

## SAMUEL PAILTHORPE KING

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by Randall Roth<sup>1</sup>

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

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

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

The first thing people noticed about Sam was that he cared—about everybody. He acknowledged just about everyone he happened upon—and they loved talking to him. Government, business, and legal leaders, clerks, waiters, and janitors: everyone whose lives he had touched, from a single courtroom encounter to a long-term association, enjoyed his company. He took time to visit convicts he had sentenced to prison.

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

My first question during the live broadcast was whether Sam thought O.J. had done it. His response was that I had asked the wrong question. He said the right question was whether the trial was fair. I enjoyed and learned more from that interview than from any other.

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

There was also a healthy dose of humor in Sam’s courtroom: One day a woman testified to a dozen good reasons why she should be granted a divorce from her no-good husband, and it

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<sup>1</sup> Judge Samuel P. King passed away on December 7, 2010, after serving 13 years in state courts, and then 38 years as a United States District Court judge. This eulogy was delivered at St. Andrew’s Cathedral on December 29, 2010, by Judge King’s friend and co-author, Randall Roth. Together they wrote the book, *BROKEN TRUST: GREED, MISMANAGEMENT & POLITICAL MANIPULATION AT AMERICA’S LARGEST CHARITABLE TRUST*.

seemed like she was just getting started. Sam kindly said, “Madam, I can give you only one divorce.” Another time, a litigant angrily exclaimed, “Your honor, may God strike me dead if that last witness wasn’t lying!” Sam calmly said, “There’s no reason to drag God into this. That’s why we have a jury.”

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

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

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

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

Sam set the tone and direction of that effort, just as he had done when I interviewed him on the radio. He recognized that it would take more than two voices to succeed, but there was a potential problem: each of the essay’s other eventual authors--Gladys Brandt, Monsignor Kekumano, and Walter Heen—also had good reasons not to get involved. But when Gladys saw the first draft of the essay she had only one question: “You say Sam King is with you on this?” I confirmed that he was, and she said, “Then count me in.”

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

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

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

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

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

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

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

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

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

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

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

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

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

After the bombing of Hiroshima, Sam received orders to leave for Japan immediately. Once there, he toured the rubble in Hiroshima serving as a translator. He then served on board a mine sweeper in Tokyo Bay helping allied forces locate and collect mines. Talking about it years

later, Sam made it sound like just another day at the office: “Translating mine charts wasn’t too hard ..., [I just had to] identify the area, and then the distance and the speed.... [I]t was all in Japanese, but it was very simple Japanese.”

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

Sam was a humble man who seemed to give little thought to material possessions. For decades while serving as a federal judge, he drove an old Volkswagen bug. He parked it in the judge’s parking area next to Jaguars and Cadillacs. Later, when Anne thought he shouldn’t drive a stick-shift anymore, he drove a beat-up station-wagon with a window that wouldn’t close. A courthouse staffer tells the story of catching a ride with Sam one day. When they reached the fellow’s destination and he started to get out of Sam’s car, the door fell off.

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

Sometimes Sam’s ability to do things seemed almost otherworldly. For example, he once ordered it to rain—and it did! The story began five years earlier when he was a visiting judge in California, and downpours had prevented jurors from making it to the courtroom. So Sam decreed from the bench, “I hereby order that it cease raining.” The rain stopped later that day. In fact, that happened to be the beginning of a statewide drought. Five years later, when the director of the Santa Clara Water District heard that Sam would be presiding over another case in California, he wrote a letter asking Sam to rescind the earlier decree. Sam’s secretary Rebecca (who, incidentally, worked for him for 55 years) showed Sam both the letter and an extended weather report predicting rain. So Sam issued a formal decree, ordering the rain to fall. Sure enough, a fierce rainstorm commenced the next day and continued for days. When the national news agencies got wind of this their reporters asked Sam for an explanation. He said these events were “proof positive that we are a nation governed by laws.”

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

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