

LIND

PALAKA

POWER

INTRODUCTION

A constitution is a basic document that is a blueprint for the governance of society. It notes what are the rights of the people. It delineates the powers of the government and how the leaders and representatives are selected for the government. It prescribes their responsibilities.

Presently the State government is modeled after the Federal system. Government is broken down into three branches: executive, legislative, and judiciary. These three branches act as checks and balances on each other to prevent abuses. Furthermore, the legislative branch is broken down into two houses or bicameral system. It is the task of the legislative branch to set our policy, for the executive to execute that policy, and for the judiciary to ensure that neither branch is usurping the other's power or the powers reserved to the people.

Briefly, that is an overview of the constitution and its blueprint.

ROOTS: THE 1968 CONVENTION

In 1968, a constitutional convention was held. The delegates were primarily composed of the elements of the Democratic Revolution of 1954. The ethnic composition was mixed, but it did contain many orientals. Economically the delegates were close to labor, especially the ILWU. But it was also made up of small businessmen who had become prosperous through the Revolution. It was composed of people who believed in the educational system and that a first-rate university should be built in Manoa. They believed in the rights of workers --

public or private -- to be organized. They believed in youth and passed the 18-year-old vote amendment. They believed in human rights. For example, one of the first things the Democrats did when they came to power was to repeal the death penalty. This was done in 1957. In 1968, no attempt was made to restore it by amending the constitution.

Let us take up this subject. Why did the Democrats repeal the death penalty? The group of leaders who took over the State House in 1954 were basically young (in mid-30's), had fought and won World War II, had organized the plantations and were challenging the Big 5. It was a group of leaders who believed that they had the ability and mandate to remake society and that they could make a decent society. They believed in the decency of every individual. They believed that they could rehabilitate and resuscitate decency that still existed in citizens who became criminal. To execute a person meant that they had failed, that they could not deal with the problem rationally. Of course, these young Democrats, remembered that when Hawai'i had the death penalty, only Filipinos, Japanese, and Hawaiians were ever executed. They remembered the Massie Case, when two haoles, who had murdered a Hawaiian, were sentenced to spend one hour in the custody of the high Sheriff. So these young leaders believed in justice--that justice could be rational and rehabilitative.

Those were the forces that controlled the convention. To be sure they believed in economic development and that tourism could be expanded. They also believed in a free enterprise system regulated by government.

ROOTS REVISITED

Now, a decade has passed.

Let us look at those forces once again. Labor. The ILWU is on the decline. Their membership as well as those of the other private sector unions, has continued to decline. Sugar and pine will soon be gone from Hawaii. With their passage, the ILWU will cease to be a force.

As for the Democrats of the '54 Revolution, most have left the political area. Only Nelson Doi, George Ariyoshi, Stanley Hara and Elmer Cravalho remain. The small businessmen are still here and they are a little larger than before. But now they have to compete with the Kenji Osanos and Chris Hemmeters, who can amass unbelievable sums of money from Los Angeles, New York, Tokyo, London.

And what of the vision of these Democrats? They poured millions into education and the system seems to be falling apart. For example, it was 10 years ago that the State began the innovative 3-on-2 program. It will be phased out. They poured millions into higher education and the teachers at Manoa became fat.

How ironic! It was the Burns Democrats who built Manoa and brought in the professors from the mainland who then sided with Tom Gill. Could it be because Burns only went to one semester at Chaminade (then St. Louis) College? In the area of human rights, the Democrats continued to move ahead. They quickly ratified the 18 year old vote and ERA amendments to the U.S. Constitution. But let us look at the death penalty issue again as representative of a basic philosophy toward the nature of society and people. It is likely that the death penalty will be restored in the next legislative session or at the next con-con. That event will signal the closing of the circle, the death of the vision of the '54 Democrats. It will signify that society cannot solve its problems by

human measures, but that it must continue to rely--effectively or uneffectively on barbaric measures.

A GRIM FUTURE: THE 1978 CON-CON

There will be a constitutional convention in 1978. It will cost at least \$3.5 million according to one estimate. Before examining the forces that may be writing the next constitution, let us keep in mind that \$3.5 million is a lot of money. There are many projects that could use a piece of that \$3.5 million. For example, Rocky Ka'iouliokahihikolo Jensen, one of the fine artists of Hawai'i, has pointed out that we do not give enough support to the Hawaiian artists. He has pointed out that too much attention has been focused on mainland and European artists. And there are educational and social programs that could be started and continued with that \$3.5 million.

But there will be a Convention in '78. Let us examine the forces that will be there:

In 1974, the media in this country was able to topple the President of the United States. When the State Legislature passed a pension bill in 1975, the media raised such a stink, that the legislature asked the governor to veto the bill. The media can make you a superstar overnight--Farrah Fawcett-Majors. Television in particular is becoming stronger and stronger. In the old days, we looked to TV to give us the news headlines. Then we would read the newspapers for a more full and detailed account. Now, more and more people are saying that TV is their primary source of news.

Let us examine the more successful political figures in recent years. Fasi. Clearly the media has made him the most

dominant political figure in Hawai'i's history. Next Heftel. By spending over a half million dollars on his campaign, he was able to buy huge amounts of TV time and to show expensively produced TV ads. He beat Fred Rohlfig, one of the most popular legislative leaders and one who had the endorsement of almost every labor union.

Media--TV-- tells us what to eat, where to live, how to live, how to take a bath, etc. What to do every second of the day. McDonald's, Burger King and company would not be in Hawai'i if not for television. TV has created a new life-style based around fast foods. We do not feel or see the effects of such a diet or life-style, but what will happen 20 years from now after a lifetime of Big Macs, Whoppers and Zip-pacs?

Two points must be made clear: one, Media and Big Business are working together. It is Big Business that can afford the advertising---the life blood of newspapers and television. How much does it cost for just a minute of time on national TV? \$40,000 or \$50,000? Who can afford that?

Two, Media is Big Business. In 1976, national television made pre-tax profits of \$1.25 BILLION. This is to be compared with \$780.3 million in 1975. That's an increase of 60.3%. The stations here only gave their electricians an increase of 5%. And what about the newspapers? Don't forget that they have a monopoly. The Hawaii Newspaper Agency is a government protected monopoly that is really socialism for the rich. Who knows how much profit they're making? They won't let the public look at the books. But it's more than a matter of profits. With all of this money, they will be able to hire more people. They will have more reporters to pry into our lives, trying to outdo each other in digging up muck. Trying to see how many lives they can destroy in the process.

Recently, Time Magazine, a BILLION DOLLAR corporation, bought out the Book of the Month Club Co. Let's suppose Time were also to buy out a newspaper chain and later a national TV network. Okay

what do we have: Time will tell you what book- to read. Each day they will tell the news that they see fit to print and televise. Then they'll have the TV specials. And if they missed you during the week, they'll catch you with their news magazine. It is called thought control. When the Founding Fathers wrote the Bill of Rights and the Constitution, they were concerned with the guy who printed a pamphlet and stood on the street corner handing it out. Or they were concerned about the newsman who had a once-a-week paper and who printed it on a hand-operated printing press. Benjamin Franklin and Thomas Jefferson did not have Barbara Walters in mind at the first Convention.

One liberal proposal for the con-con has been the so-called con-con without walls. TV cameras would broadcast the con-con by cable TV to community centers for two-way communication. Thinking on past experiences, how often has a Hawaiian or local person gone up to the microphone before a large and ethnically-mixed crowd to give a speech? Translating that experience into TV land, how likely is it that local people will participate on cable TV. Yet that idea has fascination for us. There is another nagging thought about television. When one turns on the television at any time of the day or night, what ethnic groups are likely to appear on the screen? This goes for local as well as national TV productions. Nor is this observation solely racial. Until Fred Graham went on CBS News, there was no one on the national news shows with a Southern accent. And what of the Italians, Polish and Irish?

THE SOUND OF MONEY:

Big Business. At one time, the Big 5 ran Hawai'i with a tight fist. Through the efforts of the ILWU and other unions and the Democratic Party, the Big 5 was forced to deal with the local worker. The Big 5 is pretty much gone from the Hawaiian scene now. Hawai'i is now the captive of multi-national

conglomerates operating out of Tokyo, Hong Kong, San Francisco, New York. No union or political party has much of a chance to deal with them effectively.

With this knowledge, Big Business is beginning to flex its dormant muscles once again.

For example, in the 1975 session, amendments were made to the Unemployment Insurance Law, that has made it more difficult for unemployed people to receive compensation. But the amendments were also anti-union in effect.

If you were trying to organize a union at your place of work, you could be fired. Having been fired, you would not be eligible for unemployment benefits. Although you could appeal your dismissal to the NLRB, it will take a year for a decision. In the past, you could risk organizing because you would have the unemployment benefits to cushion you while you waited for the NLRB. Now you can't do it.

Let us examine more closely the power of multi-nationals. Who built Kuliima and Wailea? National insurance companies like Prudential--the piece-of-the-rock guys. Only they now want this rock. They are housed on the mainland and do business globally. How do you control them? Look at ARCO, one of the most powerful oil companies in the world. One of their proposals is to buy the rights to geothermal power on the Big Island, turn it into electricity which could be beamed on a laser, bounced off a satellite and reflected down to Los Angeles. Our geothermal power will be used to light the lights and air conditioners of L.A.

So you can see that Big Business has come a long way from the simple Castle and Cooke that ran a few sugar plantations here.

THUNDER OF THE RIGHT:

The Religious Conservatives.

When last we met, they were at the International Women's Year Conference. These Mormons, right-to-life Catholics, and Evangelical Christians will be gathering forces for con-con. They will be fighting to include an anti-abortion amendment and the death penalty amendment in the new Constitution. They will take out Hawai'i's Equal Rights Amendment. While they are there, they may remove the right of public workers to collectively bargain. In its place, a right-to-work article may be installed. Right-to-work laws are archaic and have been used to destroy labor unions or they have been used to prevent labor unions from becoming strong enough to adequately represent the workers.

The con-con, therefore, is likely to be anti-union. This would fit well with Big Business and even the media who have never been known to be on the side of labor.

Let us discuss labor unions briefly. Unions have some amount of strength in Hawai'i, though not as much as before. Unions are solidly controlled by Hawaiian, Japanese, Filipinos and haoles, like Jack Hall, who identified strongly with the working class. Although their power is tied to the general state of the economy, they are not dominated by the wealthy or the intellectuals. But unions can be destroyed by outlawing unionism in Hawai'i. That will be the net effect of a right-to-work law and the removal of the public collective bargaining right. This conservative challenge must not go unanswered.

THUNDER ON THE LEFT:

Liberals, Now we turn to

--the new missionaries of Hawai'i.

Liberals are from a distinct socio-economic group in society.

They tend to be upper middle class or are headed there. They are highly educated. They are likely to be haole and oriental.

The liberals have created a reactionary backlash in society. This was seen at the Women's Conference recently. No important progressive measures were passed. None of the liberal slate was elected as delegates. Further, instead of planning ahead and gracefully accepting defeat, the liberals are still trying to overturn the election. This is only going to serve to increase the potential of the backlash.

Even before the Conference, the liberals set the stage for the backlash. Since they alone know what is best for society, they have been the strongest advocates for the Con-Con because they saw it as an opportunity to pass "liberal" measures like Unicameralism and Initiative and Referendum. They have failed to perceive the kind of times that we live in. For example, in Miami Beach Anita Bryant led a reactionary backlash to revoke an ordinance that would protect the civil rights of homosexuals. The ordinance was repealed by referendum. The U.S. Supreme Court has made recent decisions diluting the rights of accused persons. The Court has also stated that poor women cannot have abortions as a matter of right. The ERA has not yet gotten the last three state ratifications and it is likely that it will not be ratified in the necessary time limit.

Let us examine the issue of initiative and referendum. Initiative is the means by which citizens, by getting a petition with a specified number of signatures can place questions on the ballot. Referendum is the means by which voter approval will be required for certain measures.

Liberals like initiative and referendum because they think

the politicians are frustrating the wishes of the people. However this presupposes: 1) the liberals represent the people and 2) neglects the possibility that the politicians may be ahead of the people. For example, the legislature led the way for abortion reform, the 18-year-old vote, and the ERA.

A RUDE AWAKENING: WE HAVE MET THE ENEMY AND HE IS US:

At the Women's Conference, the liberals were shocked to learn that perhaps they did not represent the sentiments of women and in fact people may have viewed them as the enemy.

It is likely as was pointed out earlier that similar to the Women's Conference, the agenda for the Con-Con will not be a discussion of the liberals' program, but a discussion and passage of the reactionary program of anti-abortion, death penalty, anti-labor measures, and removal of the ERA from the Hawai'i Constitution. It can be added that we live in such a time that people's perceptions may be so distorted that measures that they have considered to be liberal, may be reactionary. As will be pointed out later, unicameralism isn't such a hot idea.

The hypocrisy of the liberals can be easily seen. They have stated that there is a need for the Con-Con and that the politicians should be kept out because the politicians will only frustrate the desires of the people. The people should run the Con-Con they say. And yet the liberals have called for a limitation on the number of terms that a politician can serve. If the liberals have trust in the people, they should let the people decide how many terms a politician should serve. They can always vote him out of office.

A limitation on the number of terms that a politician can serve will be disastrous for oppressed people. It takes time for oppres-

ed minorities to learn how to use the system, how to utilize power and public office. Let us suppose a two-term, eight-year limitation was in effect in 1954, the year the Inouyes, the Yoshinagas, the Matsunagas got elected. It was not until 1962, that the Democrats captured the Governor's Office and when their key leader, John Burns, ascended into leadership. Had the term limitation been in effect, these vigorous, progressive, worker-oriented leaders would have been forced out of office just when they were on the threshold of putting their program into effect. The Big 5 would have cheered such an occasion. The first 8 years, 1954-1962 were a learning process and a time to fight the obstructionism of Republican governors. A limitation of terms of office would hurt the emerging Hawaiian and Filipino leadership.

The absurdity of their ideas can also be seen by studying the proposed limitation on the number of bills that can be introduced. What are the ramifications? What groups will always get their bills introduced? Big business, organized labor and other special interest groups. It will be the average citizen who will be the last in line, and by the time he gets to his legislator, he will be turned down because the legislator already reached his quota. The media will always get their bills in because at the beginning of each session they will print or televise an agenda for the session and the politicians will be falling over themselves to be the first to introduce the media's bills.

True, there have been a lot of bills introduced each session. But let's look at that in another way. The increased amount of bills represent the people's interest in the democratic process. We have the most open legislature in the country. Why? Because the average citizen feels that he can go down to the legislature and talk to his representative or senator and get

his bill introduced and maybe passed. To get him into the front door means his bill has to be introduced. To limit the number of bills would be to slam the door in his face. The unlimited introduction of bills then, is like the freedom of speech.

THE STRUGGLE OVER UNICAMERALISM

We have examined two power groups in society. One came to power in the 50's and 60's and is now dying. The other group has been coming into power during the past decade and is accelerating its drive for control. At the Con-Con, the two groups will clash head-on over the issue of unicameralism.

How did unicameralism become a major topic of importance? This was largely through the efforts of one man - Bud Smyser of the Honolulu Star Bulletin. He has been the foremost proponent of it. Let us look at one skillful means in which he advocated unicameralism. The Star-Bulletin made a big uproar about the pension bill fiasco. At that very time Smyser chose to do a front page series on unicameralism in Nebraska, which he personally authored. The obvious message was: if you're pissed off with the legislature because of the pension bill, then why don't you punish them by supporting unicameralism.

Fred Bennion of the Tax Foundation of Hawaii did a pamphlet about unicameralism. He listed a bibliography, a large portion of which is listed below. If one would examine the list and the period of time in which the articles were written, several doubts must be raised about the fairness of the press.

1984 REVISITED:

May 5, 1975. STAR-BULL: How One-House Set-up Works.
 May 5, 1975. STAR-BULL: System Has Specific Checks and Balances.
 May 6, 1975. STAR-BULL: Advantages of One-House System.
 May 6, 1975. STAR-BULL: Here's How Hawaii Can Switch.
 May 14, 1975 STAR-BULL: Support Builds for 1-House Legislature.
 May 19, 1975 STAR-BULL: Toward One House (editorial).
 May 31, 1975 STAR-BULL: Lobbyists Push 1-House Idea.
 June 3, 1975 STAR-BULL: Lines Are Drawn.
 June 25, 1975 STAR-BULL: Leopold Calls for Unicameral Lobby.
 July 10, 1975 STAR-BULL: The One-House Legislature.
 Oct. 28, 1975 STAR-BULL: Nebraskan Surprised By Legislative Pay Here.
 Oct. 31, 1975 STAR-BULL: Accountability of the One-House Set-up Lauded.

Let us examine the dangers of unicameralism. First, it will lead to an increased centralization of society. George Orwell wrote 1984 about a world totally dominated by the media and the government which in effect were one and the same. As noted earlier, unicameralism has been a prime proposal of the media. If Hawaii establishes a unicameral system it will be because of the efforts of the media. Earlier this year a group was formed to advocate unicameralism. Where did they meet?

At the Honolulu Press Club. It is a truly totalitarian society if the structure of society can be determined by newspaper editors and TV managers who are totally unaccountable to the people.

Under the unicameral system, power will be concentrated in the hands of a few chairman. It may be concentrated in only one person--the Speaker of the House. It would be simple for vested interests to control these few individuals in order to control the legislative process.

For example, the University of Hawaii budget is well over a \$100 million. Why should one person have full and total control over the life and death of the university.

One of the arguments for unicameralism has been expediency. Expediency is an advantage only to the rich and powerful. Only they will be able to hire the lobbyists. For example, HSPA has a lobbyist in each house of the State Legislature. They have a full-time lobbyist in Washington, D.C. These people are professionals. They are paid well and they have the experience. One view has been that the media could focus in on the few "bad" legislative leaders under a unicameral system to ensure that they will serve the interests of the people. But that assumes, one, that people should trust the media to make that kind of qualitative decision. Second, it assumes that the media is your friend. As suggested earlier, the media is in league with Big Business, because the media is big business. They turn a profit and profits have been getting better and better. The newspapers have never supported the tourist tax and if they have it's a well-kept secret. After the 1975 and 1977 legislative sessions, the tourist industry sponsored junkets that covered some 20 countries in 30 days. Legislators and the editors from both local papers were on the junket.

A PARADISE CALLED NEBRASKA:

Let us look at Nebraska--the only state with unicameralism. Is Nebraska a visionary, progressive, humanistic state? Has that state become any better because of unicameralism? Is there anything worthy of note about Nebraska besides its football team? An examination of Nebraska's laws clearly show that it is not a progressive state. An argument

could be made that it is backward. Only a few areas can be covered in a pamphlet this size. But let us look first at all of Nebraska's labor laws. Nebraska has a right-to-work law. As pointed out earlier, the existence of a right-to-work law is clear sign of an anti-worker mentality. Nebraska does not have a temporary disability law to protect workers when they have been hurt. Nebraska is a big agriculture state. It is interesting to note that Nebraska's workers' compensation law does not cover farm workers. Looking at Hawaii, it is agreed that Hawaii has since the '54 revolution one of the best labor legislation in the United States.

Let us look into the area of culture and arts. Hawaii pioneered the law that requires that 1% of all the money spent on public buildings be used to acquire art. It was only after Hawaii's success that a few states and the federal government began to follow. The culture and arts program, although not a significant part of the budget in relation to other programs, is nonetheless important for preserving our heritage. Nebraska has no such program.

The point is that Hawaii has had many progressive programs. And exciting ones too. In 1970, the Hawaii Legislature created and sponsored the Conference on the Year 2000. It was an innovation in participatory democracy. Did Nebraska have anything comparable? No.

A GAME OF INCHES:

The media has given the public the impression that government in Nebraska is very simple and easy to understand. They paint Hawaii's government as some obscure, archaic, corrupt system plotted out in smoke-filled rooms. Well, the media is simply not fulfilling

its responsibility: governance of society is always complex. But the more important point is that it is Hawaii that has the more easily understood system of government. If you were to stack up the Nebraska statute books and measure them with a ruler, you would find 30 1/2 inches of Nebraska laws. When the Hawaii volumes are measured, it comes out to 18 3/8 inches. Nebraska then has more than a foot more laws and regulations than Hawaii. Totaling up the pages, we find Nebraska with 15,930 pages and Hawaii with 8488.

READING, RITING, AND RITHMETIC:

While a pamphlet cannot make a thorough examination of the quality of laws in Nebraska and Hawai'i, a brief look at education is instructive.

Hawaii has a simple system of education: one state-wide district; one governing board; one central fund. This guarantees that whether the student is from Nanakuli or from Manoa, he will get about the same amount of funding and attention. So in respects to funding and governance, Hawaii is the acknowledged model for America.

SO WHO HAS TIME TO LEARN TO READ:

The Nebraska system is divided into 6 different classes of districts. 423 pages of the statue books is devoted to governing the system. Below is an outline of the education regulations:

Article 4 Provisions applicable to all schools

Article 5 Provisions applicable to more than one class

- (a) Class I and II
- (b) Class II and III
- (c) Class II, III, and VI
- (d) Class II, III, IV and VI
- (e) Class III, IV, and VI
- (f) Class IV and V
- (g) Class III, and VI
- (h) Class III, IV, and V
- (i) Class II, III, IV, V, and VI
- (j) Class III, IV, V, and VI
- (k) Class I, II, III
- (l) Class II and VI
- (m) Class II, III, and VI
- (n) Class I and VI

- Art. 6 Provisions applicable (appl.) to Class I only
- Art. 7 Provisions appl. to Class II
- Art. 8 Provisions appl. to Class III
- Art. 9 Provisions appl. to Class IV
- Art. 10 Provisions appl. to Class V
- Art. 11 Provisions appl. to Class VI

THE INHABITANTS OF PARADISE:

It is crucial to examine the composition of the members of the Nebraskan unicameral legislature. Based on the 1975 book, they had 50 members: 49 were white and only 1 was black. 49 were men and 1 was a woman. The median age of the Nebraska legislature was 58.

Hawaii has the most diversely racial group in the country. There can be no doubt about that. There are 10 women in the Hawaii Legislature. Far too few, but greatly improved over Nebraska. The median age after general election day 1976 was 43 - a difference of 15 years with Nebraska. Furthermore almost 60% of the legislature has changed in membership in comparing the 1970 session with the 1977 session. Contrary to the image created by the media in Hawaii, the legislature is not composed of old, long-termed legislators. Many are young and in their 20's and 30's and they have served only a few years.

It is a serious question to ask that if we shift over to Nebraska unicameralism, whether Hawaii's legislature will become like Nebraska's old, white, and male-dominated.

Finally it must be pointed out that Nebraska has the death penalty. It has restrictive abortion laws and it does not have the ERA in its state constitution.

The media and the liberals are diverting the attention of the people away from the real problems of society: unemployment, the deterioration of the environment, crime, the declining quality of education, the domination of society by Big Business. Why? Because the liberals and the media would not benefit from a real change in society. They already have it too good. They have their upper middle class life, their symphonies, ballets, and their private schools. So how do they divert people's rising dissatisfaction? They create a false issue: unicameralism.

So if unicameralism is adopted by the Con-Con, we will know who the new power elite in Hawaii is. It will not be the natives.

THE ESSENCE OF DEMOCRACY:

We must begin to understand the essence of democracy. The Founding fathers of America were afraid of the tyranny of the majority over the minority. Therefore they tried to make democracy a very deliberate, careful process, with many checks and balances. They did not want democracy to become so expedient that powerful vested interests could dominate. The tyranny that the founders were so afraid of is more likely to arise today with the existence of the media, because of the vast influence it wields.

Time has been the biggest ally of the people. If government were expedient then H-3 would have been built and Waihole-Waikane would have been developed. Victories were won in those cases because the people were able to buy time. Had the death penalty been introduced in a unicameral legislature, it would have been passed already. In that light

it should be noted that the passage of a bill in one house has a great effect on people. It causes them to think about the bill and its potential effect on society. Passage in one chamber is like cold water thrown in a person's face. You have to think of the ramifications.

So the essence of democracy is to create as many points of discussion and rational debate as possible. Let us not fool ourselves, the system is powerful. And the more efficient you make it the simpler you make it for the vested interests to slide through and go on to dominate your life and your society.

HOW TO CHANGE SOCIETY: LESSONS FROM THE PAST

Change comes to society because those on the bottom of the pyramid are tired of the oppression and they move to restructure the whole pyramid into some other shape. Hawaii as noted earlier, was once a feudal plantation system with a few landowners, businessmen and military leaders on the top and every one else below. Then beginning in 1954, a large group of people began to take some control of their destinies. That movement can be called socio-economic change, and it comes about because people redistribute the wealth in society and in doing so build pride and equality. That is what the Democratic Party and the unions did in the '50s and '60s. They had to overcome the resistance of the media, the federal and territorial governments, the Big 5 and the landowners. The Democrats and the workers did not advocate unicameralism or sunshine laws.

Past history has shown that groups have been able to advance themselves by concentrating on and advocating socio-economic changes. They did not allow themselves to become distracted by procedural reform. This type of political perspective should continue.

ONE LAST POINT

Reform in the Judicial Process

Who is not frustrated with the judicial process? But are the proposed reforms going to accomplish anything? Let us examine one reform measure: changing the manner of the selection of judges. Currently, it is the Governor who appoints the judges. There is an uproar because it has been said that such a process is highly political and it is a reward system for ex-politicians. There are two suggested reforms: one-merit selection of judges; two-election of judges. Either process will allow the corporate bar to control the judicial system.

Why do the corporations want to control the judicial system? The answer is very simple. In the last 25 years they were out of control. The important legal decisions always concern economics, more specifically land, labor and water. The Hawaii Supreme Court is the finest in the nation. It has expanded the public ownership of the beaches and shorelines; It has ruled that the people own any new land created by lava flows that spill out over the shorelines. It has also ruled that the people of Hawaii own the surplus waters of the rivers and streams of the State. Water is wealth in Hawaii and the Court wanted to ensure that the corporations did not steal the people's water. This control is especially important since Hawaii will be experiencing drought for at least the next several years. In the area of labor law, the Court has always been on the side of the worker. It might be interesting to point out that if one were to analyze how the vote went in the landmark decisions, it was always the ex-politicians in the majority and on the side of the people and the legal scholars on the minority and the side of the corporations.

Any merit selection of judges will be based on letting the Hawaii Bar Association have a bigger or determining

voice in the selection of judges. Who controls the Hawaii Bar? The corporate law firms. So what kind of judges will be on the bench?

The same thing goes for election of judges. Money controls in elections. We have seen this time and time again. Who has the money? The corporations. Who will elect the judges? There is another minor point in the election of judges. Would you like to have your Chief Justice of the Supreme Court holding a sign and giving the shaka wave on Kalaniana'ole Highway?

AN AGENDA FOR THE CONVENTION

There are positive measures that can be discussed at the 1978 Convention. Such measures will help to bring about meaningful change in Hawai'i-nei.

I. Limits to Growth/Preservation of the 'Aina

Desalinization plants are hereby prohibited in Hawai'i
Nuclear power plants are hereby prohibited in Hawai'i

Discussion: We must control growth and population in Hawai'i. If we continue to believe that we will always have water and energy, we will never seriously control our growth and population and the 'āina will continue to be desecrated.

II. Reparations

Lands currently held by the Federal Government and that can be returned to the State shall pass directly to the Hawaiian Homes Commission if so specified or to a Native Hawaiian Corporation to be composed of all Native Hawaiians who are residents of Hawai'i

III. Tourism and Culture

The Legislature may pass a tax on tourist-related activities and the revenues collected shall be placed in a Hawaiian Preservation Fund to be used for the preservation and promotion of Hawaiian culture

IV. Accountability of the MEDIA

Newspaper monopolies i.e., HNA, must be outlawed.

National newspaper chains like Gannett which owns the Star-Bulletin must be required to divest their newspapers. We must have community control of our papers.

The Convention should petition Congress to break up the Big 3: ABC, CBS, and NBC.

Require a code of ethics for newspaper editors and publishers and TV station managers. Financial disclosure should also be required.

Apply the sunshine law on the editorial decision-making of the Media.

V. STOP THE ENERGY MONOPOLIES

Companies engaged in energy production such as Gasco and Hawaiian Electric should be prohibited from engaging in the production of alternative energy sources. For example, Gasco should not be allowed to enter the solar energy field. These companies as well as the oil companies should not be allowed in the research and development of geothermal energy. In other words, each public utility should be restricted to one energy source. In this way, we will have more competition and prices will be lower.

Palaka Power is an organization dedicated to protecting the interests of the people at the next Constitutional Convention.

The name was chosen for several reasons. Palaka was a cloth used by most of the people of Hawai'i in an era long ago. It was worn by the plantation workers, the paniolos and many of the workers on the docks. It represents a link to our past.

Palaka is a strong cloth. It does not have the fragility or sheen of silk. It represents the strength of our people. We were strong enough to break the grip of the Big 5, to wage a bitter World War II, and to emerge from a depression. We will be strong enough to regain Kaho'olawe and to establish a unique culture for our children's children.

Palaka is a cloth that has a fascinating, weaving pattern of lines and colors. Its criss-cross pattern represents the interlocking strength of all our peoples to make one people and one culture. United, we can meet any challenge.

Like the Palaka cloth that protected our people against the wind, sun, dust, and the luna's whips, Palaka Power will protect the people's interests at the Convention.