I'm gonna go kill me a Chinaman.
—Unemployed white man,
California 1995

Chapter 11

White Rage—Hate Crimes

One of the primary criticisms of the black rage defense is that it opens the door to a white rage defense. In his book *The Abuse Excuse,* Alan Dershowitz presents this critique: "If the black rage defense were to succeed, we would see white skinheads invoking 'white rage' in defense of white-against-black racist killings. Rage is simply not a valid excuse for violence against members of a different race." Many skinheads and racist whites have been prosecuted for violence against blacks, Asians, and other racial or religious minorities. I am not aware of any of them arguing that they should be acquitted because of their hatred of other races or religions. However, there is a famous case in which white rage was a determining factor and which allows us to explore the viability of a white rage defense.

The case took place in Hawaii in 1932 and involved U.S. Navy lieutenant Thomas Massie, who was accused of murdering Joseph Kahahawai. Ironically, Massie was defended by Clarence Darrow, who was criticized by Hawaiians as taking the side of racial prejudice. Darrow had retired two years after the Sweet trials. After four years of relative inactivity, however, he felt the urge to take another trial. He was also worried about his family's financial future because the Great Depression had wiped out his savings.

When he was asked to defend Massie he reluctantly agreed, and he and his wife set off for Honolulu.

Lieutenant Thomas Massie was born and raised in Kentucky. At the time of this case he was twenty-seven years old and lived in Honolulu with his twenty-two-year-old wife, Thalia Fortescue. Thalia came from a socially prominent family in Washington, D.C. The Fortescues were proud their daughter had married a graduate of the Naval Academy at Annapolis. Thomas was in the submarine service and after his marriage was sent to the large naval base at Pearl Harbor. He and Thalia had lived in Honolulu for two years before the fateful events that brought the seventy-five-year-old Darrow to Hawaii.

Those events began one evening when the lieutenant and his wife attended a party at the Ala Wai Inn. After a public quarrel with her husband, Thalia left the inn around midnight and began walking home. She walked past an area where Navy men rented bungalows, which they used for consorting with prostitutes. Thalia later testified in court that four or five Oriental men grabbed her and threw her into their car. She said she was taken to Ala Moana Drive, where she was raped and her jaw was broken. She was found walking on the road by motorists, who drove her home. She was then taken to a hospital for an examination and treatment. Five Asian men were arrested, four of whom she identified.

The trial took place in a racial cauldron. The Asian community raised money for the defense of the Hawaiian, Chinese, and Japanese defendants. Hundreds of people lined up to be admitted to the court proceedings. The jury was unable to reach a verdict, a mistrial was declared, and the men were released on bail.

The hung jury was split mainly along racial lines, as was the public. Hawaiians and the diverse Asian community felt that the four young men, called the "Ala Moana defendants," were innocent. The *haole* (white) community was certain the men were guilty. Police had to disperse crowds of sailors and soldiers who roamed angrily through Honolulu. Just a week after the mistrial one of the defendants, Shomatsu Ida, was kidnapped by several carloads of whites while standing on the street near his home. He was whipped across his face and shoulders and left on the beach semiconscious. He managed to get to a police substation, where official photographs were taken showing the welts on his body. Meanwhile, there were

insistent rumors that Thalia Massie had been unfaithful and that, in fact, her husband had broken her jaw the night of the alleged rape. These rumors made their way into the newspapers and contributed to the boiling racial conflict.

In 1932, Hawaii was controlled by the "Big Five," five companies, owned by white people, that dominated the economy. American Factors, Alexander and Baldwin, Castle and Cook, C. Brewer and Company, and T. H. Davies and Company owned the sugar plantations, the sugar refineries, and the shipping lines and controlled all the major stores and banks. The U.S. Navy was another powerful and conservative force. The Navy was very stratified, with all white officers, a great many of them from the southern states. The Navy's ideology was the military equivalent of Manifest Destiny—its policymakers believed in the white domination of Asia. Pearl Harbor, the largest naval base outside the United States, was the focal point for naval operations in the Pacific.

Hawaii gave the appearance of a melting pot, but the social and economic order was dominated by whites. The society was very stratified, with a white upper class, referred to as the "elite *haoles*," at the top. Housing on the islands was segregated. Racial discrimination was a way of life for the Big Five and the United States Navy. Social mores replicated those on the mainland. Although white men were free to sleep with Hawaiian, Filipino, Chinese, and Japanese women, it was impermissible for white women to have sexual relations with any person of color. The strong presence of southern naval officers fortified the notions of white superiority and the so-called protection of white womanhood from the "colored natives."

Lieutenant Massie, a southerner by birth and conditioning, could not stand the innuendos and rumors that he had broken Thalia's jaw when she returned that night because he had not believed her story of rape. Massie, his mother-in-law (who had flown to the island), and two other sailors kidnapped one of the defendants, a Hawaiian named Joseph Kahahawai. Kahahawai was well known on the island, having been a professional boxer. They took him to Mrs. Fortescue's cottage and threatened to beat him. Massie called him a "black son of a bitch." Finally, Kahahawai is alleged to have said, "Yeah, we done it." Lieutenant Massie would later testify that when he heard those words his mind went blank and he shot Kahahawai, killing him.

In fact, Massie did not kill Kahahawai. Many years later, Deacon Jones, one of the sailors accused of the murder, admitted to writer Peter Van Slingerland that he was the one who had shot Kahahawai:

Q. What was Kahahawai's response?
A. He was scared. He was scared almost white. Let's put it this way: supposing you and me are sitting here and we got a nigger sitting right there and I got a gun. He's going to be scared, isn't he? Unless he's a God damn fool, and this guy was no fool.
Q. Now, you had no personal reason for animosity toward Kahahawai?
A. Well, I don't hate anybody. Hate is another expression of fear and I didn't fear this black bastard, although I had no use for him. To me, it was a challenge.
Q. You say Massie was questioning him. Then what happened?
A. Massie asked him a question and Kahahawai lunged at him. I say, "lunged." Somebody else might say he just leaned forward.
Q. And then?
A. I shot him.
Q. *You* shot him?
A. You're God damn right I did. I shot him right underneath the left nipple and to the side. When the slug hit him he just went over backwards on the chaise longue. The bullet didn't go through him. It stayed in his body. That was the climax, right there.
Q. Did you know what you were doing?
A. When I shot that son-of-a-bitch, I knew what I was doing.[1]

There was a massive funeral for Kahahawai. An older Hawaiian, David Kama, whose brother had been shot by a soldier years earlier, gave the eulogy. He expressed the anger of Hawaiians.

> Poor Kahahawai! These haoles murdered you in cold blood. They did the same thing to my brother. They shoot and kill us Hawaiians. We do not shoot haoles, but they shoot us! Never mind—the truth will come out! Poor boy, God will keep you. We will do the rest.[2]

Among the political establishment and the media there was hardly any public criticism of what Hawaiians were calling a "lynching." However, the *Hawaii Hochi,* a Japanese-English newspaper, expressed the views of the Asian majority when it published the following editorial:

> Admiral Pettingill told the world Hawaii was not a safe place for wives of Naval officers, because one woman was outraged. . . . The Hawaiians are asking a question that perhaps Admiral Pettingill or Admiral Stirling can answer. They are asking whether Hawaii, their own homeland, is now safe for Hawaiians!

Massie, his mother-in-law, Deacon Jones, and the other sailor who had participated in the kidnapping were charged with murder. Under the law of felony murder, anyone who participates in a felony is guilty of a murder resulting from that felony. That is why all four were charged with murder, even though the mother-in-law and other sailor may not have been in the room when the shooting took place. Darrow and George Leisure, a Wall Street lawyer who was cocounsel, had to choose from three possible defenses. First, if they knew Jones had shot Kahahawai, and it is doubtful that they had such knowledge, they could have used a white rage defense. According to Dershowitz's notion that such a defense is feasible, Darrow could have argued that Jones was crazed with racial hatred for any person who was not white. Second, the defense could have argued that Lieutenant Massie had been driven crazy by the thought of an Asian having sex with his wife, and that a lifetime of racial conditioning caused him to lose control and shoot Kahahawai. Third, the defense could rely on the "unwritten law" that a man is justified in killing the person who rapes his wife. Darrow chose the third alternative.

This unwritten law was more than an expression of justifiable revenge. Among the southern naval officers it was considered a "code of honor." When a married woman was raped, it was considered a stain upon the entire family. It was an insult to the husband. In the male-dominated Navy world, where a wife was seen as an appendage of her husband, rape was a humiliation of the husband.

Thalia Massie was made into a symbol: the loyal, faithful wife of a bereaved, justifiably angry husband. She was held up as the symbol of "decent white women." This imagery was repeated over and over, not only on the islands but also in mainland America. The Hearst-owned *New York American* falsely stated that there had been forty rapes of white women in Hawaii, a charge also made by the commandant at Pearl Harbor. The *American* ran an article entitled "Martial Law Needed to Make Hawaii Safe

Place for Decent Women." The racism of the article saturated its pages: "The situation in Hawaii is deplorable. It is an unsafe place for white women outside the small cities and towns. The roads go through jungles and in these remote places bands of degenerate natives lie in wait for white women driving by."

Two books on the Ala Moana and Massie trials, *Rape in Paradise* by well-known journalist Theon Wright and *Something Terrible Has Happened* by Peter Van Slingerland, afford an exhaustive study of the official investigations and the trials. *Rape in Paradise* also provides an excellent discussion of the race and class oppression of native Hawaiians. But both books were published in 1966 and neither of them is informed by the insights provided by the feminist movement. Neither author understood the burdens a woman faced when bringing an allegation of rape into the criminal law system. Nor did the authors understand how the Massie murder trial was an expression of a male-dominated view of the world. We do not know whether Thalia Massie, twenty-two years old in 1932, accepted that view of the world. But we can conclude that she suffered a great deal.

The story of Thomas Massie and his code of honor was articulated by Darrow during the trial. But the story of Thalia Massie has never truly been communicated. She was subjected to innuendo and rumor during the trials, and afterwards had to endure doubt and disbelief. The governor's official investigation, which was completed by the Pinkerton Agency after the trials, concluded that Thalia Massie was not kidnapped or raped by the Ala Moana defendants. One theory was that she had mistakenly identified the defendants. A less charitable theory was that she intentionally misidentified the four young men in order to hide something.

Less than two years after her husband's trial she was divorced, stating that "Tommy insisted we get a divorce. It was the terrible publicity of the trial." A month after the divorce she slashed her wrists. In her later years she continued to have problems, and in 1962 she died from "an accidental overdose of barbiturates" at her apartment in West Palm Beach, near her socialite mother's home.

The actual trial was hard on the aging Darrow's health, and he became ill, necessitating a brief continuance. But his intellectual vigor and persuasive advocacy were still apparent to all. Legally, the defense was temporary insanity. Two psychiatrists testified that Lieutenant Massie acted in "a

walking daze, in which a person may move about, but is not aware of what is happening" and that his act was "an uncontrollable impulse." Emotionally, the defense was the "unwritten law." This appeal found some sympathetic ears in the all-male jury. The jury, consisting of seven whites all born on the mainland, three Chinese, one Portuguese, and only one Hawaiian, rejected the murder charge but brought in a verdict of manslaughter, with a recommendation of leniency. The judge sentenced the defendants to ten years in prison but allowed them to stay free on bail while their lawyers prepared to file legal motions.

The trial and verdict were reported by newspapers across the mainland. The American political establishment was outraged that there had been any verdict of guilt at all. Senator Lewis of Illinois called for President Herbert Hoover to investigate the injustice, and Congressman Thatcher of Kentucky circulated a petition in the House of Representatives calling upon the governor of Hawaii to pardon the four defendants. The House Territories Committee voted for a widespread investigation of the government of Hawaii. Politicians in Hawaii buckled under the pressure. The attorney general of Hawaii visited Darrow at his hotel and urged him to bring his clients to the governor's office. When they met with Governor Judd, he commuted the ten-year sentence to one hour.

Darrow was asked to stay in Hawaii and, for a fee, help prosecute the remaining three young men charged with raping Thalia Massie. But he refused, saying he had never prosecuted anyone and was not going to start now. He then helped persuade Thalia Massie to forgo the strain of another trial, to put the whole incident behind her and return to the states. She did so, and charges were dismissed against the three men.

Looking back at the trial, we must ask why Darrow did not choose to use a white rage defense. The answer is clear: Darrow understood that such a strategy was doomed to failure. A defense based on Lieutenant Massie's or sailor Jones's racial hatred would not elicit sympathy. Unlike a black rage defense, it would not expose how society oppressed the defendants. Instead, such a defense would show how the defendants themselves benefited from racial discrimination. The white rage defense also would have exposed the defendants' ideas of racial superiority, highlighting their bigotry, their arrogance, and their disdain for Hawaii's people of color.

Darrow went to considerable lengths to keep any mention of race out

of the trial. In his autobiography, he states that he considered picking the jury the most important part of the case, and he is quite frank in admitting that he tried to get white men on the jury and to disqualify nonwhites. In total contrast to his defense in the Sweet trials, in the Massie case Darrow did not allow any "question of race" to be discussed in the trial because he felt "it would have been fatal to our side to let anything of that sort creep in." He adopted such a strategy because he knew that a white rage defense rooted in race hatred was a losing proposition, as it would be in Dershowitz's hypothetical case of a white skinhead charged with assaulting or murdering a person of color. Dershowitz's hypothetical case is not a serious and realistic criticism of the black rage defense. No successful black rage defense has been based on race hatred. Rather, the defense is used to explain how racial and economic oppression cause a person to commit a crime.

The fact that Darrow's defense of Lieutenant Massie and cohorts put him on the wrong side of the most racially charged trial in the history of Hawaii raises important questions regarding lawyers' responsibility to their clients and to society. The values one is defending and the messages one is sending to the public are critical to a lawyer embarking upon a white rage or black rage defense. Examining Darrow's actions can shed some light on these issues and help advocates think through their political responsibilities when making a choice to defend someone.

How did Clarence Darrow, a man who dedicated his life to fighting injustice, end up in the final case of his career implicitly supporting racial prejudice? Darrow was once described by the great African American scholar and activist W. E. B. Du Bois as "one of the few white folk with whom I felt quite free to discuss matters of race and class." Why was he blind to the negative role he played in the Massie case? The answer lies in the culture of American law. Lawyers are taught that their first and utmost responsibility is to their client. This principle of American law has a positive and negative side. On the positive side, it allows lawyers to represent people whom the state would crush. We have only to look at other nations to see how political dissidents and alleged criminals are arrested, imprisoned, even executed without any semblance of due process. In a nation where lawyers are not allowed to represent their clients forcefully, the state inevitably destroys the life of the innocent as well as the guilty.

American defense lawyers are part of a tradition that respects individuals and is suspicious of state power. When a public defender in an empty courtroom in a small county stands up to a dictatorial judge or an overreaching prosecutor, she is part of a historical struggle against the growth of the police state. Legal culture encourages lawyers to defend their clients vigorously and passionately whether they be political pariahs, destitute immigrants, or crazed criminals. It can be an emotionally difficult job, but it is essential to a democracy.

The negative side of the emphasis on advocacy and winning is that it can produce lawyers who go beyond the bounds of morality to win their cases. It also creates lawyers who, like leeches sucking blood, draw sustenance from confrontation. Instead of looking for ways to mediate conflict, they jump into battle blindly pushing for the win, often leaving emotionally scarred bodies strewn behind them, including those of their own clients. Lawyers often refer to their victories and losses as their "track record," as if the lives of their clients were part of some sort of athletic game in which the attorneys were shooting for an all-star position.

A key feature of our legal culture is that lawyers can be on either side of an argument. Lawyers are taught that it is acceptable to represent women suing a corporation for discrimination in hiring one day, and then turn around the next day and defend a corporation against discrimination claims. In law school, during moot court exercises minority students will often be assigned to defend alleged discriminatory practices. The rationale given is that it will sharpen their advocacy skills, but the political message is that a lawyer has a duty to represent any side of a case. When I told one of my law professors that when I became a lawyer I would not defend a Nazi, the following exchange took place:

> **Professor:** "You are not playing the game."
> **Student:** "It's not a game to me."
> **Professor:** "Then maybe you should not be allowed to play."

This kind of teaching and indoctrination produces lawyers who feel free to disregard the social consequences of their actions.

Darrow's weakness in the Massie case was characteristic of this legal culture as he failed to examine his actions in the harsh light of the racial and political realities of the islands. In his autobiography he discussed the

historical exploitation of the Hawaiians, but he kept his eyes closed to the influences of that history on the Massie case.

Darrow had totally committed himself to his client's view of the case. In order to do that, he had to accept the white Navy lieutenant's view of Hawaii. His blind commitment to Massie influenced his trial strategy in a manner that many would consider racist. Darrow understood that race prejudice was part of the case. He said, "It had to be admitted that the race question was a disturbing factor in the case." But he tried to shed himself of any responsibility for supporting prejudice by his exclamations that he, personally, had no racial bias and did not have any "race feeling" growing out of the case.

Darrow wrote that Joseph Kahahawai's funeral was the largest ever held on the islands, except those for a prince or princess. He had jumped into a case that symbolized race relations in Hawaii. By defending an outraged white man who admittedly killed a brown man whom he believed had raped "his" white woman, Darrow became part of a long, ugly, historical tradition of white supremacy. U.S. history is replete with examples of brutal beatings, castration, and lynching of men and boys of color who just talked to, much less had sex with, white women. By relying on the "unwritten law," by hiding the racial aspects of the case, and by keeping Hawaiians off the jury, Darrow was part of a process that supported racial oppression.

Except for the Massie case, Darrow's professional life is an example of a lawyer who did not give up or seriously compromise his political principles when defending a client. Attorneys face issues of racial, class, and gender stereotyping in many cases. They should not hide behind a shield emblazoned with the slogan "Do Anything to Win." Lawyers can hold dear the tradition of staunch advocacy but not accept the notion that it is supportable to represent anyone in any way that results in victory.[3]

A fairly recent California white rage case sheds additional light on the unfeasibility of a defense based on race hatred. The town of Novato, less than an hour north of San Francisco, is often described as a quiet, affluent, bedroom community. Its tranquility was shattered on November 8, 1995. On that day, Robert Page, an unemployed twenty-five-year-old white man, woke up and decided he was going to kill a Chinese man. At approximately noon he entered the parking lot of a supermarket, where he saw twenty-

three-year-old Eddy Wu. Page ran at Wu, grabbed him from behind, and stabbed him twice in the back with a long knife. Wu ran into the supermarket for safety, but Page ran after him and stabbed him two more times, puncturing his lung. Fortunately, Wu survived. Store employees followed Page for four blocks as he walked away wielding the ten-inch bloody knife. They waved down an unarmed community service officer, who ordered Page to lie down on the street. Page complied and soon patrol cars arrived and arrested him. Page told the police he was a white supremacist, and that he did it "to defend our country." In the statement he gave the police, he wrote the following: "It all started this morning. I didn't have anything when I woke up. No friends were around. It seemed that no one wanted to be around me. So I figured . . . I'm gonna go kill me a Chinaman."

A week before the attack, Page had walked off his job as a meat carver at a local Hof Brau, muttering that he did not get any respect. His mother told the police that a few days before the stabbing she had moved out of the home they were sharing because he had been "acting strangely" and had threatened her. She was afraid he might hurt her or his own two-year-old son.

A few months after the arrest, Page pled guilty to attempted murder that was racially motivated. He was sentenced to eleven years in prison. Page had committed what is termed a "hate crime." More than half the states have passed laws making acts of violence against property or persons *because of race or religion* a separate crime. For example, in California if one commits a murder for reasons of race, color, religion, or national origin, the punishment is death.

The California penal code makes it a crime to interfere with a person's constitutional rights or damage his or her property because of the person's race, color, religion, ancestry, national origin, gender, disability, or sexual orientation. There are also enhancement code sections, under which additional years in prison are added to the time a defendant receives if the crime is proven to be a hate crime. According to FBI data, in 1994 blacks and Jews were the main targets of hate crimes. In that year alone, 2,100 hate crimes against blacks and 908 against Jews were reported and hate crimes against Asians rose by 35 percent. (The sharp increase in crimes against Asians may be the result of recent political campaigns that have put forth strong antiimmigrant proposals and rhetoric.) When analyzing hate crime statutes, it is important to note that prosecutions are not lim-

ited to whites; blacks and Latinos have also been charged under these penal codes in California.

The fact that these statutes exist means that a defense based on race hatred would run into serious obstacles. First, if the defendant admits that his motivation was racial, he would be setting himself up for additional charges and a more severe sentence if convicted. Second, a hate crime charge allows the prosecutor to take the offensive. A district attorney can properly put the philosophy and ideas of the defendant on trial. Evidence toward proving the defendant's bigotry and race hatred motive is admissible. When the prosecutor charges the defendant with a hate crime, he changes the atmosphere of the courtroom. A white rage defense that develops environmental reasons for the crime will most likely be viewed as an attempt to justify racial hatred.

Some critics of the black rage defense argue that white rage defenses of hate crimes have been successful. They refer to the jury acquittals of white men who shot civil rights activists in the South in the sixties. They point to Sheriff Lawrence Rainey and some of his associates, who were found not guilty of charges relating to the murder of black and Jewish civil rights workers James Chaney, Michael Schwerner, and Andrew Goodman during Mississippi Freedom Summer in 1964. They also call attention to Byron de la Beckwith, who assassinated NAACP leader Medgar Evers in Mississippi in 1963. Beckwith was tried twice during the sixties for murder. Both trials resulted in hung juries. Finally in 1995, with the help of new evidence and an integrated jury, he was convicted.

State of Georgia v. Bruener, a less publicized case than Rainey's and Beckwith's, is more typical of the kind of cases commentators use to criticize the black rage defense. In 1968, a deputy sheriff in Thomasville, Georgia, arrested a small, young black man for a parking violation. At the jail the deputy attacked the young man from behind, splitting open his skull. He then took the man's twenty dollars for the parking fine and sent him home bleeding from the head saying "that will teach you to say 'yes, sir' and 'no, sir.' "

Because of their newly won voting rights, the black community had some leverage in Thomasville. The liberal white solicitor general agreed to prosecute the deputy for assault and battery but did not want to be in the public position of handling the case himself. So he asked legendary civil rights lawyer C. B. King to come from his private practice in Albany,

Georgia, and prosecute the case. King, an African American, was the only attorney in all of southwest Georgia who would handle civil rights cases. Blacks and whites alike attested to his courage and eloquence. Every summer, law students from around the country would come to Albany to volunteer in his office. Among King's alumni are U.S. solicitor general Drew Days III, former U.S. congresswoman Elizabeth Holtzman, critical race scholar Charles Lawrence, Dennis Roberts, the first white law student from the North to go to the South to do civil rights work, and many others who became committed, progressive attorneys.

King and three of his law student interns entered the Thomasville courtroom and were greeted by the unusual sight of black people sitting in the spectator section. The jury pool was all white, and twelve men were seated to be jurors. King presented an overwhelming case against Deputy Sheriff Bruener. In spite of the evidence, however, the jury deliberated just ten minutes and delivered a verdict of not guilty.

Rainey, Beckwith, and Bruener are all examples of the miscarriage of justice because of white supremacy. But the critics are incorrect when they use these types of cases as examples of white rage defenses. The defendants did not admit their participation in the crimes and then argue white rage as their defense. Sheriff Rainey and the others relied on the traditional "I didn't do it" defense and hoped that the all-white juries would disregard the facts and protect the white defendants. The subtext of the defense was an appeal to racism, but that is not comparable to the black rage defense, nor to the hypothetical white rage cases described by Dershowitz and other critics. In a black rage case, the defendant admits the act and argues that the social context must be taken into legal consideration. Steven Robinson admitted the bank robbery; James Johnson admitted the homicides; Henry Sweet admitted shooting into the crowd. Rainey and Beckwith, on the other hand, attempted to hide the truth. The black rage defense is so powerful precisely because the accused admits his actions. Whereas Rainey hid the racial and social factors that led him to kill the three young men, the black rage defense seeks to explore, with the jury, the entire social context of a crime. For these reasons, the defenses of Rainey and Beckwith cannot be equated with the black rage defense, and they do not offer the basis for a valid critique.

Let us move from Mississippi to Southern California, and from the

sixties to the nineties. The acquittals of the police officers who brutally beat Rodney King can be analogized to the cases in Mississippi. The Los Angeles police officers did not argue that they were expressing their anger at African Americans, that they were acting out of racial frustration and hate. They argued the opposite—that they were not racists. Their defense was that the vicious beating was a use of reasonable police force in an attempt to subdue a criminal (not a "black" criminal) who was violently resisting a legal arrest. If they had followed Dershowitz's hypothetical and argued that white rage was the reason for their actions, even an all-white Simi Valley jury would have convicted them. Looking at the cases of Massie, Page, Rainey, Beckwith, Bruener, and the California police officers, we can see the implausibility of a race hatred defense. Such a defense brings out the worst about the defendant. It brings out all the twisted, vicious parts of the person. A strategy that is based on white supremacy does not reveal the pain of being oppressed because white supremacy is the historical doctrine of the oppressor. To the extent that such a defense informs us that racism warps the racist himself, it may have some social value, but it would still be offensive to a jury. As long as the defendant holds onto his racial hatred, there is no potential for the defense to enlarge the human spirit. There is no potential to evoke a jury's empathy. It is a repugnant defense. Deacon Jones, who shot Joseph Kahahawai in cold blood, could not have been acquitted using a white rage defense, nor could Robert Page be acquitted of stabbing Eddy Wu in the back. An all-white Mississippi jury would not have acquitted Beckwith if he had admitted gunning down Medgar Evers. Even in Sheriff Rainey's trial, Deputy Sheriff Cecil Price and six of the coconspirators were convicted by an all-white Mississippi jury and given prison sentences ranging from three to ten years.

The black rage defense is brought by a person who is a victim of white supremacy. The black rage defense has been successful because it shows the jury the social wreckage caused by racism. It brings to light the heartache, agony, and righteous anger felt by the oppressed. Black rage is not a defense based on a philosophy of racial superiority. We should not abandon it because of the empty threat that white supremacists will use a white rage defense.