

Leading the Way

JACL Hawai'i, Honolulu Chapter



Fall 2004

The Hawai'i Chapter of the JACL recommends a NO vote on the four constitutional amendments. Here's why:

1) Shall the Constitution of the State of Hawai'i be amended to provide that the legislature may define what behavior constitutes a continuing course of conduct in sexual assault crimes?

This amendment refers to the crime of Continuous Sexual Assault of a Minor Under the Age of Fourteen which is found at Hawai'i Revised Statutes (HRS), section 707-733.5. A person is guilty of that crime if the person has sexual contact three or more times with a minor under the age of fourteen.

HRS § 707-733.5 (2) provided that a jury did not have to be unanimous as to which three or more acts the defendant had committed in order to convict. In other words, if more than three acts were alleged, some jurors could believe that acts 1, 3 and 5 were proven, others could conclude that acts 2, 4 and 6 were proven, and still others could decide that acts 1, 2 and 5 were proven, etc. A defendant could be convicted even though jurors actually disagreed with each other!

In State v. Rabago, 103 Hawaii 236 (2003) the Hawai'i Supreme Court overruled HRS § 707-733.5, reaffirming one of the basic principles of our system of justice, namely, the right to be convicted only upon a unanimous verdict.

A unanimous jury verdict is a cornerstone of our criminal justice system. Juries have to be unanimous to find someone guilty or not guilty. If some jurors believe a defendant is guilty and some believe he is not guilty, a mistrial results and the defendant is tried again. For conviction or acquittal, the jury must be unanimous.

The Continuous Sexual Assault offense shouldn't be any different. In Rabago, our Supreme Court recognized that it was fundamentally wrong to have a law on our books that allowed conviction on less than unanimous agreement as to all aspects of the offense. A no vote here protects that fundamental right without changing the fact that a defendant can always be charged with separate acts if a total of three acts can't be established.

This proposed amendment is designed to overturn the Rabago decision. It is very bad policy to change the constitution of our state because of disagreement with a single court decision. It is even worse policy to do so when the change would lessen every citizen's fundamental due process right to be convicted only upon a unanimous verdict.

For these reasons, we urge you to vote **NO on Question #1**.

2) Shall the Constitution of the State of Hawai'i be amended to provide that the public has a right of access to registration information regarding persons convicted of certain offenses against children and persons convicted of certain sexual offenses, and that the legislature shall determine which offenses are subject to this provision, what information constitutes registration information to which the public has a right of access, the manner of public access to the registration information and a period of time after which and conditions pursuant to which a convicted person may petition for termination of registration?

The way this amendment is worded might make you think that Hawai'i does not already have a "Megan's Law". We do.

Currently, citizens can learn the following information about a convicted sex offender who is subject to public notification: name, home address & telephone number, names of schools & colleges attending, license numbers of any cars owned or operated by the offender, a brief summary of the offense and see a recent photograph of the person.

The current process works. Convicted sex offenders subject to registration must register with the state for LIFE. Those subject to public notification are entitled to a hearing where there is a presumption in favor of public notification. The hearing simply gives the offender an opportunity to rebut the presumption. Once a judge orders public notification, it will be for a minimum of ten years. Many offenses have mandatory LIFETIME public notification.

Prosecutors did not start filing petitions for these hearings until 2004, although the Legislature enacted the statutory process for the hearings in 2002 after the Hawai'i Supreme Court decided State v. Bani, 97 Hawai'i 285 (2001). (Mr. Bani was convicted of a misdemeanor sexual assault in a bar for "groping" a young woman; the decision in his case required **notice and an opportunity to be heard** on whether he presented a danger to society before the government could publish his name, residence, and information about his offense to his neighbors, employers and others **for life**). The hearing process has begun and the hearings are averaging about ten minutes. It has not been a burden on the court system or caused great expense.

Continued on page 6

President's Message

Karen T. Nakasone



Upcoming Events:

Save the Date! 2/21/05 is the President's Day Holiday and JACL's Annual Day of Remembrance. Stay tuned for more information on our program for next year!

The Dr. Martin Luther King, Jr., Gala Dinner will be held at the Hyatt Regency Hotel in Waikiki on January 14, 2005. There will be a silent auction, great food, and celebrity guests. William Kennard, former FCC Chairman and the first African-American to hold that position, will be the keynote speaker. Cost is \$50.00 per person. Contact Alphonso Braggs at ABraggs@aol.com or Bill Woods.

Go for Broke Education Foundation will hold their 3rd Annual Evening of Aloha Dinner on 11/6/04, at the Westin Bonaventure Hotel, 404 Figueroa St., Los Angeles, CA. Contact www.GoForBroke.org, or call (310) 328-0907 for more information.

The Japanese American Citizens League is a national organization committed to securing and upholding the human and civil rights of Americans of Japanese ancestry and others and to preserving the cultural heritage and values of Japanese Americans everywhere. The JACL is a nonprofit organization founded in 1929. Today, the JACL has 112 chapters nationwide including one in Japan, and eight regional districts with some 20,000 members in twenty-three states. The Honolulu Chapter, established in 1980, is noted for its work in obtaining redress for local Japanese Americans wrongly evacuated during World War II. The chapter has also provided outreach and community education on a variety of issues and has been active in the development of public policy. It remains an all-volunteer organization. For more information, please contact us at 523-8464.

Aloha JACL members!

The JACL newsletter is back! Many thanks to JACL member Yvonne Lau for doing our newsletters for 2003-2004. Thank you to JACL member Sandy Hiraoka for volunteering to do the 2005 newsletters.

A huge thank-you to Immediate Past President Susan Kitsu for all her contributions during her term as our president, and for handing me the reins of an organization made more vibrant and energized under her able leadership.

Director David Forman has become our 1st Vice President/President-Elect, and director Garrett Toguchi is now our Secretary. Welcome to new director Alphonso Braggs, who is also a vice-president of the local NAACP chapter. Thank you to outgoing director Shelley Nishimura, who will continue to stay involved with our chapter through our Education Committee.

The first few months of my term as your President have been eventful and productive. Our chapter hosted the JACL National Convention from 8/10-8/14. Syndicated columnist Michelle Malkin released her controversial book, "In Defense of Internment" during that time. Following her incendiary article in the Honolulu Star-Bulletin on 8/9/04, which was accompanied by a response by director David Forman, the Star-Bulletin ran a special letters to the editor section on 8/15/04 featuring readers' responses to Malkin's contentions. Our Board of Directors' response to Malkin, which was published as an editorial on 8/26/04, is printed in this newsletter. We also sent a letter to Midweek on 9/3/04, commending their decision to cease publishing Malkin's weekly columns. Midweek's editor responded that they had reconsidered their decision and put Malkin back in their paper. At the October Board meeting, the JACL Board voted to declare JACL's opposition to all four proposed constitutional amendments on the November election ballot, and voted to urge our membership and the public to vote "no" on all amendments.

The Malkin controversy and continuing attempts to erode our constitutional protections demonstrate that our work is far from over. We must continue to educate and advocate, so that the mistakes of the past are not repeated. I urge all of you to become active members of JACL. Please contact me at 523-8464 or via email at karentnakasone@hawaii.rr.com, if you would like to get more involved by joining one of our various committees.

Karen T. Nakasone
President, JACL Hawai'i, Honolulu Chapter
Japanese American Citizens League

Help for Chris Iijima

Chris Iijima, longtime Asian American activist, law professor at University of Hawaii Richardson School of Law, friend and member of the JACL Honolulu, underwent a bone marrow transplant and chemotherapy for amyloidosis at the City of Hope Hospital in Los Angeles. "Friends of Chris" is trying to raise \$30,000 to cover the costs of housing, food, and transportation for Chris and his family while they lived in Los Angeles. If you would like to contribute to this fund, please send a check made out to "Friends of Chris," and send it to Friends of Chris, c/o Sandy Maeshiro, 10916 Pickford Way, Culver City, CA 90230. Please note on the check memo: For Chris Iijima Fund and also include your e-mail address so that they can confirm receipt of your check. The JACL Honolulu Chapter recently made a donation for Chris with funds collected from attendees of the JACL National Convention and individual contributions from the Board of Directors.

JACL 75th Anniversary National Convention a Huge Success!

By Susan H. Kitsu, Convention Co-Chair



(Left to right: Wendy Yamashita, Kalene Shim Sakamoto, Holly Toguchi, Sec. of Transportation, Norman Mineta, Susan Kitsu, Hon. Karl Sakamoto, Karen Nakasone, and Garrett Toguchi)

The JACL 75th Anniversary National Convention held in Honolulu from August 10-14, 2004 was a huge success. There were nearly 550 attendees and their families. The streets of Waikiki were draped with JACL banners along Kalakaua Avenue to welcome all our delegates and their families, speakers, special guests, and members. The convention showcased the beauty and diversity of Hawai'i's culture, people, and food. The delegates, sponsors, and speakers all had a wonderful time from the Opening Ceremonies, workshops, Mixers, Obon Dance, to the Sayonara Banquet. Special speakers from U.S. Transportation Secretary Norman Mineta, Minnesota Senator Mee Moua, Japanese Ambassador Ryozo Kato, Attorney Dale Minami, Daphne Kwok, and many, many others helped make this a memorable convention. I'd like to thank the many volunteers who made this convention one that we all will remember for a lifetime. A special thanks to all the committee members and their families for working so hard to make this a wonderful convention for all who attended. The delegates had a wonderful time in Hawai'i and we hope to see all of you in Arizona in 2006!

Honolulu Chapter Delegates Comment on the JACL 75th Anniversary National Convention



Garrett Toguchi, JACL Board Member

"Everyone should attend at least one JACL convention. At this convention, after 75 years, JACL finally opened membership to non-American citizens, in the spirit of inclusiveness. This allows JACL to now better help immigrants, who face the same challenges today that Japanese Americans faced years ago."

"It was unusual to see so many young people at the JACL convention, since Hawai'i's youth don't seem as involved in civil rights issues and activities. Hopefully that will change."

Marcia Sakamoto-Wong, JACL Board Member

It was that, but even more, it has been a privilege to be in attendance at a truly inspirational week-long event! In national council meetings I learned - about Roberts Rules of Order(!); about circumstances beyond immediate issues which drive votes; about the issues JACL traditionally addresses in our community and our country; about micro and macro contexts to consider in deliberations; about the chapter-district-national relationships; and so much more that doesn't come quickly to mind.

But most especially, I learned about myself - from panelists who addressed Japan-America Relations - hearing Ambassador Kato and later, Governor Ariyoshi, Glen Fukushima and Mazie Hirono was an identity-building goldmine! Astonishingly moving was the Asian Pacific American Women's panel, as was Mari Matsuda when she spoke about issues facing JACL in an earlier forum. David Forman asked me to write something (*editor's note: see article on the next page*) on my response to the APA Women's panel and I hope to be able to sort my chaotic emotional reaction into some coherence.

I don't think I can adequately express the gratitude I feel at this moment, for having had the experience of being a delegate; for the work that the Honolulu convention committee put forth before and during - early and late, to make the week so seamless and smooth, and more importantly, so substantive.

Congratulations for a job that exceeds "well done." One Huge Mahalo! Marcia



I encountered four amazing and inspiring women at the Asian Pacific American Women's forum presented at the JAACL National Convention. As a soon-to-be 67 year old Japanese American woman who was born and raised on the U.S. mainland, I endured war time internment as a child, became the teacher that all JA women of my generation were encouraged to be, but eventually followed my heart and kinetic instincts into the world of dance and the arts. If not by experience, at least by age and life's vicissitudes I should have long ago learned the lessons imparted to me by these younger 'sisters.' But lessons are forgotten and need re-learning - lessons of endurance, patience, forgiveness, fortitude and compassion; reminders to take risk and to mentor and be mentored. Here are the stories of four inspirational women.

"SHE" was transplanted from Japan to Hawai'i as a young child by her brave, risk-taking mother who plotted secretly and successfully to leave behind an abusive husband. Enduring bone-wrenching poverty and a laborious childhood she grew up to develop a successful political career. Repeatedly, she refers to her mother as model and mentor. She believes ardently that we women can make a difference if we live in a context larger than that of our own needs. She asserts that character counts; that we must live our lives with integrity and dignity. Following her mother's example, she takes risks, discovering that doors will open. She professes that role models matter and those who hold power should use it well; further, that encouragement matters and women should mentor each other. Finally and "most importantly" she says, women should choose their partner wisely. Inordinately candid in sharing her personal vision, the practicality born of her impoverished youth is eloquently evident when Mazie Hirono speaks.

With great wit and humor, "SHE" tells of surmounting prejudice in her college years as well as in her business career. Banned for two years running by University of Chicago sororities for being a person of color, she turned to politics and ran for and won the junior class vice-presidency. On the same ticket, 'Rich' Gephardt won the presidency. Attending the University of Geneva (rather than returning to U of C with which she had become disenchanted despite her political success) she was befriended by and learned an occasional foreign phrase from a fellow student, linguist, and daughter of a physician who is now known to the country as Teresa Heinz Kerry. Upon completing her education, she embarked on an ambitious entrepreneurial venture in Japan. Because she was young, a woman and not a Japanese national, she was refused backing through normal channels. Moreover, her risky plan was to sell frozen pizza to Japanese housewives who had heretofore taken great pride in preparing family meals "from scratch." Her father became her first banker. She refused to accept *kangaite mimasu* or "I'll think about it," the polite Japanese version of "no." To the contrary she persisted and when competitors with better cultural understanding retreated, she won the contract. Fortuitously, at about that time, Japanese women entering the workforce discovered the convenience of 'fast food' and the Japanese people developed a taste for cheese. Undaunted by being the target of cultural biases, she built a company which is listed today on the JASDAQ at two billion dollars. Her advice: forget petty discriminations; go for the bigger picture. Merle Aiko Okawara's life is a model of this wisdom.

Most of us treat challenges as onerous obstacles to overcome. With her love of sports and competition "SHE" transforms adversity into ally. She belies the family assumption that being female makes her subordinate to her brother. On her way to becoming a teacher, she accepted a summer job as a receptionist in a small media company. One thing led to another and she is now the CEO of Cable TV's National Geographic channel. En route, she once turned an ethnically insulting offer of a photo op into a sale. An executive asked to be photographed with her because he said her visit was a first - the first Asian female sales person who had ever approached him. Refusing to be offended she quick-wittedly suggested that the picture would better represent the first Asian female from whom he'd made a purchase. She made the sale. Her advice: negotiate; transform negative scenarios to positive effect; overcome being offended and leverage the insult; follow your bliss; know when it's time to leave; find a mentor and be a mentor; and finally, treat men as equals! Lauren Ong's life-long ebullience is notable.

"SHE" is a fableist, a storyteller with a life lesson to teach:

The old man loved the horse in the fields near his home. He took his young grandson to the fields daily to enjoy the sight of this horse. But the grandson tired quickly and only wanted to be taken elsewhere. One day, grandfather knelt down by the boy's side and all he could see was tall grass. Understanding his grandson's disinterest, he put the boy on his shoulders. Now both the old man and the boy could enjoy the view of the field and the horse. The lesson: be able to see from the position of the other. Make life full of 'and's instead of 'or's. Her father was Japanese. She heard her Hawaiian mother called *kuro mame*, or black bean by her insensitive Japanese relatives. Yet, she is a gentle 'and' child, the possessor of inner strength, who refuses to be thought of as 'or.' Another lesson: whether there are as many as 100 or as few as 10 present, assume everyone encountered is precious, a Ghandi, or someone equally consequential who may change the world. A further lesson: the artist was asked to turn a piece of stone into a

Continued on page 5

INCARCERATION BY ETHNICITY CANNOT BE JUSTIFIED

The following editorial was published in its entirety in the 8/26/04 Honolulu Star-Bulletin.

**“No person shall . . . be deprived of life, liberty, or property, without due process of law[.]”
- 5th amendment, U.S. Constitution**

The efforts of Michelle Malkin and others who misguidedly attempt to justify the World War II internment of Japanese Americans must be rejected. There is no justification for the incarceration of 120,000 people without due process, strictly on the basis of their ethnicity. We were disappointed to read Jane Watanabe's August 15, 2004 letter to the editor responding to Michelle Malkin's article, stating that she agreed with Malkin that the World War II internment of Japanese Americans (including the internment of Watanabe's own father), was justified to protect the country from "inside infiltration." If Watanabe's father had been afforded his constitutional right to due process under the 5th amendment, and the government required to establish that her father was a threat to national security at a hearing before a tribunal, he very likely would not have been interned. German and Italian Americans deemed suspect were given due process and had individual hearings to determine their fates, but 120,000 Japanese Americans were denied such hearings and were simply incarcerated, en masse, strictly on the basis of their ethnicity.

For a decade before Pearl Harbor, the FBI and military intelligence had kept the Japanese community under close surveillance and had identified hundreds of Nikkei to be detained in the event of a war with Japan. This group included men who were leaders in their immigrant communities, those with ties to the Japanese consulate, and those who were actively supporting the Japanese war effort in some capacity. This extensive surveillance and listmaking allowed the government to react swiftly after the Pearl Harbor attack, and arrest and detain nearly 1300 Nikkei from around the U.S. within 48 hours. The number of detained Nikkei grew to over 2,000 over the next few months. Many German Americans and Italian Americans were also arrested.

Three months later in February 1942, even though there were no mass uprisings or fifth column activity in Japanese American communities, the government inexplicably issued Executive Order 9066, which incarcerated every person of Japanese ancestry on the West Coast. EO 9066 was not only blatantly unconstitutional, but it was also illogical. As described above, all of the resident Japanese deemed to be of any potential danger or concern had already been identified and detained. Other intelligence on the Japanese American community indicated a strong desire to contribute to the U.S. war effort, specifically because their loyalty was being questioned. Yet even in the face of this evidence, the government caved in to the fear and prejudice the country was feeling at that time, and indiscriminately imprisoned all 110,000 West Coast Japanese – men, women, and children alike, non-citizen and citizens alike – all without a single hearing, in blatant disregard of the Constitution. The government's action was even more incomprehensible in light of the fact that a greater number of Japanese in Hawai'i (160,000), comprising nearly 40 percent of the population, occupying a territory 2500 miles closer to Japan than the West Coast of the U.S. – were not imprisoned. While no person of Japanese ancestry was ever charged with espionage or other criminal act against the U.S., the existence of Richard Kotoshirodo and a handful of others who *may* have engaged in suspicious activities are no justification for the wholesale incarceration of 120,000 people based solely on their ethnicity.

History has clearly shown that the internment of Japanese Americans was unjustified and blatantly unconstitutional, resulting from wartime hysteria, virulent racism, and a failure of political leadership.

Karen T. Nakasone, President,

on behalf of the Board of Directors of the Japanese American Citizens League (JACL) Hawai'i, Honolulu Chapter

"SHE" Continued from page 4

beautiful sculpture. His reply - beauty is already present and we must only chip away the rubbish to reveal the beauty; especially in ourselves. We must define success internally. Finally, peel and give away the mango, but keep the seed. Share yourself, but hold onto the root of your internal reality. In the presence of Puanani Burgess, I encountered my own potential for love and goodness and especially, grace.

Grace is not a particular characteristic I would have thought to ascribe to any woman of accomplishment, including these four: former Lieutenant Governor of the State of Hawai'i, Mazie Hirono; entrepreneur extraordinaire, Merle Aiko Okawara; corporate "media mogul," Laureen Ong; and community builder and facilitator, Puanani Burgess. Strength perhaps, tenacity surely, and integrity undoubtedly; but grace? Though I only spoke briefly with one of them, their individual and collective grace is what strikes me so profoundly. With uncommon gentility, they shared their stories and the wisdom they have each gleaned from varied lives - in politics, business, media and community building. The lesson they model: In whatever walk of life, however strong and assertive APA women must be, we have the internal means to achieve high goals with exceptional grace.

JACL's position on the Constitutional Amendments (continued)

Continued from page 1

This proposed amendment is intended to overturn the Bani decision by giving the Legislature the authority to order public notification with no hearings. There are a number of problems with this proposal. First, there should be a process where a judge can determine the appropriate length of time that public notification should occur and even those few cases where it may not be necessary.

According to the Hawai'i Department of Public Safety's 2003 Annual Report, since 1988 fewer than 1% of Hawai'i's sex offenders who received treatment have returned to prison for new sex crimes. That means that appropriate treatment can work. Of the 50,000 child victim cases the Bureau of Justice (BJS) Statistics reviewed for their November, 2003 study – the most comprehensive sex offender study even conducted – entitled "Recidivism of Sex Offenders Released from Prison in 1994", only 6.7% of the victims had been assaulted by a stranger. That means it is a fallacy to tell people that their children will be so much safer if every sex offender is publicly known in the neighborhood. It is a sad fact that children are much more likely to be victimized by a parent, stepparent or other relative or family friend.

This proposed amendment is much less about protecting our children than it is about making the government not even have to go to the trouble of establishing why a person should wear the label of "sex offender" for ten, twenty, thirty years or more. It seeks to treat the college student who might be convicted of "date rape" (for failing to recognize when a consensual encounter turned non-consensual) the same as the dangerous pedophile we all need to be aware of for life.

More importantly, this amendment seeks to weaken our current constitutional protections. The right to "due process" ensures that publication should only be made where true sexual predators (who pose an imminent danger to others) are identified so that neighbors can keep their children safe and report suspicious conduct to authorities. A case-by-case approach is the best means to ensure safety for our community, without violating civil liberties.

For these reasons, we urge you to vote **NO on Question #2.**

3) Proposes to amend Article 1, Section 14, of the State Constitution to permit the legislature to pass legislation to provide for the inadmissibility of privileged confidential communications between an alleged crime victim and the alleged victim's physician, psychologist, counselor or licensed mental health professional.

This proposed amendment would grant an absolute privilege to communications between an "alleged crime victim" and a treating doctor, counselor or mental health professional. This is another amendment proposed to overrule a specific Hawai'i Supreme Court case, State v. Peseti, 101 Hawai'i 172 (2003).

The defendant in the Peseti case was accused by his hanai daughter of sexual assault. Her sister eventually admitted that the two sisters had made up the allegation so they would be removed from their home which they knew would happen if they made such an accusation. There was no other corroboration so the issue before the jury came down to the credibility of the complainant. The defense learned from a social worker in the case that the complainant had told her counselor that the accusation was false. However, the defense was not permitted to question the complainant about whether or not she had ever told her counselor that she had made the whole thing up. The trial court relied on the "victim-counselor privilege" in the Hawai'i Rules of Evidence. In overturning the trial court's decision, our Supreme Court ruled that the accused had a right to disclosure of the counselor's records where there is no less intrusive source for the information, and the accused had a right to cross-examine the accuser regarding statements which tended to clear the defendant.

Pursuit of the truth is essential to our system of justice. This amendment would keep relevant evidence - which could be crucial in determining guilt or innocence - from a jury. In an age when DNA evidence continues to prove the innocence of previously convicted defendants, our justice system cannot afford to limit the due process right to confront accusers with information like that in the Peseti case.

For these reasons, we urge you to vote **NO on Question #3.**

4) Proposes to amend Article 1, Section 10, of the Hawaii Constitution to allow a felony prosecution to be initiated by a criminal prosecuting officer through the filing of a signed, written information setting forth the charge.

This proposed amendment would authorize a prosecutor to bring felony cases (crimes punishable by more than one year in prison) by "written information" only. This is also known as "direct file". It would eliminate the present requirement to have sworn testimony before a grand jury (of your peers) or before a judge in a preliminary hearing to establish probable cause. Instead, a judge would review paperwork submitted by the prosecutor only. The judge would have no opportunity to ask questions or judge the credibility of witnesses.

Being charged with a felony results in immediate and irreparable damage to a person's name, job, financial status, and standing in our community. For those who can't afford bail, it may also mean pre-trial incarceration of several months before trial.

This shouldn't occur without sworn testimony before a grand jury (which represents a cross section of our community) or a judge who can weigh whether the accuser and/or other witnesses are being untruthful, or determine whether the prosecutor is engaged

JACL's position on the Constitutional Amendments (continued)

in misconduct by excluding evidence of a person's innocence. Without live testimony there is no way to know whether the charge is trumped up.

Those in favor of the amendment claim that it will save time for witnesses and police officers, put more officers out on the street and make the community safer. If that were true, a majority of mainland states would be using this method of charging. But only eleven states do so. States with the most congested court calendars and overtaxed budgets have not chosen to use direct file. In fact, because direct file makes it easier to bring charges, some states with direct filing have reported an increase in the number of charges brought, putting additional burdens on all parts of our justice system.

"The grand jury functions as a barrier to reckless or unfounded charges and serves as a 'shield against arbitrary or oppressive action, by insuring that serious criminal accusations will be brought only upon the considered judgment of a representative body of citizens acting under oath and under judicial instruction & guidance.'" Hawai'i v. Kahlbaun, 64 Haw. 197 (1981)(citing U.S.v. Mandujano, 425 U.S. 564, U.S. Supreme Court (1976)).

"The preliminary hearing is to prevent hasty, malicious, improvident, and oppressive prosecutions, to protect the person charged from open and public accusations of crime, to avoid both for the defendant and the public the expense of a public trial, and to save the defendant from the humiliation and anxiety involved in public prosecution, and to discover whether or not there are substantial grounds upon which a prosecution may be based" Thies v. State, 189 N.W. 539 (1922).

We do not believe that Hawai'i should give up the protections of the grand jury and preliminary hearing for a method of charging that has been rejected by most other states.

For these reasons, we urge you to vote **NO on Question #4**.

SUMMARY

The framers of the Hawai'i Constitution in 1950 were well aware of our unique history. They remembered the Massie case where an incident involving sex, violence, and racism triggered hysteria in Honolulu. They remembered what happened during World War II when the civil liberties of persons of Japanese ancestry were violated and that violation was upheld by the U.S. Supreme Court in Korematsu v. United States, 323 U.S. 214 (1944).

They recognized that the U.S. Constitution, which was formulated more than 150 years earlier, did not necessarily reflect all the concerns of Hawai'i's citizens. These dedicated citizens decided to establish fundamental rights which would supplement the rights in the U.S. Constitution, and mandated that the justices of a state court selected from Hawai'i would interpret those rights independent of the U.S. Supreme Court. They wanted to prevent the type of injustices illustrated in the Massie case and avoid having opinions like Korematsu restrict our civil liberties in Hawai'i.

Thus, Hawai'i's Constitution now provides broadly for due process and equal protection of the laws regardless of race, religion, sex or ancestry. It requires a trial by jury in which jurors must unanimously find guilt for each separate occurrence. It specifies that the accused has the right to confront and cross-examine the accuser in search of the truth. It mandates notice and opportunity to be heard before damage to one's reputation or livelihood by publication of past crimes can occur. It ensures that no person is brought to a criminal trial unless a grand jury or a judge at a preliminary hearing finds probable cause of a felony.

These four proposed amendments would seriously curtail or eliminate these basic rights.

WE URGE YOU TO VOTE NO.

JACL HONORS COMMUNITY LEADERS AT ANNUAL MEMBERSHIP MEETING

by Brian Niiya, JACL Education Committee



The Honolulu JACL Chapter honored community leaders Colbert Matsumoto and Art Koga at its annual membership meeting on June 12, 2004 at the Waikiki Beach Marriott Resort & Spa. The chapter also swore in its new board and recognized the winners of the chapter's Emerging Leader Scholarship Award for 2004. Honolulu chapter board member Kalene Shim Sakamoto served as the M.C. for the evening.

The two Service Award honorees share wide ranging experiences and a commitment to civil rights and strengthening communities. For over twenty years, Art Koga was a teacher and administrator at the school and district levels, a school board member, and a National Policy Fellow in the U.S. Department of Education. He serves as the President of the Institute of Zen Studies. Prior to that, he was the Executive Director of the Hawaii Information Network Corporation. Civic and community activities include serving on the boards of the Waianae Military and Civilian

Continued on page 8

(Left to right: outgoing President, Susan Kitsu, Honorees, Arthur Koga and Colbert Matsumoto, and Current President, Karen Nakasone)



JACL Hawai i
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JACL HONORS COMMUNITY LEADERS AT ANNUAL MEMBERSHIP MEETING

Continued from page 7

Advisory Council, the Japanese American Citizens League, and the Queen Liliuokalani Children's Center.

Colbert Matsumoto, the Chairman and CEO of Island Insurance Company, Ltd., played a critical role in the campaign to save the Japanese Cultural Center of Hawaii. Prior to joining Island Insurance, Matsumoto was an attorney for over twenty years. Matsumoto is active with various community organizations and currently serves as the Chairman of the Board of the Japanese Cultural Center of Hawaii. He is a member and past president of the JACL Honolulu Chapter, and is a member and founding president of the Hawaii Chapter of the National Asian Pacific American Bar Association. He also served as the court-appointed master to review the trustees of Kamehameha Schools Bishop Estate.

Scholarship chair Garrett Toguchi presented \$1,000 scholarships to three "Emerging Leaders": Lindsay Doi of Kamehameha, Tiffany Loo of Maryknoll, and Kathryn Tanigawa of St. Andrews Priory. The new board consists of Lori Amano, Second Vice President David M. Forman, Rev. Wallace T. Fukunaga, John Noah P. "Loane" Ho'omanawanui, Clayton C. Ikei, Bill Kaneko, Immediate Past President Susan H. Kitsu, Art Koga, Benjamin A. Kudo, Alan T. Murakami, Treasurer Michael M. Murata, Mark Nakashima, President Karen T. Nakasone, Shelley Nishimura, Kalene Shim Sakamoto, M. Dolly Strazar, Garrett Toguchi, Marcia Sakamoto Wong, and William E. Woods.
