

GUEST: FRANK PADGETT

LSS 815 (LENGTH: 26:46)

FIRST AIR DATE: 3/3/15

Of all places, you decide to go where there's a heavy concentration of Asians.

Yeah.

After being a prisoner of war in Japan.

Yeah.

No bitterness about—

No; no.

--Japanese nationals?

No; no.

How did that leave you? Or did it never form?

It never formed. Well, because ... I got bad treatment and good treatment. Okay? And so, I recognized, you know, that's not endemic, it's the damn system—

I see.

--that made them that way.

Retired Hawaii Supreme Court Associate Justice Frank Padgett was a twenty-one-year-old pilot when he was forced to ditch his plane and parachute into enemy territory during World War II. Despite spending the next nine months in a Japanese prisoner of war camp, he says he never let the experience embitter him. Frank Padgett, next, on Long Story Short.

Long Story Short with Leslie Wilcox is Hawaii's first weekly television program produced and broadcast in high definition.

Aloha mai kakou. I'm Leslie Wilcox. Born in 1923, Frank David Padgett is a member of what has come to be known as The Greatest Generation, living through the Great Depression and serving in World War II. He grew up in a small town in Indiana, where a challenge in high school started him on a remarkable life journey.

My father was an alcoholic. He and my grandfather sometimes practiced law together. My mother was their secretary.

And your parents didn't get along, and sometimes—

A lot of times, they didn't.

--you'd leave the house, or your mother would leave the house.

That's right.

What was that like for you as a kid, living in this very tempestuous household, and moving around a bit when things weren't going well?

You know, a kid really doesn't take that much account of those things. I loved my father; I was unhappy when they were separated or we were separated from him. And that's part of the reason I guess they got back together. And near as I can tell, I pretty well took all of that in stride. I was an only child.

You always felt loved, even though there was anger and hostility around.

Yeah, yeah, yeah; right. My mother was my father's second wife, and they understood ... that they were excommunicated. And so, we never went to church. When I was about thirteen, fourteen, fifteen, I don't know, I had a paper route. I started when I was eleven. And there was a woman on that route said to me, Frank, you come from an old Catholic family, and you really ought to go to church. And the rectory was about two blocks off my route, and I thought about it and finally, I went over and knocked on the door. And the priest came; it was Monsignor Becker. I didn't know him, but small town, he knew me. And he said, What is it, Frank? And I said, Well, I think I ought to become a Catholic, Father. And he said, Well, it's about time. [CHUCKLE] So, they gave me instructions, I took my first communion, and I became a practicing Catholic.

He threw down the gauntlet.

Yeah.

And when you got to Harvard, very different culture.

Yeah. I know, but [CHUCKLE] I was so busy trying to learn. You know, you accept things. I really didn't have the background to be in Harvard, and I had to work like a dog, you know. [CHUCKLE]

You became a swimmer, a champion swimmer.

That surprised me, too. When I went to Harvard, before I went, my mother had a girlfriend who had a boyfriend who had gone to Dartmouth. And after I got the scholarship to Harvard, he came over and he said to me, Well, you're gonna get there and you won't know anybody, and you've got to find an activity you can get into; that's the way you'll make some friends. So, I went. I saw a notice that they were trying out people for the swimming team, the freshman swimming team, and I went down there. And they said, What do you swim? And I said, Well, I don't know; what do you got the least of? And they said, Breaststroke. And I said, Okay, I'm a breastroker. Well, I was the last kid above the cut.

And you had to support yourself, too; right?

I had a day on Tuesday as a freshman. I got to the dining hall, I think, at six-thirty and got off about eight-thirty, had a class at nine and a class at ten. Back to the dining hall at eleven-something, got off about one-thirty. On Tuesdays, had a geology field trip, and got back at five-thirty, in time to go to serve dinner. [CHUCKLE]

And then, you'd do your homework after that work shift.

Yeah, yeah. Yeah, yeah, yeah.

You must have been exhausted.

Well ... yeah, I was. It was hard.

The United States had entered World War II while Frank Padgett was at Harvard University, and in February of 1943, he received orders to report for active duty. Padgett was nineteen years old, and still had one year to go of college.

The services came and cleared out the Ivy League schools pretty much, because they were gonna need officers, and so you want to get people who had got education. So, the Air Force got me.

Were you fired up with war spirit and wanted to protect the United States?

No; I wanted to get through college. I figured the war was gonna last forever, and I wanted to get through college before, you know. I finally got to be the number-one breaststroker on the swimming team. I was in four meets, and the Air Force called me up. They were short of pilots. So, I became a pilot. Got my wings at twenty-one. I was still twenty-one when we went down and I was captured.

What happened with you as you were on an Indochina bombing mission, and you had to bail out of your plane?

We were a low altitude radar bombardment plane. On the way down, we tested the bomb release thing. The bombardier had a light that showed, and I had a light on it. My light didn't show. I didn't abort the mission; we went ahead. We got down there, and we picked them up on the radar, and we had a great big target. And the bombardier said, Well, that looks like two ships alongside each other; I'll drop the bombs in between and we'll get 'em both. The bombs didn't go away. And the ack-ack from the ships knocked out my inboard right engine. We tried to climb back to eleven-five, which was the level we had to get to, to get back to our base in China. We got up there, and we had headwinds, and that damn propeller turned and burned, and the sparks flew. I thought that it was gonna blow up; I thought the propeller was gonna fall off. Nothing. Just kept going, and going, going. I was trying to get in touch with the base in China; I never could raise anybody. And finally, the engineer came up and said, Well, we've got about fifteen minutes worth of gas. And we're at eleven thousand feet. Gas gauges were not very reliable; it could be any time. So, if you're gonna bail out, you'd get out now, and we got out. The crew scattered up; seven got out with the underground, and four got captured. And I was one of those who got captured.

You fell in, I think, a dry rice paddy.

Yeah.

That's where you landed with your parachute?

Yeah. Yeah; we were northwest of Hanoi.

So, did you fall into friendly hands at first, or not?

No. Well, yes and no. I was trying to walk out to China. You know, I didn't know what the hell to do. About the second day, I was walking on a pathway between rice, and I looked, and there were all these ... Vietnamese following me. So, I stopped, and I spoke enough French, and they spoke enough so that they asked me if I was hungry, and I went back to their village. They fed me, and ... the Japanese arrived, and I tried to run out of the village. I got outside, but it was surrounded. Fortunately, I'd laid down my pistol while I was resting, and I didn't have it, so I didn't try to shoot it. That's why I lived. [CHUCKLE]

[CHUCKLE] You can laugh about it now. You not only got captured by the Japanese, but you were put in the control of the Nazi gestapo equivalent of the Japanese forces.

Yeah. That's the Kempeitai. The Kempeitai was a combination of military police and gestapo, which is kind of a bad combination.

In your book, as it was described, the kind of torture you went through, you know, a broken nose, really serious cigarette burns. I was thinking, you know, what's going on in your mind? And you were trying not to give any information up.

No; I I wasn't trying. I couldn't remember the name. That was a whole interrogation.

What's the name of your commanding officer?

Yeah.

And you didn't remember?

Couldn't remember the group commanding officer. I knew the name of the squadron commanding—they never asked me that. They wanted the group commanding officer. The thing is, and it sounds like bravado to say it, but they beat you when you're back in the cell. And you know they're coming back, and they're gonna do it again. And it really bothers you, you know. And then, they take you out, and they take you back, and the first time they hit you ... that's it. You know, they've done it, and you know they're gonna hit you some more. That's it; that's it. There's ... nothing you can do about it.

I was wondering if they find out you don't have anything to share, does that mean you get killed? Or if they think you're withholding, do they torture you more? I mean, what's in your mind as it happens?

Well, the demand was that I tell them the name of the group commander. And after three days, they took me out, and they take me over and ... they take me in before this guy who's a big shot. I don't know what; he's got a leather jacket on, and he's sitting in back of a desk. He says ... Sit down. I sat down. He said, Would you like some tea? And I said, Oh, yes, I would. And they brought in the tea. And then, he said, Went to Harvard? You understand, the Army tells you, you give them only your name, rank, and serial number. That isn't so. Nobody does that. Okay? So, you know, during the course of their questioning me, I told him I'd gone—he said, You went to Harvard? I said, Yeah. He said, Well, I'm a graduate of Columbia, myself; I went to Harvard summer school in 1921. What's this nonsense you won't tell them the name of the group commander? I said, I can't remember it. He told me, Well, then there's no problem. Because he had table of [INDISTINCT]. [CHUCKLE]

They already knew, really, the information they were—

Yeah, yeah, yeah.

--trying to torture out of you.

Yeah, and that, I'm sure happens about ninety percent of the time when they're questioning people. They already have the information.

You were being starved, you were subjected to terrible diseases, and you did develop three major diseases.

You were being starved, you were subjected to terrible diseases, and you did develop three major diseases.

Yeah, yeah. You didn't want to be in a Japanese military prison. So, you know, you lose weight very quickly. And when you've got maybe dysentery, and malaria, and beriberi, you can't walk very far. But then again, I wasn't doing any walking. I couldn't walk at all; I was in the damn cell.

I was really intrigued by this quote in your book, with your son. It's from an unknown person. But it says, To a prisoner of war, the enemy is everywhere; he controls your fate, your future, even your bodily functions. You're at war at every second. You're never given leave, and you can never leave the combat zone. Is that what it felt like?

Well, in a Kempeitai jail, yes.

You're always on alert.

They were starving us to death; okay? We wore a breech cloth, we had a blanket, the tatami with pillow on it, had a six-by-eight cell, the lights were always on. They came and stared through the thing. But, you know, human beings are human beings. One of the guards [CHUCKLE] was from a dairy farm in Japan, and the only thing he was interested in was getting back to Japan. So, they would come and talk to you, and they weren't supposed to in our in that jail. They were not supposed to, but they did anyway.

So, that was a nice bit of humanity you could share. Now, you had become a Catholic when you were thirteen or fourteen. Did that faith kick in, or was that helpful to you at this time?

I said the Hail Mary, I said the Rosary on my knuckles every day, and I prayed that I get released. God apparently moves at His own speed; it took a while. [CHUCKLE]

And yet, the American officials had essentially prepared your family to give you up for dead, because—

Yeah; that's right. That's right.

It certainly seemed like you were nowhere, alive.

General Chennault wrote a letter to my mother, which in basic effect said, Forget it. You know.

Yeah, saying, He will be remembered as wonderful man.

Yeah.

But basically, you'll be remembered.

Yeah; yeah.

I notice when you talk about being a prisoner of war, as awful as it was, you laugh. Did you have that sense of humor when you were there?

Yeah; yeah.

Kind of a dark humor?

Yeah, yeah, yeah, yeah.

I think that might be resilience, too.

Well, probably. But, you know, what are you gonna do? You can't do anything about the circumstances, so ... you know, try to see if you can find anything good ... okay; you know. There wasn't in the jail. The best thing that happened was, every two or three days, you got to carry the chamber pot out and dump it in the sewer. [CHUCKLE]

That was your excursion; right?

Yeah.

Frank Padgett was released from prison when the war ended. He spent several months recovering in a North Carolina hospital, where he met Sybil Pharr, a second lieutenant from Georgia who was a nurse on his ward, and who he married. After fully recuperating, he returned to Harvard and was admitted into its law school without having to finish his undergraduate degree. During his last year of studies, a professor made a recommendation to Padgett that he did not hesitate to pursue, even though it would mean moving thousands of miles away.

There was a professor of trust at Harvard, Barton Leach. Very famous trust professor. And he had been a colonel in the Air Force and been out here during World War II. So, I'm in my next to last or final semester, and he said, Frank, have you gotten a job yet? And I said, No. And he said, Well, you really like trust, don't you? And I said, Yeah. He said, Well, you know, they got more trusts in Hawaii than anyplace else in the world. And he said, I can give you the names of three law firms, and you write them and see. And one responded, and Garner Anthony came up and interviewed us, and I got the job.

And no sooner do you get to Hawaii and pass the bar, but you are holding a banner for a Japanese group here.

Yeah. Well, they had this case, Garner Anthony had it, and the government had filed a bunch of interrogatories and a motion for a summary judgment. And he gave it to me, and he said, you know, Take a look at this. And I looked at it, and I said, You know, I don't think those government attorneys know what they're doing. So, I filed a bunch of counter interrogatories, and I carefully answered the government's interrogatories. They didn't answer the interrogatories I sent them. The rule at that time said ten days, or you'd admitted it. So, when we got in front of Frank McLaughlin, who was the judge, I brought that up. And he kept them on tenterhooks the whole day, and then he released; he finally said, Okay, we'll proceed to trial, and we eventually tried the

case. But that day, sitting in the courtroom was Lujo [PHONETIC], the old-time female court reporter. I think it was for the Star Bulletin. So, she heard all of this, and she was fascinated by the fact that, you know, I'm an ex-Japanese prisoner of war, and here I am with a bunch of Japanese clients. And she wrote an article on it, and the Associated Press picked it up. Yeah.

But your own law firm really didn't think you'd win it.

No; no, they didn't. But then, I had to go study Shintoism. I got books from the University of Hawaii Library. And I found out, you know, the government's case, there was nothing to it. Kotohira Jinsha was put together by immigrants from three small fishing villages in Japan, and they had their own gods. The government couldn't come within a million miles of proving Japanese domination. So, we got the temple back.

That was quite the entry into Hawaii and a new career.

Yes; yes, it was. It helped me with the local people a good deal. [CHUCKLE]

You came to Hawaii in '48?

Yes.

And what was it like? What was your first impression? You'd never been here before, you took a job sight unseen.

Yeah. There was very little interracial social mixing in Hawaii at the start. You know. The community was very small, the people you knew. You know. [CHUCKLE] You know, we'd go to parties, and everybody had gone to Punahou.

So, how did you fit into that scene?

Well, we went to the parties, and we liked the people, but you know, you couldn't very well reminisce with somebody. You weren't here. [CHUCKLE] I'd get up in the morning and walk Downtown. And that was Hawaii in those days; you get out and start walking Downtown, and somebody'd come along and say, Hey, you want a ride? You know. [CHUCKLE] And one of 'em turned out to be Kinau Wilder. I had no idea who she was, but you know.

And she doesn't have any idea who you are?

That's right.

She just said, Hey, you want a ride?

Yeah; yeah.

Oh ...

And so, you know, it seemed like a very pleasant place.

And you were here to see the Democratic Revolution of 1954. The Republicans and government gave way to a Democratic majority.

Yeah. I think at the beginning, there were maybe five Haole Democrats in Hawaii. [CHUCKLE] I'm serious about that.

Really?

[CHUCKLE] You know.

So, were you sort of the maverick in your group politically?

Yes.

And did they hold that against you?

No.

Why not?

I have no idea.

Frank Padgett practiced law for thirty-two years before being appointed to the Hawaii Intermediate Court of Appeals in 1980. His next appointment came two years later, when he was appointed to the Hawaii Supreme Court as an Associate Justice. He served on Hawaii's highest court for ten years, until he retired.

When you were in practice in Honolulu, you were sometimes described as abrasive. What about when you were a judge, and you were maintaining order in your court?

Well, apparently, there were those who didn't like me very much in that capacity, because ... I was ... impatient ... with lawyers. They had all these

pending cases, and somebody had to go through the briefs and make a preliminary judgment about them. And I found out that lawyers were getting extension, and extensions, and this one lawyer was particularly bad about it, and I gave him a big fine. And you got some criticism for running a newspaper story about it.

[CHUCKLE]

Yeah. [CHUCKLE]

Five thousand dollars; and did it ever happen again?

No; I never hit anybody that hard again. Remarkably, the requests for extensions of time dropped off. [CHUCKLE]

What do you think was really the epitome of your career? Was it being a corporate lawyer, or was it being a judge?

I think being a judge.

Because?

Well, when you're a lawyer, you're on one side fighting like hell. When you're a judge, you're supposed to be able to take a look at it and reach a rational decision. You know, there's a difference in what you do.

You don't choose sides when you're an attorney, do you? When you're a judge, you can be ...

Yeah.

You represent the people.

Yeah; yeah. That's right. My favorite, of course, was the Kapiolani Park case.

What was that about?

Well, Frank Fasi wanted to lease a portion of Kapiolani Park to Burger King. And the Waikiki Residents Association was against it, and they brought a lawsuit to stop it, and the lower court allowed it. And it came to the Supreme Court. Kapiolani Park was a trust. Okay?

M-hm.

And that trust had in it a clause which said that there will be no commercial activity. Okay? That was set up way back when, in the days of the Kingdom. And, you know, everybody was saying, Well, you gotta overlook that, you gotta overlook. Well, what they forgot was, it wasn't just that trust, but people had deeded property to Kapiolani Park to become part of the trust, with that as the agreement. Nowadays, of course, if you're dealing with corporations, you know, you can do any damn thing you want to, and change it any time you want to. But you can't do that with a trust.

So, thanks to you and the court, no Burger King in Kapiolani Park.

Yeah; yeah. Right.

You had a very long legal career. You went through periods of your life where things could have worked out really differently.

Looking back on it, two weeks from yesterday will be Sybil and my sixty-ninth wedding anniversary. If I hadn't been sick and in the hospital, and she hadn't been a nurse, we'd have never met. So, you know, in life ... you play the hand you're dealt. [CHUCKLE]

As part of America's Greatest Generation, Frank Padgett was able to put the brutality of his prisoner of war experience aside to become a prominent attorney and highly respected justice in Hawaii. Mahalo to retired Hawaii Supreme Court Associate Justice Frank Padgett of Honolulu for your service to our country, and to Hawaii nei. For PBS Hawaii, and Long Story Short, I'm Leslie Wilcox. A hui hou.

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You'd gotten a chance to know people.

Yeah.

And see all the commonalities.

Right; right.

So, Hawaii wasn't the complex and forbidding place that other newcomers sometimes find it.

Yeah; that's right. None of that bothered me. And, you know, in a law firm, when you're the youngest guy, the new guy that just came in, and somebody comes, you know, you get the odds and ends, the little pieces of this and that. So, you know, one of the guys that they sent in to see me was a Filipino barber, and I was able to do some things for him, some of his legal problems. And you couldn't have a better advertiser than a Filipino barber. [CHUCKLE]

[END]