tablets, you might have



---

## ENGLISH CAFÉ – 502

---

a “concept,” an idea that helps you understand what the app will do and how it will work. But basically, “concept” is another word for idea.

“Content” (content) is the substance of something, the information that you will find in it. “Content” is the “what.” It is the information, ideas, and substance of what is being communicated. Your computer has an email program. That’s the way that you get information, but the actual information in the emails that you receive is the “content” of the emails. You can think of the content as being what goes inside of the container that transmits the information.

Nowadays on the Internet it’s common to hear people talk about “content creators.” These are the people who are making the movies, videos, blogs, stories, podcasts – anything that has information or entertainment in it. The Internet also has people who are technicians – who design things, who create software. The software is sort of the container. The content is what you get inside of the container. That’s one way of thinking of it.

The third word here is “context” (context). “Context” is the information or words around an idea that helps you understand it better. “Context” can refer to the general situation in which something else is happening. The meaning of words depends on the context in which you find them.

For example, the word “fire” (fire) could just be describing a certain chemical process, but it may also be a warning. If you are in a movie theater and you see that there is something burning, you may yell “Fire!” You’re telling everyone that they should leave the movie theater because something may harm them. So, the “context” tells you what the word means or what the meaning of an idea is.

Wu (Wu) from China wants to know the difference between “whereas” and “while.” “Whereas” (whereas) is a conjunction – a word that joins together two different parts of a sentence, two different clauses in a sentence. It means “in comparison to” or “in contrast with.” For example, “I am drinking Coca-Cola, whereas you are drinking Pepsi.” “I am eating steak, whereas you are eating fish.” It’s a contrast and/or comparison between two different ideas. That’s the basic use of “whereas.”

“While” (while) has a couple of different meanings. It can be used when we’re talking about two things happening at the same time. If I’m watching television and my wife is playing on her computer, I could describe that situation as, “While I was watching television, my wife was playing on her computer,” or I could also say, “While my wife was playing on her computer, I was watching television.” So,



## ENGLISH CAFÉ – 502

---

“while” is used to describe, or rather to tell us, that two different things are happening at the same time.

“While” can also be used to mean “although.” “While I like steak, I prefer chicken.” In that sentence, “while” is saying that “even though” or “despite the fact that” I like steak, I prefer chicken. This second meaning of “while” is similar to “whereas.” The two are doing the same thing in the sentence. “Whereas,” however, is rather formal English. You won’t hear that many people use it in conversation, although you might see it in print – in the newspaper or in a book.

Finally, Andre (Andre) in a mystery country says that he’s confused about how we say dates in English. Well, there are a couple of different ways you can say the date in English, and it depends if you are speaking or writing. When speaking, you can say either “September 24th” or “the 24th of September.” Either way is correct. That’s my birthday, by the way, so you should put that on your calendar. (I like chocolate, in case you’re wondering.)

If you are writing the date, there are a number of different formats you can use, and it can be a little confusing because in the United States, if you are writing just the numbers followed by either a dash or a slash, we put the month first, the date second, and the year last. So, “September 24th, 1963” would be “9-24-1963.”

In other countries they put the date first, so it would say “24-9-1963.” Most people in the U.S., however, put the month first when they’re putting a date. That would include writing out the name of the month. If you wanted to write out “September,” you would probably put “September” first and then the date and then the year. So even there, the month comes first.

However, in both speaking and writing both forms are acceptable: putting the month before the date or the date before the month. You might confuse some Americans, however, if you put the date before the month. If, for example, you were going to talk about April 7th as being “7-4-2015,” many people would see that or read that as being “July 4th, 2015,” when you meant “April 7th.” So, when communicating with Americans, it’s best to use the “month-first” format.

If you have a question or comment, you can email us. Our email address is [eslpod@eslpod.com](mailto:eslpod@eslpod.com).

From Los Angeles, California, I’m Jeff McQuillan. Thank you for listening. Come back and listen to us again right here on the English Café.



English as a Second Language Podcast  
[www.eslpod.com](http://www.eslpod.com)

**ENGLISH CAFÉ – 502**

---

ESL Podcast's English Café was written and produced by Dr. Jeff McQuillan and Dr. Lucy Tse. Copyright 2015 by the Center for Educational Development.